

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

### **BY-LAW 2025-26**

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 REG COMP PLAN 1698 LOT 96, and municipally addressed as 31 Lyons Court 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** 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 'B' to By-law 2003-60 as amended is hereby further amended by re-zoning the subject lands from the District Commercial Hold (CDH) Zone and Development (D) Zone to the Residential Type 3 Exception 49 (R3-49) Zone, Residential Type 3 Exception 50 (R3-50) Zone, Open Space Exception 6 (OS-6) Zone, Open Space Exception 7 (OS-7) Zone, Environmental Protection (EP) Zone and Environmental Protection Exception 9 (EP-9) Zone.
2. That Section 6.4 of Zoning By-law 2003-60 is amended by adding the following Sections to create new exception zones, as follows:

#### “6.4.49 R3-49 Zone, Schedule ‘B’

##### Street Townhouse Dwelling Unit

- Minimum Lot Frontage shall be 6 metres;
- Minimum Lot Area shall be 167 square metres;
- Minimum Front Yard Depth shall be 5 metres to the building face and 6 metres to the garage;
- 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 end or side wall) shall be 1.35 metres;
- Minimum Interior Side Yard Width (exposed end or side wall abutting an r1 or r2 zone) shall be 1.74 metres;
- Minimum Rear Yard Depth shall be 7 metres;
- Minimum Landscaped Open Space shall be 24%;
- Maximum Lot Coverage shall be 60%; and,
- Minimum Width per Unit shall be 6 metres.

Notwithstanding any policies to the contrary in the Zoning By-law, for the purpose of the R3-49 Zone a minimum communal amenity space of 620 square metres shall be provided for the west phase, and a minimum communal amenity space of 2860 square metres shall be provided for the east phase.

Notwithstanding Section 3.1.5.2, for a street townhouse unit 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.

Notwithstanding Section 3.3.4, porches/verandas are permitted in the required front yard with a maximum area of 10 square metres and a maximum height of 1.2 metres, provided that the porches/verandas maintain a minimum front yard setback of 1.5 metres on lots with a sidewalk along the frontage and a minimum front yard setback of 3 metres for lots that do not contain a sidewalk along the frontage.

Notwithstanding Section 3.3.6, steps are permitted in the required front yard, provided that the steps maintain a minimum front yard setback of 1.5 metres on lots with a sidewalk along the frontage and a minimum front yard setback of 3 metres for lots that do not contain a sidewalk along the frontage, 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 3.3.6, steps may project into any required rear yard a maximum distance of 4.5 metres provided that such uses are not below grade or not more than 2.8 metres above grade within the required rear 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 6 metres in all Residential Zones for street townhouses.

Notwithstanding Section 3.38.2.10, for street townhouses non-abutting driveways may be established with a 0 metre setback along an interior lot line.”

“6.4.50 R3-50 Zone, Schedule ‘B’

#### Back-to-Back Townhouse Dwelling Unit

- Permitted uses shall include back-to-back townhouses;
- Minimum Lot Frontage shall be 6.4 metres;
- Minimum Lot Area shall be 90 square metres;
- Minimum Front Yard Depth shall be 5 metres to the building face and 6 metres to the garage;
- 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 end or side wall) shall be 1.35 metres;
- Minimum Rear Yard Depth shall be 0 metres;
- Minimum Landscaped Open Space shall be 7%;
- Maximum Lot Coverage shall be 70%;
- Maximum Height of Building shall be 13 metres;
- Minimum Width per Unit shall be 6.4 metres; and,
- Maximum Units per Structure shall be 16

Notwithstanding any policies to the contrary in the Zoning By-law, for the purposes of the R3-50 Zone a minimum communal amenity space of 620 square metres shall be provided for the west phase, and a minimum communal amenity space of 2860 square metres shall be provided for the east phase.

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 are permitted in the required front yard with a maximum area of 10 square metres and a maximum height of 1.2 metres, provided that the porches/verandas maintain a minimum front yard setback of 1.5 metres on lots with a sidewalk along the frontage and a minimum front yard setback of 3 metres for lots that do not contain a sidewalk along the frontage.

Notwithstanding Section 3.3.5, for back-to-back townhouses balconies are permitted in the required front yard, provided that the balconies maintain a minimum front yard setback of 1.5 metres on lots with a sidewalk along the frontage and a minimum front yard setback of 3 metres for lots that do not contain a sidewalk along the frontage, and provided that the balconies are located at a greater height than the bottom of the first floor ceiling joists. Notwithstanding any policies to the contrary in the Zoning By-law, a balcony shall not extend beyond a porch/veranda whether over the porch or driveway.

Notwithstanding Section 3.3.6, steps are permitted in the required front yard, provided that the steps maintain a minimum front yard setback of 1.5 metres on lots with a sidewalk along the frontage and a minimum front yard setback of 3 metres for lots that do not contain a sidewalk along the frontage, 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 0 metres for the back-to-back townhouses.

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 8 metres in all Residential Zones for back-to-back townhouses.”

R3-50T Zone, Schedule ‘B’

#### Temporary Sales Centre

A Sales Centre shall also be a permitted use subject to the following provisions:

- The minimum lot area requirement for the area subject to the temporary use shall be 0.11 hectares;
- The minimum lot frontage requirement for the area subject to the temporary use shall be 29.09 metres;

- The minimum front yard setback, as measured from the front lot line post-road widening, shall be 6 metres;
- The minimum interior side yard setback shall be 3.2 metres;
- A total of 6 parking stalls will be provided;
- The front deck may project a maximum distance of 2.4 metres into any required front yard provided it is not more than 1 metre above finished grade;
- Notwithstanding Section 3.3.6, Steps and Accessibility Ramps, an accessibility ramp may project into any required front yard a maximum distance of 2 metres provided that such uses are not below grade or not more than 1 metre above grade within the required yard; and
- The Sales Centre building shall not exceed an area of 66 square metres.

This is a temporary zone, and the permissions granted within this zone are for a time period of 3 years from November 14, 2024, after which time these permissions shall be deemed to expire if an extension is not subsequently granted, and the provisions of the R3-50 Zone will apply.

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

“22.4.6 OS-6 Zone, Schedule ‘B’

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 620 square metres.

Notwithstanding Section 22.3.2 c), the minimum lot frontage for a lot not served by a public water system and public sanitary sewer system shall be 20 metres.”

“22.4.7 OS-7 Zone, Schedule ‘B’

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 2860 square metres.”

4. That Section 23.4 of Zoning By-law 2003-60 is amended by adding the following Section to create a new exception zone, as follows:

“23.4.9 EP-9 Zone, Schedule ‘B’

Stormwater management facilities shall be an additional permitted use.”

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 17<sup>th</sup> DAY OF JULY, 2025.**

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

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Brian Smith, Mayor

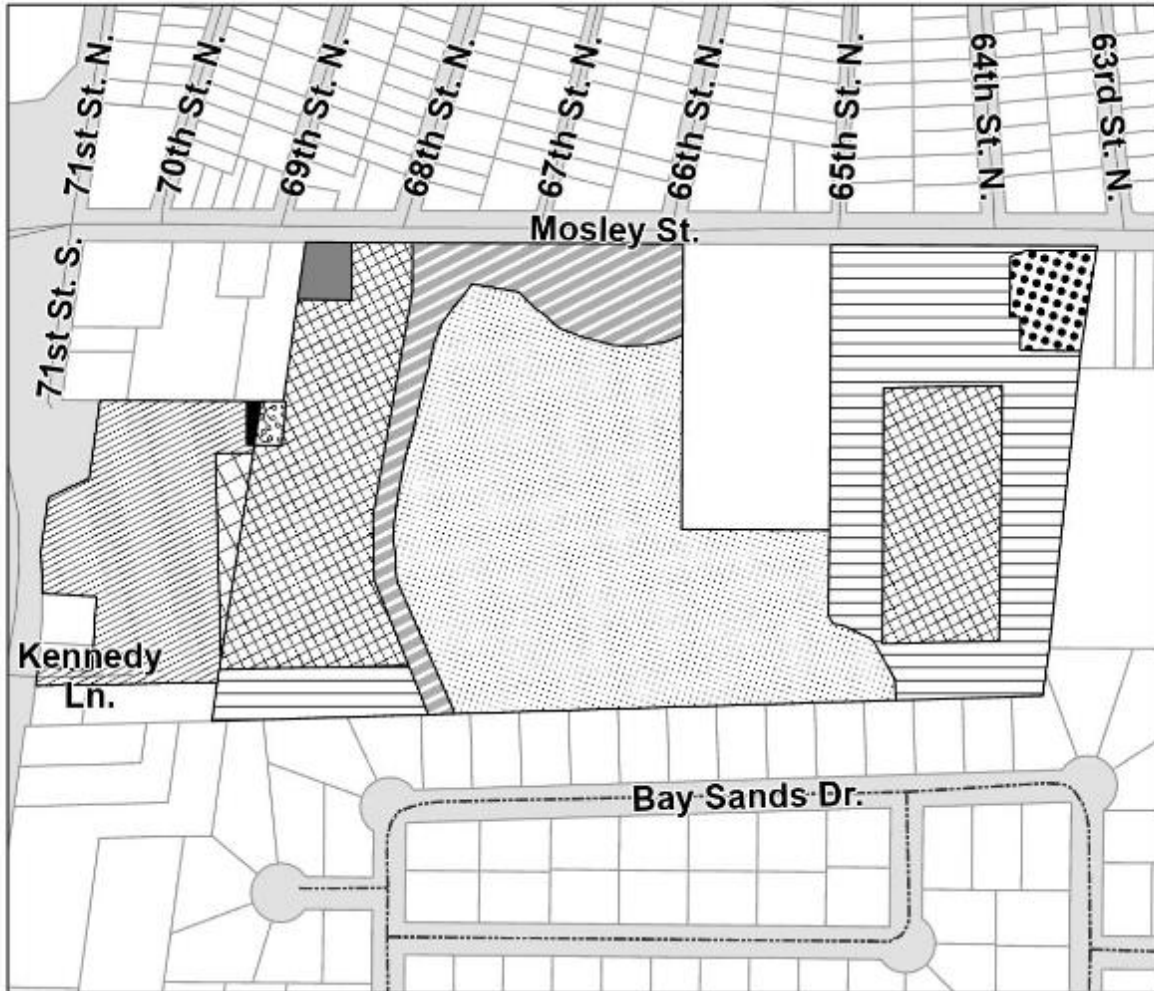
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Nicole Rubli, Clerk



# Town of Wasaga Beach

## Schedule 'A'



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|---|--|---|
| Lands to be Zoned from Development (D) Zone to Open Space Exception 6 (OS-6) Zone           | Lands to be Zoned from Development Exception 2 (D-2) Zone to Residential Type 3 Exception 50 Temporary (R3-50T) Zone | Lands to be Zoned from District Commercial Hold (CD (H)) Zone to Open Space Exception 6 (OS-6) Zone           |
| Lands to be Zoned from Development (D) Zone to Open Space Exception 7 (OS-7) Zone           | Lands to be Zoned from Development (D) Zone to Environmental Protection Exception 9 (EP-9) Zone                      | Lands to be Zoned from District Commercial Hold (CD (H)) Zone to Residential type 3 Exception 49 (R3-49) Zone |
| Lands to be Zoned from Development (D) Zone to Residential Type 3 Exception 49 (R3-49) Zone | Lands to be Zoned from Development (D) Zone to Environmental Protection (EP) Zone                                    | Lands to be Zoned from District Commercial Hold (CD (H)) Zone to Residential Type 3 Exception 50 (R3-50) Zone |
| Lands to be Zoned from Development (D) Zone to Residential Type 3 Exception 50 (R3-50) Zone |  |   |

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

Mayor \_\_\_\_\_

Clerk \_\_\_\_\_

