

## THE CORPORATION OF THE TOWN OF WASAGA BEACH

### **BY-LAW 2025-59**

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 a 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 CON 4 N PT LOT 34, and municipally addressed as 8859 Beachwood Road in the Town of Wasaga Beach, County of Simcoe;

**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** 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 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** 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** 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 'A' to By-law 2003-60 as amended is hereby further amended by re-zoning the subject lands from the Development (D) Zone to the Residential Type 1 (R1) Zone, Residential Type 2 Exception 28 (R2-28) Zone, Residential Type 3 Exception 54 (R3-54) Zone, Residential Type 3 Exception 55 (R3-55) Zone, Residential Type 4 Exception 10 Hold (R4-10H) Zone, Open Space Exception 8 (OS-8) Zone, Open Space Exception 9 (OS-9) Zone, Open Space Exception 10 (OS-10) Zone and the Environmental Protection (EP) Zone.

2. That Section 5.4 of Zoning By-law 2003-60 is amended by adding the following Section to create a new exception zone, as follows:

“5.4.28 R2-28 Zone, Schedule ‘A’

Semi-detached Dwelling Unit

- Minimum Lot Area shall be 195 square metres per unit;
- Minimum Lot Frontage shall be 7.5 metres per unit;
- Minimum Front Yard Depth on corner units shall be 3 metres to the building face;
- Minimum Exterior Side Yard Width shall be 3 metres;
- Minimum Interior Side Yard Width (exposed side wall to lot line) shall be 1.35 metres;
- Minimum Rear Yard Depth shall be 5.9 metres; and,
- Maximum Lot Coverage shall be 45%

Notwithstanding Section 3.3.4, porches/verandas for interior units may project into any required front yard a maximum distance of 1.5 metres provided that they are not more than 1.2 metres above finished grade and shall not exceed an area of 8 square metres.

Notwithstanding Section 3.3.4, porches/verandas for corner units may project into any required front yard with a maximum height of 1.2 metres above finished grade, and a maximum area of 8 square metres, provided that the porches/verandas maintain a minimum front yard setback of 3 metres.

Notwithstanding Section 3.3.5, balconies for interior units may project into any required front or rear yard a maximum distance of 1.5 metres provided that they are located at a greater height than the bottom of the first floor ceiling joists.

Notwithstanding Section 3.3.5, balconies for corner units may project into any required rear yard a maximum distance of 1.5 metres, and may project into any required front yard provided that the balconies maintain a minimum front yard setback of 3 metres, and provided that they are located at a greater height than the bottom of the first floor ceiling joists.

Notwithstanding Section 3.3.6, steps and/or accessibility ramps to an entrance may project into any required front yard, provided that the steps maintain a minimum front yard setback of 3 metres, and provided that such uses are not below grade or not more than 1.2 metres above grade within the required front yard.

Notwithstanding Section 3.10, where a lot includes a portion of an easement, such easement may be considered part of the lot for the purpose of computing

the lot area and the yard depth or width of the lot, provided that the depth of the rear yard of the lot shall not be less than 5.9 metres.

Notwithstanding Section 3.18, 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.

Notwithstanding Section 3.38.2.7, the minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveways, shall be 7 metres in all Residential Zones for semi-detached dwelling units.

Notwithstanding Section 3.38.2.10, for a semi-detached dwelling located on Block 27 a non-abutting driveway may be established with a 0 metre setback along an interior lot line.

3. That Section 6.4 of Zoning By-law 2003-60 is amended by adding the following Sections to create new exception zones, as follows:

“6.4.54 R3-54 Zone, Schedule ‘A’

Back-to-Back Townhouse Dwelling Unit

- Permitted uses shall include back-to-back townhouses;
- Minimum Lot Area shall be 100 square metres;
- Minimum Lot Frontage shall be 7 metres;
- Minimum Front Yard Depth on corner units shall be 3 metres to the building face, notwithstanding the end unit on the northern portion of Block 35 which shall have a minimum front yard depth of 2.69 metres;
- Minimum Exterior Side Yard Width shall be 3.5 metres;
- Minimum Interior Side Yard Width (exposed end or side wall) shall be 1.35 metres;
- Minimum Rear Yard Depth shall be 0 metres;
- Minimum Landscaped Open Space shall be 17%;
- Maximum Lot Coverage shall be 65%;
- Minimum Width per Unit shall be 7 metres;
- Maximum Units per Structure shall be 14; and,
- The required Play Area can be consolidated into a larger area and provided on a nearby lot/block.

Notwithstanding Section 3.1.5.2, an interior side yard setback of 0.6 metres to a heat pump or air conditioner shall be permitted along the interior lot line where the vertical common wall is located. For back-to-back townhouses the air conditioner/heat pump units can be located on the balconies within the front yard.

Notwithstanding Section 3.3.4, porches/verandas for interior units may project into any required front yard a maximum distance of 1.5 metres provided that they

are not more than 1.2 metres above finished grade and shall not exceed an area of 8 square metres.

Notwithstanding Section 3.3.4, porches/verandas for corner units may project into any required front yard with a maximum height of 1.2 metres above finished grade, and a maximum area of 8 square metres, provided that the porches/verandas maintain a minimum front yard setback of 3 metres.

Notwithstanding Section 3.3.5, balconies for interior units may project into any required front yard a maximum distance of 1.5 metres provided that they are located at a greater height than the bottom of the first floor ceiling joists.

Notwithstanding Section 3.3.5, balconies for corner units may project into any required front yard provided that the balconies maintain a minimum front yard setback of 3 metres, and provided that they are located at a greater height than the bottom of the first floor ceiling joists.

Notwithstanding Section 3.3.6, steps and/or accessibility ramps to an entrance may project into any required front yard, provided that the steps maintain a minimum front yard setback of 3 metres, and provided that such uses are not below grade or not more than 1.2 metres above grade within the required front yard.

Notwithstanding Section 3.10, where a lot includes a portion of an easement, such easement may be considered part of the lot for the purpose of computing the lot area and the yard depth or width of the lot.

Notwithstanding Section 3.18, 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.

Notwithstanding Section 3.38.2.7, the minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveways, shall be 7 metres in all Residential Zones for back-to-back townhouse dwelling units.

#### “6.4.55 R3-55 Zone, Schedule ‘A’

##### Street Townhouse Dwelling Unit

- Minimum Lot Area shall be 145 square metres;
- Minimum Lot Frontage shall be 5.5 metres;
- Minimum Front Yard Depth on corner units shall be 3 metres to the building face;
- Minimum Exterior Side Yard Width shall be 3.4 metres;
- Minimum Interior Side Yard Width (exposed end or side wall) shall be 1.35 metres;

- Minimum Interior Side Yard Width (exposed end or side wall abutting an R2 zone) shall be 1.35 metres;
- Minimum Rear Yard Depth shall be 6 metres;
- Maximum Lot Coverage shall be 55%; and,
- Minimum Width per Unit shall be 5.5 metres

Notwithstanding Section 3.3.4, porches/verandas for interior units may project into any required front yard a maximum distance of 1.5 metres provided that they are not more than 1.2 metres above finished grade and shall not exceed an area of 8 square metres.

Notwithstanding Section 3.3.4, porches/verandas for corner units may project into any required front yard with a maximum height of 1.2 metres above finished grade, and a maximum area of 8 square metres, provided that the porches/verandas maintain a minimum front yard setback of 3 metres.

Notwithstanding Section 3.3.5, balconies for interior units may project into any required front or rear yard a maximum distance of 1.5 metres provided that they are located at a greater height than the bottom of the first floor ceiling joists.

Notwithstanding Section 3.3.5, balconies for corner units may project into any required rear yard a maximum distance of 1.5 metres, and may project into any required front yard provided that the balconies maintain a minimum front yard setback of 3 metres, and provided that they are located at a greater height than the bottom of the first floor ceiling joists.

Notwithstanding Section 3.3.6, steps and/or accessibility ramps to an entrance may project into any required front yard, provided that the steps maintain a minimum front yard setback of 3 metres, and provided that such uses are not below grade or not more than 1.2 metres above grade within the required front yard.

Notwithstanding Section 3.18, 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.

Notwithstanding Section 3.38.2.7, the minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveways, shall be 2 metres for the eastern most driveway of the street townhouse dwelling unit on Block 21.

4. That Section 7.4 of Zoning By-law 2003-60 is amended by adding the following Section to create a new exception zone, as follows:

“7.4.10 R4-10 Zone, Schedule ‘A’

Mixed-Use Buildings

- To permit the following additional uses:
  - Business, professional or medical office;
  - Financial services;
  - Arcade or games establishment;
  - Club;
  - Laundromat;
  - Nursery day care;
  - Personal service shop;
  - Printing shop;
  - Restaurant or take out restaurant;
  - Retail store;
  - Studio;
  - Tavern;
  - Veterinary clinic; and,
  - Outside display of goods accessory to a permitted use.
- Maximum Building height shall be 20 metres;
- Maximum Gross Floor Area for all mixed-use buildings and structures shall be 125% of the lot area;
- Maximum Gross Floor Area for the commercial retail space shall be 500 square metres;
- Minimum Landscaped Open Space shall be 30%;
- A Recreation use area with an overall minimum area of 467 square metres is required, and may be consolidated into a larger area and be provided for on a nearby lot/block; and,
- A minimum of 1 parking space per dwelling unit shall be permitted for the residential apartment uses, and a minimum of 1 parking space per 18 square metres of gross floor area shall be permitted for the proposed commercial uses.

Notwithstanding Section 3.13.2, a planting strip with a minimum width of 2.1 metres is required where the interior side lot line or rear lot line of the mixed-use building block abuts residential uses or land within a Residential Zone.

Notwithstanding Section 3.18, 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.

Notwithstanding Section 3.38.3.1, commercial parking areas may be established with a 1.2 metre setback to a street line.

The Holding 'H' Provision may be lifted from the subject lands upon the following:

- a) Execution of a Site Plan Agreement and
- b) Registration of a Site Plan Agreement

5. That Section 22.4 of Zoning By-law 2003-60 is amended by adding the following Sections to create new exception zones, as follows:

“22.4.8 OS-8 Zone, Schedule ‘A’

- Stormwater management facilities shall be an additional permitted use.”

“22.4.9 OS-9 Zone, Schedule ‘A’

- Notwithstanding Section 22.3.1 c), the minimum lot area for a lot not served by a public water system and public sanitary sewer system shall be 4,800 square metres.”

“22.4.10 OS-10 Zone, Schedule ‘A’

- No minimum lot frontage shall be required; and,
- No minimum lot area shall be required.”

3. That Schedule ‘A’ shall form part of this By-law.
4. That all other respective provisions of Zoning By-law 2003-60, as amended, shall apply.
5. 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 27<sup>th</sup> DAY OF NOVEMBER, 2025.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

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Brian Smith, Mayor

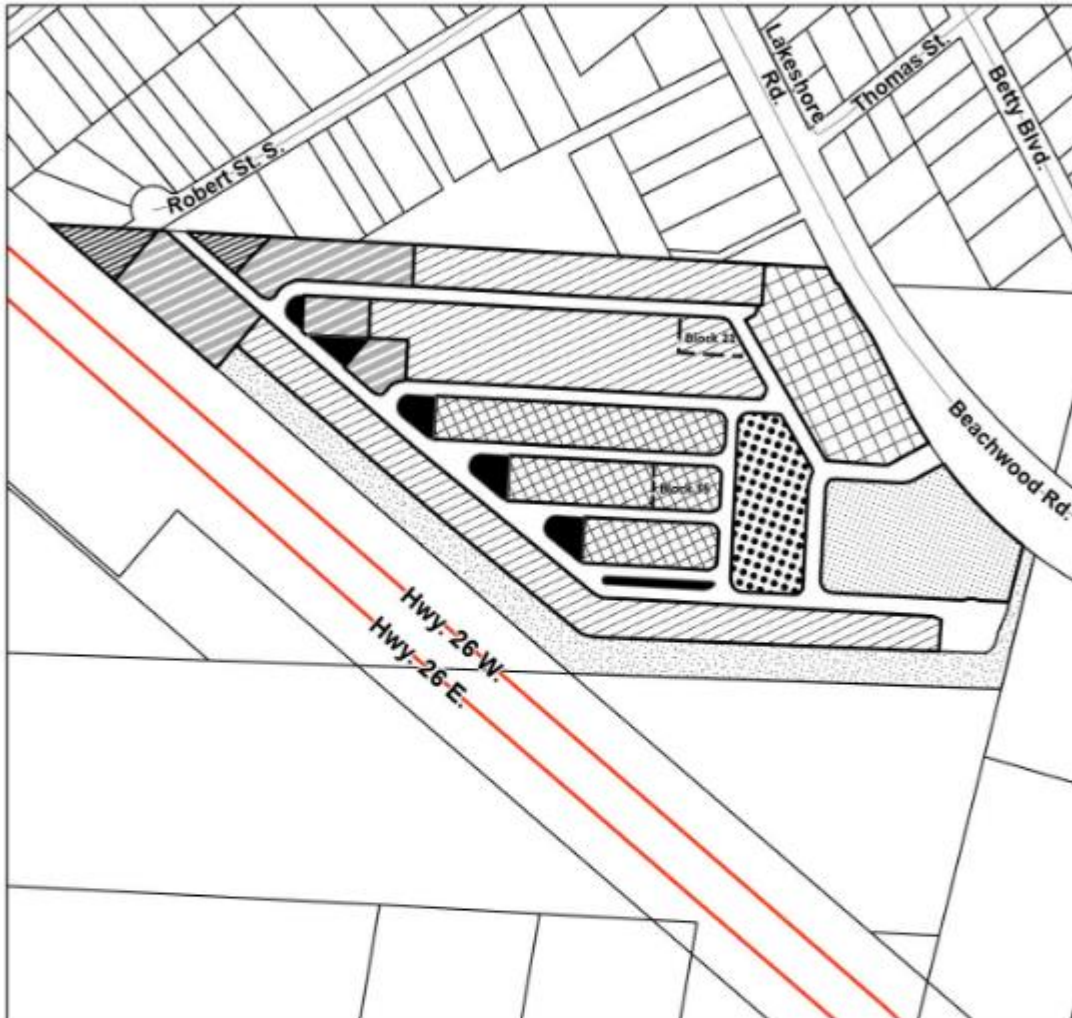
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Nicole Rubli, Clerk



# Town of Wasaga Beach

## Schedule 'A-1'



-  Lands to be Rezoned from 'Development (D)' zone to 'Environmental Protection (EP)' zone
-  Lands to be Rezoned from 'Development (D)' zone to 'Open Space Exception 10 (OS-10)' zone
-  Lands to be Rezoned from 'Development (D)' zone to 'Open Space Exception 8 (OS-8)' zone
-  Lands to be Rezoned from 'Development (D)' zone to 'Open Space Exception 9 (OS-9)' zone
-  Lands to be Rezoned from 'Development (D)' zone to 'Residential Type 1 (R1)' zone
-  Lands to be Rezoned from 'Development (D)' zone to 'Residential Type 2 Exception 28 (R2-28)' zone
-  Lands to be Rezoned from 'Development (D)' zone to 'Residential Type 3 Exception 54 (R3-54)' zone
-  Lands to be Rezoned from 'Development (D)' zone to 'Residential Type 3 Exception 55 (R3-55)' zone
-  Lands to be Rezoned from 'Development (D)' zone to 'Residential Type 4 Exception 10 Hold (R4-10H)' zone

This is Schedule 'A' to By-Law \_\_\_\_\_  
Passed the \_\_\_\_ day of \_\_\_\_\_,  
Signatures of Signing Officers

Mayor \_\_\_\_\_

Clerk \_\_\_\_\_

