

NOTICE OF DECISION

Town of Wasaga Beach Council:

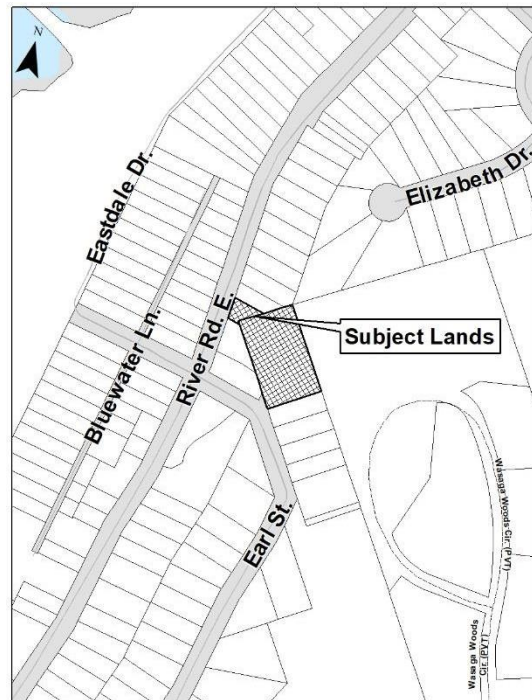
PASSED an Amendment to Comprehensive Zoning By-law 2003-60, as amended

TAKE NOTICE that the Council of the Corporation of the Town of Wasaga Beach passed By-law No. 2024-82 to amend the Town's Zoning By-law (File No. Z0423) on the 14th day of November 2024, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, for the lands described and shown below.

THE SUBJECT LANDS are municipally addressed as 929 and 931 River Road East, and are legally described as Part 2, Plan 51R-32593 and Part 4, PLAN 51R-32439, in the Town of Wasaga Beach, County of Simcoe.

A KEY MAP showing the location of the subject property is provided with this notice.

THE PURPOSE AND EFFECT OF ZONING BY-LAW AMENDMENT 2024-82 is to facilitate a residential development proposal for a new single-detached dwelling on the lands addressed as 931 River Road East, which includes the removal of a portion of the lands currently recognized as having environmental features worthy of protection (i.e. zoned Environmental Protection (EP)).



On the lands known as 929 River Road East the Zoning By-Law Amendment proposes to rezone portions of the lands from the Residential Type One (R1) zone and the Environmental Protection (EP) zone to a Residential Type One – Exception 40 (R1-40) Zone. The Residential Type One - Exception 40 (R1-40) Zone would further establish a site-specific zone provision to permit a reduction to the minimum required lot area in the Residential Type One (R1) zone, for a lot served by a public water system and a sanitary sewer system.

Within the proposed Residential Type One – Exception 40 (R1- 40) zone the following zone provision would apply:

That notwithstanding Section 4.3.1 of The Town of Wasaga Beach Comprehensive Zoning Bylaw 2003-60, the minimum lot area shall be 437 square metres, whereas a minimum of 464.5 square metres is required for a lot served by a public water system and a sanitary sewer system.

On the lands known as 931 River Road East the Zoning By-Law Amendment further proposes to rezone portions the lands from the Residential Type One (R1) Zone and Environmental Protection (EP) Zone to the Residential Type One - Exception 41 (R1-41) Zone and Environmental Protection (EP) Zone to permit the establishment of a new single-detached dwelling.

The Residential Type One - Exception 41 (R1-41) zone would further establish site-specific zone provisions to permit a reduction to the minimum required lot frontage for a lot served by a public water system and a sanitary sewer system and to reduce the minimum required rear yard setback within the Residential Type One (R1) zone.

Within the proposed Residential Type One – Exception 41 (R1-41) zone the following zone provisions would apply:

That notwithstanding Section 4.3.2 of The Town of Wasaga Beach Comprehensive Zoning Bylaw 2003-60, the minimum required lot frontage shall be 7 metres, whereas 12 metres is required for a lot served by a public water system and a sanitary sewer system.

That notwithstanding Section 4.3.6 of The Town of Wasaga Beach Comprehensive Zoning Bylaw 2003-60, the minimum required rear yard setback be shall be 5 metres, whereas a minimum rear yard setback of 7.6 metres is required.

The Zoning By-Law Amendment would further rezone a portion of the 931 River Road East lands from the Development (D) zone to the Environmental Protection (EP) zone.

WRITTEN AND ORAL SUBMISSIONS: Regard has been had for all written and oral submissions received before the decision was made in relation to this planning matter, as considered in the report on application Z0423 presented to members of Council on Nov 14, 2024.

Appeal

Pursuant to recent changes to the *Planning Act*, any of the following may appeal to the Ontario Land Tribunal (the Tribunal):

1. The applicant.
2. A **specified person** who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.
 - 2.1 A public body that, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.
 - 2.2 The registered owner of any land to which the by-law would apply, if, before the by-law was passed, the owner made oral submissions at a public meeting or written submissions to the council.

3. The Minister of Municipal Affairs and Housing (the Minister).

In accordance with Section 1(1) of the Planning Act, “public body” is defined as, “public body” means a municipality, a local board, a hospital as defined in section 1 of the *Public Hospitals Act*, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation;

In accordance with Section 1(1) of the Planning Act, “**specified person**” is defined as,

(a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,

(b) Ontario Power Generation Inc.,

(c) Hydro One Inc.,

(d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,

(e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,

(f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,

(g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply,

(h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; (“personne précisée”)

(i) NAV Canada,

(j) the owner or operator of an airport as defined in subsection 3 (1) of the *Aeronautics Act* (Canada) if a zoning regulation under section 5.4 of that Act has been made with respect to lands adjacent to or in the vicinity of the airport and if any part of those lands is within the area to which the relevant planning matter would apply,

(k) a licensee or permittee in respect of a site, as those terms are defined in subsection 1 (1) of the *Aggregate Resources Act*, if any part of the site is within 300 metres of any part of the area to which the relevant planning matter would apply,

(l) the holder of an environmental compliance approval to engage in an activity mentioned in subsection 9 (1) of the *Environmental Protection Act* if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the holder of the approval intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act,

(m) a person who has registered an activity on the Environmental Activity and Sector Registry that would, but for being prescribed for the purposes of subsection 20.21 (1) of the *Environmental Protection Act*, require an environmental compliance approval in accordance with subsection 9 (1) of that Act if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the person intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act, or

(n) the owner of any land described in clause (k), (l) or (m);

No person or public body shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal (the Tribunal) there are reasonable grounds to add the person or public body as a party.

WHEN AND HOW TO FILE AN APPEAL

The last date for filing a notice of appeal for the Zoning By-law Amendment, is **Wednesday, December 18, 2024**, the notice of appeal:

- 1) Must be filed with the Clerk of the Municipality,
- 2) Must set out the reasons for the appeal; and
- 3) Must be accompanied by the fee required by the Tribunal.
<https://olt.gov.on.ca/fee-chart/>

DATED at the Town of Wasaga Beach this 27th day of November, 2024.

CLERK, TOWN OF WASAGA BEACH