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

BY-LAW NO. 2014 -92

**A BY-LAW TO AMEND TOWN OF WASAGA BEACH
COMPREHENSIVE ZONING BY-LAW NO. 2003-60, AS AMENDED**
(Beach Areas One and Two)

WHEREAS pursuant to Section 34 and 36 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 pursuant to Section 34 of the *Planning Act,* R.S.O., 1990, c.P.13, as amended, authority is granted to enact amendments to comprehensive Zoning By-Law No. 2003-60 to amend the permitted uses and provisions and authority is granted pursuant to Section 36 to use a Holding "H" Symbol;

AND WHEREAS Council has adopted Official Plan Amendment No. 38 to the Official Plan to amend the Beach Areas One and Two Land Use Policies;

NOW THEREFORE the Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

THAT Zoning By-Law No. 2003-60 is amended as follows:

1. THAT Schedules 'N' and 'I' to By-law 2003-60 as amended, are hereby amended in accordance with Schedules 'A' and 'B' to this By-Law.

2. a) THAT Schedules 'N' and 'I' to By-law 2003-60 as amended, are hereby further amended by adding an 'H' Holding provision to all of the properties within the subject lands, save and except lands zoned as Tourist Commercial Exception Three (CT-3), Tourist Commercial Exception Three Floodplain (CTF-3), Tourist Commercial Exception Ten (CT-10), Tourist Commercial Exception Ten Floodplain (CTF-10), Tourist Commercial Exception Eleven (CT-11), Tourist Commercial Exception Eleven Floodplain (CTF-11), Residential Type (R3), Open Space (OS) and Open Space (OSF).

   b) THAT the Holding provision shall be lifted at such time as an agreement is entered into to the satisfaction of the Town with respect to the development and/or redevelopment of the subject lands.

3. THAT SECTION 14 – TOURIST COMMERCIAL (CT), subsection 14.4 be amended by adding a new Section 14.4.18 entitled Beach Areas One and Two Special Exception 18 (CT-18) Zone, Schedule N and I, as follows:

"14.4.18   Beach Areas One and Two Special Exception 18 Zone – CT-18) – Schedule "N" and "I"

Permitted Residential Uses

In addition to the permitted Residential uses in Section 14.2.1a), Residential uses in the form of a Townhouse dwelling or Apartment dwelling shall also be permitted, provided that:

i)   the portion of the building abutting the front yard or side yard abutting a street shall be used for commercial uses (non-tourist establishment) on the ground floor as permitted under the Tourist Commercial Beach Areas One and Two Special Exception 18 (CT-18) zone.

ii)   the minimum height of the building shall be 2 stories and a minimum of 25% of the gross floor area of a 2 story building shall be used for commercial purposes (non-tourist establishment).

iii)   a minimum of 20% of the total gross floor area of a building 3 storeys or greater shall be used for commercial uses (non-tourist establishment).

Apartment or Townhouse dwellings located within a mixed use building as described in a CT-18 Zone are subject to the Zone Provisions of Section 7 – Residential Type 4 (R4) zone, save and except for the following:

i)   A minimum setback of 3 metres shall be required from an open road allowance.

ii)   A minimum setback of 5 metres from an open road allowance will be required for any portion of a building above 9 metres.

Notwithstanding Section 7.3.8, Height of Building, where an Apartment or Townhouse dwelling within a mixed use building, is located between Mosley Street and Beach Drive, the following shall apply:

An additional 6 metres in height (to a maximum of 18 metres) may be permitted by agreement to the satisfaction of the Town, in return for the provision of such facilities, services or matters considered to contribute to a community benefit, which for the purposes of bonusing under section 37 of the Planning Act are identified as:

a. Creation or enhancement of Festival/Playland Square, Beck Square, or other parkland improvements within the Main Beach Area;
b. Beachfront Pedestrian Promenade;
c. Continuous Boardwalk
d. Beach Drive public realm improvements
e. Public Art
f. Riverwalk
g. The Nancy Island or Powerline Pedestrian Bridges across the Nottawasaga River.

Permitted Non-Residential Uses

In addition to the non-residential uses permitted in Section 14.2.2, in the CT-18 Zone, a Tourist Establishment, Hotel – Beach Areas One and Two, Amusement Park, Arena, Art Gallery, Auditorium, Banquet Hall, Commercial School, Library, Museum, Stadium, and Theatre shall also be permitted. A Veterinary Clinic and an Adult Entertainment Establishment shall not be permitted in the CT-18 Zone.

Notwithstanding Section 14.3.7, Height of Building, where a Tourist Establishment, Hotel – Beach Areas One and Two is located between Mosley Street and Beach Drive, the following building height provisions apply:

i)   The maximum height shall be 18 metres.

ii)   An additional 6 metres in height (to a maximum of 24 metres) may be permitted by agreement to the satisfaction of the Town, in return for the provision of such facilities, services or matters considered to contribute to a community benefit, which for the purposes of bonusing under section 37 of the Planning Act are identified as:

a. Creation or enhancement of Festival/Playland Square, Beck Square, or other parkland improvements within the Main Beach Area;
b. Beachfront Pedestrian Promenade;
c. Continuous Boardwalk
d. Beach Drive public realm improvements
e. Public Art
f. Riverwalk
g. The Nancy Island or Powerline Pedestrian Bridges across the Nottawasaga River."

4. THAT subsection 14.4 of the TOURIST COMMERCIAL (CT) ZONE be amended by deleting the following ZONE EXCEPTIONS and placing those lands in the CT-18 Zone in accordance with Schedules 'A' and 'B' to this By-Law:

    i)   Section 14.4.2, CT-2 Zone, on Schedule 'N', and replacing the text with "Intentionally Left Blank".

    ii)   Section 14.4.6, CT-6 Zone, on Schedule 'N' for property known municipally as 31 Beach Drive to eliminate the special provision for a front yard depth of 0.76 metres, and replacing the text with "Intentionally Left Blank".

    iii)   Section 14.4.7, CT-7 Zone, on Schedule 'N' for property known municipally as 10 Main Street to eliminate the special provision for a front yard depth of 1.2 metres, and replacing the text with "Intentionally Left Blank".

    iv)   Section 14.4.8, CT-8 Zone, on Schedule 'N' and `I`, and replacing the text with "Intentionally Left Blank".

    v)   Section 14.4.12, CT–12 Zone, on Schedule 'N' for property known municipally as 115 Beach Drive to eliminate the special provision for a 0.0 metre exterior side yard, and replacing the text with "Intentionally Left Blank".

5. THAT SECTION 3, GENERAL PROVISIONS, be amended by deleting the text of Section 3.34, entitled Main Beach Tourist Area Special Provisions, Section 3.34.1, and 3.34.2, and replacing it with the text "Intentionally Left Blank".

6. THAT SECTION 26 – DEFINITIONS be amended by adding a TOURIST ESTABLISHMENT, HOTEL – BEACH AREAS ONE AND TWO defined as:

    i)   Shall mean a building containing therein a minimum of 60 units of which not less than 60 percent shall be available as a time share and/or for rental on a daily or weekly basis, as part of the hotel or on a time share basis with a main entrance and foyer and office which functions as a reception area for the receipt and booking of guests for accommodation.

Accessory uses may include accommodation for staff, meeting rooms, banquet facilities, beverage rooms, food preparation and dining areas and similar uses.

ii)   Up to 40 percent of the units contained in the building may be constructed for the purpose of occupancy as a condominium without having to be available to the pool of time share and/or rental units.

7. THAT no provision of this By-law shall apply to prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose.

8. THAT all other respective provisions of Zoning By-Law No. 2003-60, as amended, shall apply.

9. 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.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14TH DAY OF OCTOBER, 2014.
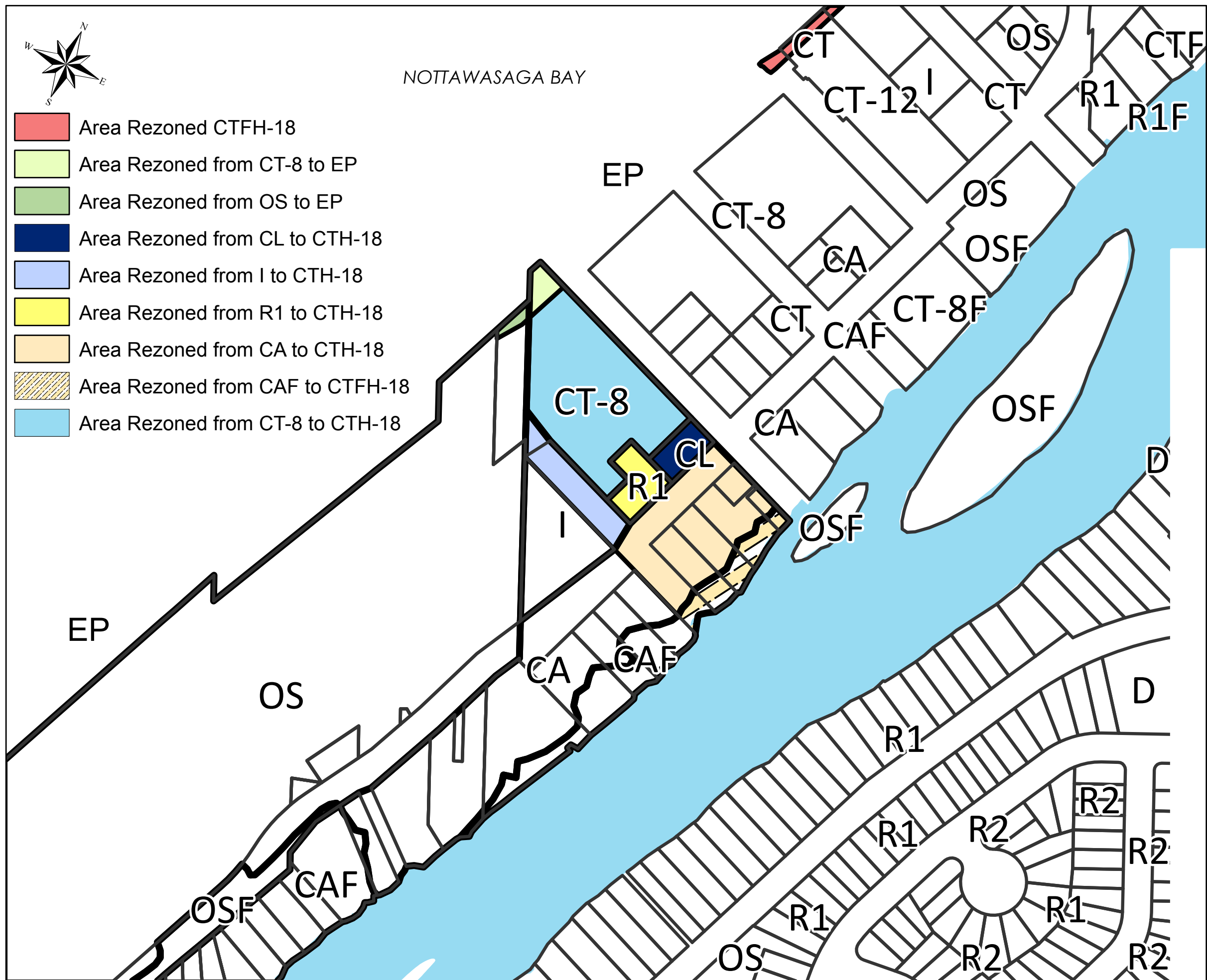

_____
Cal Patterson, Mayor

_____
Twyla Nicholson, Clerk

NOTTAWASAGA BAY
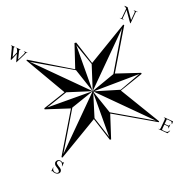
Legend (Area Rezoned):
- Area Rezoned CTFH-18
- Area Rezoned from CT-8 to EP
- Area Rezoned from OS to EP
- Area Rezoned from CL to CTH-18
- Area Rezoned from I to CTH-18
- Area Rezoned from R1 to CTH-18
- Area Rezoned from CA to CTH-18
- Area Rezoned from CAF to CTFH-18
- Area Rezoned from CT-8 to CTH-18
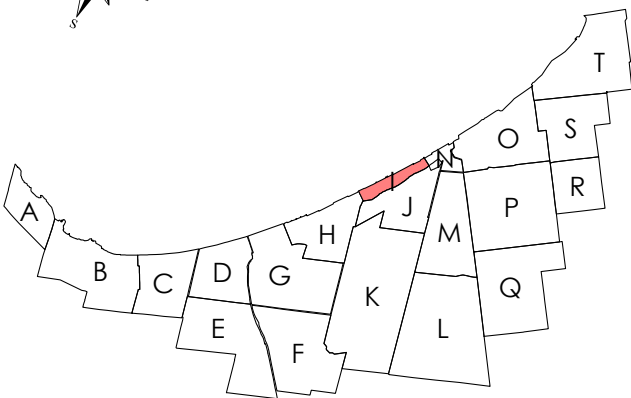
SCHEDULE 'B'

To Zoning By-law Amendment

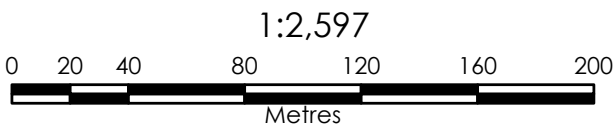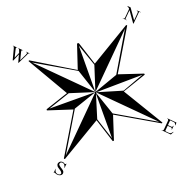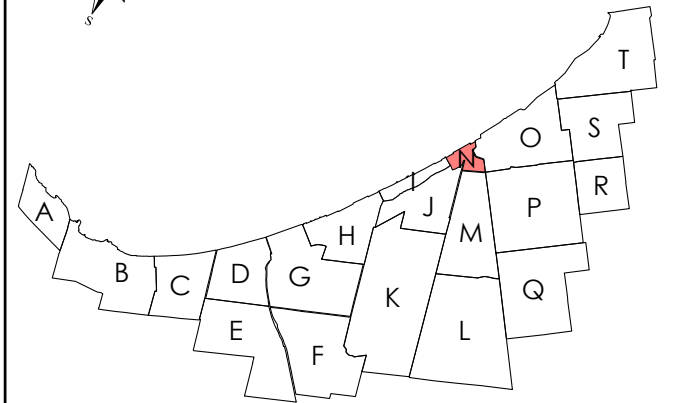No. 2014-_____.

MAYOR _____

CLERK _____

TOWN OF WASAGA BEACH
The Beach is Just the Beginning...
WASAGA
Beach

**OFFICE CONSOLIDATION
AUGUST 2013**

NOTE: The lot lines depicted on this map are for reference purposes only and may not reflect accurately property boundaries in all instances

1:2,597

0 20 40 80 120 160 200
Metres

SCHEDULE 'A'

To Zoning By-law Amendment

No. 2014-_____.

MAYOR _____

CLERK _____

TOWN OF WASAGA BEACH

The Beach is Just the Beginning...

WASAGA
Beach

OFFICE CONSOLIDATION
AUGUST 2013

NOTE: The lot lines depicted on this map are for reference purposes only and may not reflect accurately property boundaries in all instances

1:4,330

0 20 40 80 120 160 200
Metres

Legend

- Area Rezoned to CTFH-18
- Area Rezoned from CT-7 to CTH-18
- Area Rezoned from CT-6 to CTH-18
- Area Rezoned from CT-2 to CTH-18
- Area Rezoned from CT-12 to CTH-18
- Area Rezoned from I to CTH-18
- Area Rezoned from R1F to CTFH-18
- Area Rezoned from R1 to CTH-18
- Area Rezoned from CAF to CTFH-18
- Area Rezoned from CA to CTH-18
- Area Rezoned from CT-8F to CTFH-18
- Area Rezoned from CT-8 to CTH-18
- Area Rezoned from CTF to CTFH-18
- Area Rezoned from CT to CTH-18

NOTTAWASAGA BAY

EP
OS
CT-7
CT-6
CT
CA
R3
CT-2
CT
CT
CT-3
CT-3F
CT-11
CT
CA-4
CA-2
CT-10
CT
OS
I
CT-12
R1
R1F
CT
CT-8
OSF
CA
CT
CT-8F
CA
OSF
CAF

Beach Drive
Main Street
Spruce St.
Mosley Street
Wilson Street
1st St.
2nd Street North
3rd Street North
4th Street North
5th Street North

LOT 9 CON 16

EP

Main Street
CA
CT
CT
River Avenue Crescent
CA
CA
Lewis St.
Glen Ave.
Glenwood Drive
Nancy St.
R1
R1
Beck Street
R1
I
I
Forest Avenue
I
I
CL-3
CL-6
I
R1
I
River Road West
I

LOT 10 CON 16

Refer to Schedule 'O'

Refer to Schedule 'M'

Refer to Schedule 'J'

Refer to Schedule 'I'

LEGEND
F Zone
Refer to Section 3.11