

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW 2025-43

A By-law to amend Town of Wasaga Beach Comprehensive Zoning
By-law No. 2003-60, as amended

WHEREAS pursuant to Section 34 of the *Planning Act*, R.S.O., 1990, c. P.13, as amended, the Council of the Town of Wasaga Beach has passed Comprehensive Zoning By-law No. 2003-60 for the Town of Wasaga Beach;

AND WHEREAS an application to amend By-Law No. 2003-60 has been received with respect to lands described as PART OF LOT 23, CONCESSION 9 in the Town of Wasaga Beach, County of Simcoe;

AND WHEREAS Section 24(2) of the *Planning Act*, R.S.O., 1990, c. P.13, as amended, permits a Council to pass a by-law that does not conform with the Official Plan but will conform with it when an amendment to the Official Plan comes into effect;

AND WHEREAS Section 34 of the *Planning Act*, R.S.O., 1990, c. P.13, as amended, permits a Council to pass a by-law that prohibits the use of lands, buildings or structures within a defined area or areas;

AND WHEREAS pursuant to Section 34(17) of the *Planning Act*, R.S.O., 1990, c. P.13, as amended, Council determines that no further notice is required in respect of the proposed by-law;

AND WHEREAS Section 36 of the *Planning Act*, R.S.O., 1990, c. P.13, as amended, permits a Council to pass a by-law that specifies the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law;

AND WHEREAS Council deems it advisable and expedient to amend Zoning By-Law No. 2003-60;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:

1. That Schedule "S" to By-law 2003-60, as amended, is hereby further amended by rezoning the areas shown on Schedule "A-1" attached hereto and forming part of this By-law, to the Residential Type 2 Exception – Holding (R2H-27) Zone, Residential Type 3 Exception – Holding (R3H-51) Zone, Residential Type 3 Exception - Holding (R3H-52) Zone, Residential Type 3 Exception - Holding (R3H-53) Zone, Open Space (OS) Zone, and

Environmental Protection (EP) Zone.

2. That Subsection 5.4, Zone Exceptions, of Section 5, Residential Type 2 (R2) Zone, of By-law 2003- 60, is hereby amended by adding the following subsection 5.4.27:

“5.4.27 R2-27 Zone Schedule “S”

Section 5.2, Permitted Use, applies to the lands zoned R2-27, except where specifically identified below:

- Permitted uses include a Boarding House, Single Detached Dwelling Unit, and Accessory Uses identified in Section 5.2.2.

Section 5.3, Zone Provisions, applies to the lands zoned R2-27, except where specifically identified below:

- Minimum Lot Area shall be 330 square metres;
- Minimum Lot Frontage shall be 11 metres;
- Minimum Front Yard Depth shall be 4.5 metres to the face of the building and 6 metres to the face of the garage;
- Minimum Exterior Side Yard Width shall be 3 metres;
- Minimum Interior Side Yard Width shall be 1.35 metres on one side and 1 metre on the other side;
- Minimum Rear Yard Depth shall be 6 metres;
- Maximum Lot Coverage shall be 50%.

General Provisions for R2-27

Accessory Uses, Buildings and Structures

Yard Encroachments

Notwithstanding Section 3.1.5.2 and any provisions of this By-law to the contrary, an accessory air conditioner, heat pump, utility meter or similar item may project into any required yard, but its location shall not interfere with the surface drainage of water or impede a pathway to the rear yard. Notwithstanding the preceding, an accessory air conditioner or heat pump may be permitted on a balcony.

Notwithstanding the above, Section 3.3 and any provisions of this By-law to the contrary, no encroachments (with the exception of eaves and similar roof-related architectural features) are permitted within a minimum 1.35 m Interior Side Yard.

Decks

Notwithstanding Section 3.3.3 and any provisions of this By-law to the contrary, decks may only project into a required rear yard and shall be no closer than 1.5 metres to the rear lot line provided that the deck is no closer to the side lot line than the dwelling and not more than 0.6 metres above finished grade.

Porches/Verandas

Notwithstanding Section 3.3.4 and any provisions of this By-law to the contrary, unenclosed porches/verandas, including steps, may project into any required front or exterior side yard a maximum distance of 2.0 meters, provided that they are not more than 1.2 metres above finished grade and shall not exceed an area of 8.5 square metres.

Balconies

Notwithstanding Section 3.3.5 and any provisions of this By-law to the contrary, balconies may project into any required front, rear or exterior side yard up to the same distance and size as an unenclosed porch/verandah and may include vertical supports.

3. That Subsection 6.4, Zone Exceptions, of Section 6, Residential Type 3 (R3) Zone, of By-law 2003- 60, is hereby amended by adding the following subsection 6.4.51:

“6.4.51 R3-51 Zone Schedule “S”

Section 6.2, Permitted Use, applies to the lands zoned R3-51, except where specifically identified below:

Permitted uses include a Street Townhouse Dwelling Unit and the Accessory Uses identified in Section 6.2.2.

Section 6.3, Zone Provisions, applies to the lands zoned R3-51, except where specifically identified below:

- Minimum Lot Area shall be 180 square metres;
- Minimum Lot Frontage shall be 6 metres;
- Minimum Front Yard Depth shall be 4.5 metres to the face of the building and 6 metres to the face of the garage;
- Minimum Exterior Side Yard Width shall be 3 metres;
- Minimum Interior Side Yard Width (exposed end or side wall) shall be 1.35 metres;
- Minimum Dwelling Unit Area be 60 square metres;
- Minimum Rear Yard Depth shall be 6 metres;
- Minimum Landscaped Open Space shall be 20%;
- Maximum Lot Coverage shall be 63%;

- Minimum width of each unit shall be 6 metres;
- Play areas shall not be required;
- The maximum number of dwelling units within a single structure shall be 8.

General Provisions for R3-51

Accessory Uses, Buildings and Structures

Yard Encroachments

Notwithstanding Section 3.1.5.2 and any provisions of this By-law to the contrary, an accessory air conditioner, heat pump, utility meter or similar item may project into any required front, exterior or rear yard, but its location shall not interfere with the surface drainage of water or impede a pathway to the rear yard. Notwithstanding the preceding, an accessory air conditioner or heat pump may be permitted on a balcony.

Decks

Notwithstanding Section 3.3.3 and any provisions of this By-law to the contrary, decks may only project into a required rear yard and shall be no closer than 1.5 metres to the rear lot line provided that the deck is no closer to the side lot line than the dwelling and not more than 0.6 metres above finished grade.

Porches/Verandas

Notwithstanding Section 3.3.4 and any provisions of this By-law to the contrary, unenclosed porches/verandas, including steps, may project into any required front or exterior side yard a maximum distance of 2.0 meters provided that they are not more than 1.2 metres above finished grade and shall not exceed an area of 6.5 square metres.

Balconies

Notwithstanding Section 3.3.5 and any provisions of this By-law to the contrary, balconies may project into any required front, rear or exterior side yard up to the same distance and size as an unenclosed porch/verandah and may include vertical supports.

Landscaped Open Space

Notwithstanding Section 27.99 and any provisions of this By-law to the contrary, Landscaped Open Space Shall mean the open, unobstructed space that is at finished grade on a lot, that is accessible by walking from the

street on which the lot is located (excluding interior townhouse units), and that is suitable for the growth and maintenance of grass, flowers, shrubs, trees and other landscaping in the front, side and rear yards of the lot. This definition shall not include any surfaced walk, patio or similar area, driveway or ramp, whether surfaced or not, nor any curb, retaining wall, parking area or open space beneath or within a building or structure.

4. That Subsection 6.4, Zone Exceptions, of Section 6, Residential Type 3 (R3) Zone, of By-law 2003- 60, is hereby amended by adding the following subsection 6.4.52:

“6.4.52 R3-52 Zone Schedule “S”

Section 6.2, Permitted Uses, applies to the lands zoned R3-52, except where specifically identified below:

Permitted uses shall include a stacked townhouse dwelling in addition to the permitted uses in the R3 Zone.

Section 6.3, Zone Provisions, applies to the lands zoned R3-52, except where specifically identified below:

Stacked Townhouse

- Minimum Lot Area for a stacked townhouse dwelling shall be 75 square metres per unit;
- Minimum Lot Frontage for a stacked townhouse dwelling shall be 3.15 metres per unit;
- Minimum Lot Frontage for other uses shall be 16 metres;
- Minimum Setback for a stacked townhouse dwelling to the boundary of the R3-52 Zone shall be 4.5 metres;
- Minimum Front Yard Depth for a stacked townhouse dwelling shall be 1.95 metres to a communal amenity area;
- Minimum Exterior Side Yard Width for a stacked townhouse dwelling shall be 3 metres to a communal amenity area or private road/parking area;
- Minimum Interior Side Yard Width for a stacked townhouse dwelling (exposed end or side wall) shall be 2 metres to a communal amenity area;
- Minimum Rear Yard Depth for a stacked townhouse dwelling shall be 6 metres to the face of a garage from a private road;
- Minimum Dwelling Unit Area shall be 35 square metres;
- Minimum Communal Amenity Area for an R3-52 zone shall be 1,350 square metres;
- Minimum Landscaped Open Space for each individual ground-oriented unit in a stacked townhouse dwelling shall be 5%;
- Maximum Lot Coverage for each individual ground-oriented unit in a stacked townhouse dwelling shall be 65%;
- Maximum Building Height for a stacked townhouse dwelling shall be 13 metres;
- Play areas for stacked townhouse dwellings shall not be required;
- The maximum number of units within a stacked townhouse dwelling shall be 24, provided that the building is not greater than 52 metres in length.

Please note that for the purposes of this by-law, determination of zoning conformity for the above provisions will be based on:

- compliance for the stacked townhouse dwelling in its entirety except where otherwise noted;
- reference to a lot is understood to be interchangeable with a block within a plan of condominium – the indicated form of tenure; and,
- frontage is reflective of the location of the primary façade and main dwelling unit entrances whereas the rear lot line is reflective of the location of garages and associated driveways.

General Provisions for R3-52

Accessory Uses, Buildings and Structures

Yard Encroachments

Heat Exchange and Air Conditioning Units

Notwithstanding Section 3.1.5.2 and any provisions of this By-law to the contrary, an accessory air conditioner, heat pump, utility meter or similar item may project into any required rear, interior side or exterior side yard (and are prohibited within a required front yard), but its location shall not interfere with the surface drainage of water or impede a pathway to the rear yard of each townhouse dwelling unit. Notwithstanding the preceding, an accessory air conditioner or heat pump may be permitted on a balcony.

Porches/Verandas

Notwithstanding Section 3.3.4 and any provisions of this By-law to the contrary unenclosed porches/verandas, including steps, may project into any required front or exterior side yard a maximum distance of 1.4 metres from an internal communal walkway, provided that they are not more than 1.2 metres above finished grade and shall not exceed an area of 4 square metres.

Balconies

Notwithstanding Section 3.3.5 and any provisions of this By-law to the contrary, balconies may project into any required front, rear, or exterior side yard, measured from an internal communal walkway or curblineline of an internal road, up to the same distance and size as an unenclosed porch/veranda and may include vertical supports.

Street Requirement

Notwithstanding Section 3.18 and any provisions of this By-law to the contrary, buildings and structures may be erected on lands that do not front onto a municipal street and a private street shall be deemed to be a public street.

Landscaped Open Space

Notwithstanding Section 27.99 and any provisions of this By-law to the contrary, Landscaped Open Space shall mean the open, unobstructed space that is at finished grade on a lot, that is accessible by walking from the street on which the lot is located (excluding interior townhouse units), and that is suitable for the growth and maintenance of grass, flowers, shrubs, trees and other landscaping in the front, side and rear yards of the lot. This definition shall not include any surfaced walk, patio or similar area, driveway or ramp, whether surfaced or not, nor any curb, retaining wall, parking area or open space beneath or within a building or structure.

- 5.0 That Subsection 6.4, Zone Exceptions, of Section 6, Residential Type 3 (R3) Zone, of By-law 2003- 60, is hereby amended by adding the following subsection 6.4.53:

“6.4.53 R3-53 Zone Schedule “S”

Section 6.2, Permitted Uses, applies to the lands zoned R3-53, except where specifically identified below:

Permitted uses shall also include rear laneway-based townhouse dwellings (RLB).

Section 6.3, Zone Provisions, applies to the lands zoned R3-53, except where specifically identified below:

Rear Laneway-Based (RLB) Townhouse

- Minimum Lot Area for an RLB townhouse dwelling shall be 160 square metres;
- Minimum Lot Frontage for an RLB townhouse dwelling shall be 7.35 metres;
- Minimum Front Yard Depth for an RLB townhouse dwelling shall be 4.5 metres;
- Minimum Exterior Side Yard Width for an RLB townhouse dwelling shall be 3 metres;
- Minimum Interior Side Yard Width for an RLB townhouse dwelling (exposed end or side wall) shall be 1.35 metres;
- Minimum Rear Yard Depth (to Garage) for an RLB townhouse dwelling shall be 6 metres;
- Minimum Dwelling Unit Area for an RLB townhouse dwelling shall be 35

- square metres;
- Minimum Landscaped Open Space for an RLB townhouse dwelling shall be 17%;
- Maximum Lot Coverage for an RLB townhouse dwelling shall be 55%;
- Maximum Height of Building for an RLB townhouse shall be 13 metres;
- Play areas for RLB townhouse dwellings shall not be required.
- The maximum number of RLB townhouse units within a single structure shall be 8.

General Provisions for R3-53

Accessory Uses, Buildings and Structures

Yard Encroachments

Notwithstanding Section 3.3.3 and any provisions of this By-law to the contrary, an accessory air conditioner, heat pump, utility meter or similar item may project into any required front, rear or exterior yard, but its location shall not interfere with the surface drainage of water or impede a pathway to the rear yard. Notwithstanding the preceding, an accessory air conditioner or heat pump may be permitted on a balcony.

Porches/Verandas

Notwithstanding Section 3.3.4 and any provisions of this By-law to the contrary unenclosed porches/verandas may project into any required front yard a maximum distance of 2 metres, but at no time shall be closer than 1.35 metres to the interior side property line, provided that they are not more than 1.2 metres above finished grade and shall not exceed an area of 8.5 square meters within the required front yard.

Balconies

Notwithstanding Section 3.3.5 and any provisions of this By-law to the contrary, balconies may project into any required front, rear, or exterior side yard up to the same distance and size as an unclosed porch/verandah and may include vertical supports.

Street Requirement

Notwithstanding Section 3.18 and any provisions of this By-law to the contrary, buildings and structures may be erected on lands that do not front onto a municipal street and a private street shall be deemed to be a public street.

Landscaped Open Space

Notwithstanding Section 27.99 and any provisions of this By-law to the contrary, Landscaped Open Space shall mean the open, unobstructed space that is at finished grade on a lot, that is accessible by walking from the street on which the lot is located (excluding interior townhouse units), and that is suitable for the growth and maintenance of grass, flowers, shrubs, trees and other landscaping in the front, side and rear yards of the lot. This definition shall not include any surfaced walk, patio or similar area, driveway or ramp, whether surfaced or not, nor any curb, retaining wall, parking area or open space beneath or within a building or structure.

6.0. That Schedule 'A-1' shall form part of this By-law.

7.0. Holding Zone

Where a Holding "H" Zone is used in combination with an R2-27, R3-51, R3-52, or R3-53 zone the Holding 'H' Provision may be lifted from the subject lands upon the finalization and execution of a development agreement to the satisfaction of the Town of Wasaga Beach.

8.0 That all other respective provisions of Zoning By-law 2003-60, as amended, shall apply.

9.0. That this By-law shall come into force and effect in accordance with the provisions of the *Planning Act*, R.S.O., 1990, c. P.13. including Section 24(2) of the Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF SEPTEMBER, 2025.

THE CORPORATION OF THE TOWN OF WASAGA BEACH

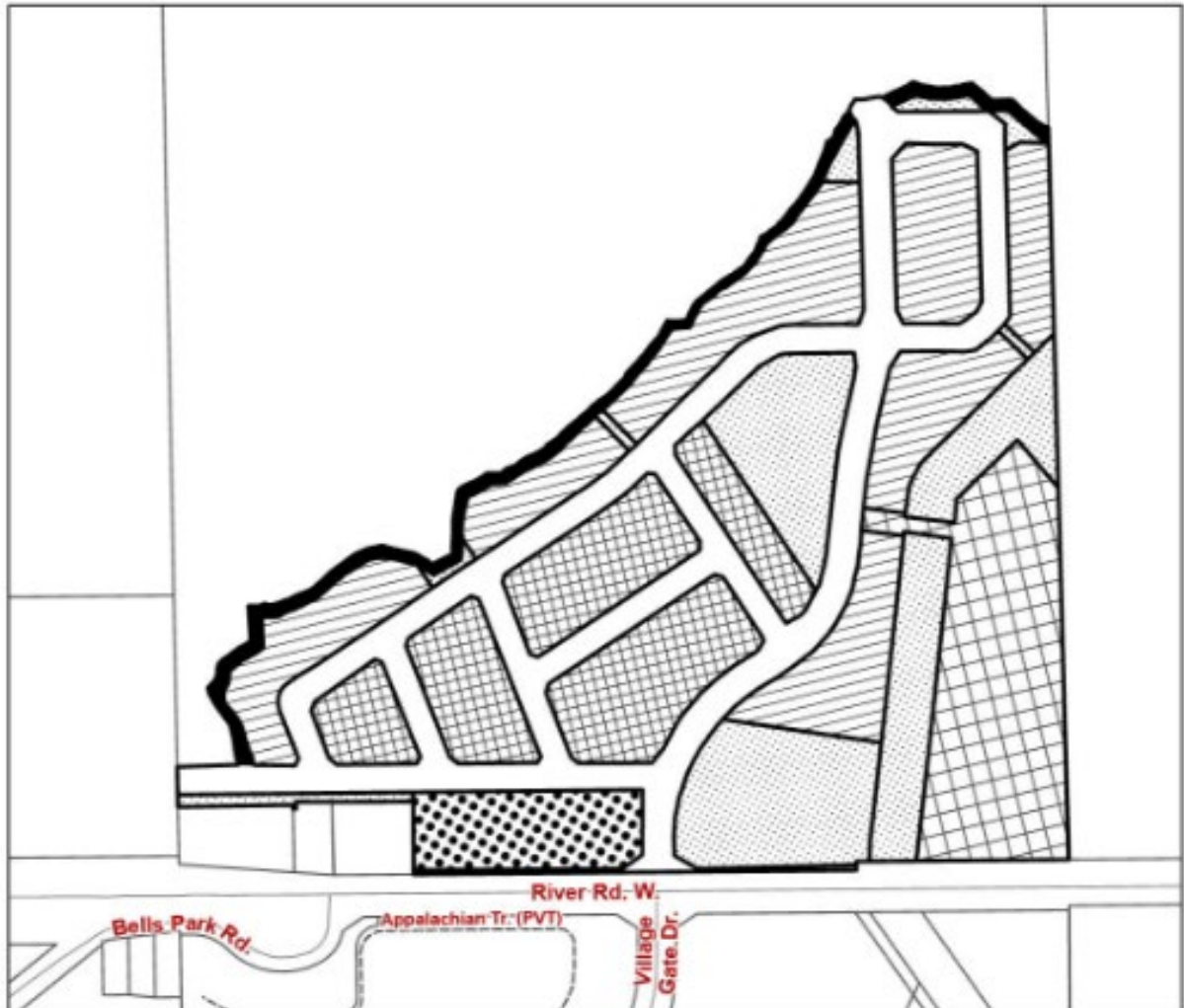
Brian Smith, Mayor







Nicole Rubli, Clerk



Town of Wasaga Beach

Schedule 'A-1'



-  Lands to be Rezoned Environmental Protection (EP) Zone
-  Lands to be Rezoned Open Space (OS) Zone
-  Lands to be Rezoned Residential Type 2 Hold Exception 27 (R2H-27) Zone
-  Lands to be Rezoned Residential Type 3 Hold Exception 51 (R3H-51) Zone
-  Lands to be Rezoned Residential Type 3 Hold Exception 52 (R3H-52) Zone
-  Lands to be Rezoned Residential Type 3 Hold Exception 53 (R3H-53) Zone

This is Schedule 'A' to By-Law _____
Passed the ___ day of _____, _____.
Signatures of Signing Officers

Mayor _____

Clerk _____

