

## **Zoning By-Law Amendment and Site Plan Control Amendment Application Bear Ridge Campground and Cottages**

An application for zoning by-law amendment has been submitted by EcoVue Consulting Services on behalf of Bear Ridge Campground. The purpose of the application is to amend the provisions of the current Recreational Resort Commercial (RRC\_2-H) zone. The Owners of the Bear Ridge have also agreed to a concurrent amendment to the site plan agreement.

The subject lands are located in Lots 13 and 14, Concession 5, Township of Wollaston and are accessed at 563 The Ridge Road.

### **Background**

In 2015, the Owners of the Bear Ridge Campground and Cottages applied for an amendment to the zoning of their properties to allow for an expansion of the existing campground.

In consultation with Township staff, the Hastings County Planning Department staff, input from the public and discussion at the Council table, zoning by-law 10-15 and site plan agreement by-law 09-15 were passed in March of 2015 to allow for the development.

The County Official Plan and the Township's zoning by-laws allow for tent and trailer parks with a maximum of 50 sites. The site specific zoning by-law included additional provisions that considered Official Plan guidelines that would regulate appropriate development of up to 100 sites.

The provisions included in this by-law were based on recommendations from the County Planning Department. I have attached the report provided in March 2015 for a better understanding of the reasoning behind the provisions of the by-law.

### **Application**

A Planning Justification Report was submitted with this application which describes the reasons for the application to amend. The section entitled "Reasons for proposed amendment" reads in part:

"By-Law 10-15 also included some provisions that appear to be difficult to enforce and that are generally contrary to good planning. While the By-Law achieves the primary objective of permitting the expansion, it also inherently restricts the applicant's ability to properly operate the business."

The amendment application to the RRC-2 zone is requesting two changes to the existing by-law: the removal of Section 1 e) minimum recreational facilities provision and an amendment to the requirements under the Holding symbol.

Below is a detailed description of the proposed amendments to the zoning with consideration of the proposed amendments to the site plan control.

Proposed amendment: to remove Section 1 e).

Section 1 e) reads:

e. Active outdoor recreation

i. minimum recreational facilities

- One existing mooring dock located within 30 metres of the RRC-2 Zone, subject to an agreement with the Township.
- Volleyball, tennis or horseshoe courts.
- Pedestrian or recreational vehicle trails.
- One Swimming pool for tent and trailer parks over 50 sites.

Analysis:

- One existing mooring dock. Staff recognize that it may not have been appropriate to address the dock within the zoning by-law. The dock is not located within the RRC-2 zone. It is located on property on the other side of the street, owned by the municipality. Defining the existing dock as a “minimum” facility does not have the effect of restricting its use or expansion. The structures on and use of the shore lands will be subject to a separate agreement between the Township and the Owners of the Campground. This agreement is a requirement under the holding provisions of the zoning by-law (current and proposed). The proposed amendment to remove this clause does not have any impact on the permissions and permits that are required before any dock expansion would be permitted.
- Volleyball, tennis or horseshoe courts. A volleyball court and four horse shoe pits are in place and are included on the draft site plan. A provision 13 (c) within the draft site plan agreement allows for some flexibility of the types of recreational amenities offered, if the Owners find that their campers are requesting a different type of game or if these courts are not being used to their full potential. A provision for the ongoing maintenance of these facilities is also included within the site plan agreement.

- Pedestrian or recreational trails. Trails are indicated on the draft site plan. A provision for the maintenance of these facilities is included within the site plan agreement.
- One Swimming pool. The swimming pool is an existing facility included on the draft site plan. There is a provision (Section 7) in the site plan requiring the provision and maintenance of this facility. Additionally, provision 13 (c) within the draft site plan agreement ensures that the pool shall remain in working condition and made accessible to the tenants of the campground.

Proposed amendment: to remove Section 5 and replace with amended Holding section.

Section 5 reads:

1. Holding (H) Symbol Provisions
  - a. Prior to Council's removal of the "Holding (H)" symbol from the **RRC-2-H Zone**, the following shall apply:
    - i. Existing uses are permitted.
    - ii. The following information shall be presented to the satisfaction of Council:
      1. A site plan drawn to an accurate scale showing the location of all existing and future buildings, structures, uses, and facilities;
      2. A plan for a safe pedestrian crossing to the waterfront;
      3. Buffering and landscaping features:
        - a. adjacent to off-site residential uses; and,
        - b. naturalization of sites exposed to public view.
      4. Servicing plan approved by the ministry of the Environment and Climate Change.
      5. A land use agreement has been entered into with the Township of Wollaston for the use of an area of shore road allowance.
    - iii. The "H" Holding Symbol shall be removed by by-law after the owner has entered into a Site Plan Agreement with the Township of Wollaston , which agreement shall address all municipal requirements, financial or otherwise, in accordance with Section 41 of the Planning Act, as amended.

Proposed amended Section 5:

1. "Holding (H)" Symbol Provisions
  - a. the "Holding (H)" symbol on the **RRC-2-H Zone** shall be removed by by-law after the following has occurred:

- i. The owner has entered into a Site Plan Agreement with the Township of Wollaston, which shall address all municipal requirements, financial or otherwise, in accordance with Section 41 of the Planning Act, as amended;
- ii. The owner has entered into a land use agreement with the Township regarding the site's waterfront access area that is located on municipally owned land;
- iii. An Environmental Compliance Approval (ECA) has been granted by the Ministry of the Environment and Climate Change for the septic and water servicing.

Analysis:

The proposed amendment would remove the following sections of the Holding symbol:

- i. Existing uses are permitted. This section is redundant. Legal non-compliant and non-conforming uses are permissible under Wollaston's Comprehensive Zoning By-Law.
- ii. The following information shall be presented to the satisfaction of Council:
  1. A plan for safe pedestrian crossing to the waterfront; This plan has been completed and submitted to the Township. Those items that are the responsibility of the Owners have been included in the Site Plan Agreement including pedestrian crossing pavement markings and warning/directional signs within the park and on both sides of the road to advise of the pedestrian crossing.
  2. Buffering and landscaping features:
    - a. adjacent to off-site residential uses; and,
    - b. naturalization of sites exposed to public view.These features have also been defined and included in the Site Plan Agreement. The cabins, trailer sites and uses that were existing at the date of the passing of by-law 10-15 will maintain their existing side yard setback. The new development requires tent and trailer sites be setback 15 metre from the side and rear yard. Details of the landscape buffering around the property at 569 The Ridge Road and behind the existing cabins has been included.

## Staff Report

The Owners have agreed to an amendment to the existing site plan agreement and mapping concurrently with the zoning by-law amendment. These two documents are being presented together and should be considered jointly. Staff do not recommend approving any amendment to the zoning by-law without concurrent changes to the site plan agreement and mapping. As detailed above, any changes to the zoning by-law will be addressed in the site plan agreement.

This amendment is an opportunity to make the site plan more relevant, detailed and enforceable. The site plan is a document submitted by the Owners indicating the existing and proposed facilities and a signed agreement promising their maintenance. The site plan agreement is a more appropriate planning document in which to include these types of control.

I have included some additional information on the intentions and authority of Section 41 (site plan control) in comparison to Section 34 (zoning by-law) of the Planning Act. In general, a **zoning by-law** controls the use of land. It states how land may be used, generally where buildings and other structures can be located (setbacks), the types of buildings that are permitted and how they may be used, lot sizes and dimensions, parking requirements, building heights and setbacks from the street. In contrast, **site plan control** is a tool that is used to make sure a specific development is designed appropriately, safely, and to minimize potential impacts on neighbouring properties. Site Plans can identify the exact location of buildings, landscaping, traffic and pedestrian access, drainage, parking lot layouts and provide for the maintenance of these aspects of the development.

The important change to consider is in relation to the Swimming Pool.

The swimming pool is currently a requirement to allow for the development of the park over 50 sites; which is the maximum number of sites permitted by the official plan and the zoning by-law.

The County Official Plan does not specify a swimming pool requirement. It states: “adequate provision for recreational facilities shall be made in any new tent and trailer park or major expansion of an existing one. These may be beaches, swimming pools, tennis courts, major open space areas or a combination of these and/or similar features. A tent and trailer park located in the Waterfront area shall provide a waterfront park adequate to meet the needs of the proposed number of campsites but shall generally provide not less than 2 metres of waterfront for each site.” Within the Recreational Resort Commercial zone, for Tent and Trailer parks, our Zoning By-Law also requires

minimum “Usable Waterfront” of 2 m/site. The Campground owns 98 metres (322 feet) of land adjacent to the shore of Wollaston Lake. The main beach area is 76.8 metres.

In developing the zoning provisions and the site plan, Council considered an exception to the requirement of 2m of usable waterfront per site if other recreational facilities were made available. The requirement of a swimming pool was included to offer an alternative to the beach area.

The Owners have provided a Recreational Capacity Study, completed by a third party consultant, to better inform Council in determining the requirement for “adequate” recreational facilities, including the type of facilities that are provided by the Campground and the trends of recreational facilities in Campground establishments. This study comments on the impact of swimming on the Lake and the capacity of the waterfront area.

The Study concludes that the recreational amenities currently offered within the Bear Ridge Campground “significantly exceed what is typically provided for a campground”. The study also showed that although there is a strong interest in an on-site swimming-pool...[the pool] would not likely reduce the use of the beach significantly. This study identified other recreational facilities and programs that would be desirable and utilized by the campers.

The Site Plan Agreement presented does recognize some flexibility for the Owner’s in the types of adequate recreational facilities provided. A major change to the Site Plan Agreement or mapping would require an amendment to the Agreement, which would require a by-law revision approved by Council.

#### Staff recommendation

At this time, staff is seeking feedback and requests for clarification and changes to the Site Plan Agreement from Council. Staff will discuss these changes with the Owners and provide this document to the Township’s legal counsel for review. The expectation is that the executed revised documents will be presented at the May 22, 2018 Council meeting.

Attached to this report is the draft zoning by-law amendment, which includes all of the changes requested by the Bear Ridge, and the draft site plan agreement and mapping schedule.