



**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA  
By-law No. 3491-2020**

**BEING A BY-LAW TO AMEND BY-LAW No. 2965**

**PART A – Section 34 – *Planning Act***

**WHEREAS** pursuant to the provisions of the Planning Act, RSO 1990, c. 13, Section 34, the Council of a Municipality may enact by-laws regulating the use of lands and the erection of buildings and structures thereon;

**AND WHEREAS** the Council of the Corporation of the Township of Augusta intends to amend the zoning by-law to permit the establishment of a rural destination property through the creation of a new Rural Destination (RUD) Zone in the comprehensive section by-law;

**NOW THEREFORE**, the Council of the Corporation of the Township of Augusta enacts as follows:

- 1. That By-law 2965 (2012) is hereby amended by adding the following new section to the By-law:**

**7.21 RURAL DESTINATION (RUD) ZONE**

No person shall use any land or erect, alter or use any building or structure in the "Rural Destination (RUD)" Zone except in accordance with the following provisions of this Section and any other relevant Sections in this By-law.

7.21.1 Permitted Uses

7.21.1 – RUD Permitted Uses	
Commercial Uses – Main Uses	Accessory Uses, Buildings and Structures
<ul style="list-style-type: none"> <li>• Agricultural Use for Local Food Production</li> <li>• Condo Hotel</li> <li>• Condominium</li> <li>• Conference Centre</li> <li>• Hotel</li> <li>• Restaurant</li> <li>• Water Park</li> <li>• Cottages</li> <li>• Recreational Vehicle Park</li> <li>• Villas</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory Dwelling</li> <li>• Accessory use, building or structure (see 6.1)</li> <li>• Clinic</li> <li>• Community Garden</li> <li>• Cycling Rest Stop</li> <li>• Day Nursery Service</li> <li>• Fence (see 6.14)</li> <li>• Fitness Centre</li> <li>• Green Roof</li> <li>• Health Retreat</li> <li>• Landscaped Open Space (see 6.22)</li> <li>• Laundromat</li> <li>• Library</li> <li>• Loading/Delivery Space (see 6.24)</li> <li>• Miniature Golf Course</li> <li>• Open Space</li> <li>• Outdoor Recreation Uses</li> <li>• Park</li> <li>• Parking Area</li> <li>• Parking Garage</li> <li>• Personal Service use</li> <li>• Playground</li> <li>• Public Use (see 6.37)</li> <li>• Recreational Commercial Establishment</li> <li>• Renewable Energy System</li> <li>• Retail Store</li> <li>• Sign (see 6.41)</li> <li>• Storage Container (see 6.43)</li> <li>• Waste Management Facilities</li> <li>• Youth Activity Area</li> </ul>

For the purposes of the "Rural Destination" (RUD) Zone, the following definitions shall apply:

- a. **Agricultural Use for Local Food Production** means the growing, cultivating, processing and/or production of fruit and vegetable crops, apiaries and small animals for on-site or local use and includes greenhouse and hydroponic facilities, vertical farming, and fish farming. Small scale farm uses that align with the tourist operations or the provision of foods for the hotel and/or tourist commercial uses shall also be permitted.
- b. **Condo Hotel** means a hotel in the "Rural Destination" (RUD) zone that is divided into individual units under the *Condominium Act* to facilitate ownership of individual suites or units.
- c. **Conference Centre** means part of a building that is designed to host conventions, trade shows, exhibits, assemblies, meetings and similar events, and may include large and small halls and meeting rooms. Services associated with meetings and events, such as catering, meal service, bar service and related accessory uses and -services shall also be permitted.
- d. **Cottage** means an alternative form of housing that supports seasonal or year-round accommodation, is self-sufficient in terms of servicing or connected to the larger servicing infrastructure, and includes a minimum gross floor area of 27.9 m<sup>2</sup> (300 ft.<sup>2</sup>). This definition does not include a Mobile Home as defined in the Zoning By-Law.
- e. **Cycling Rest Stop** means a facility that provides temporary accommodation, storage, cycle repairs and similar services catering to a travelling cyclist.
- f. **Day Nursery Service** means a facility that provides temporary care services for the children of visitors or staff.
- g. **Fitness Centre** means a facility which provides recreational or health related activities including but not limited to weight training and exercise classes and may include associated facilities and services such as a lounge, washrooms, showers, and saunas, an administrative office and an accessory retail sales outlet for fitness-related attire, equipment and dietary supplements.
- h. **Flag Lot** means a lot with two distinct parts: a) the flag, which is the only area to be used for the building envelope, and is located behind another lot; and b) the pole, which connects the flag to a public street and provides the only lot frontage for the lot. The pole and the flag are to be registered as one lot only.
- i. **Green Roof** means a roof of a building where part of or the entire surface of the roof is intentionally covered with vegetative material.
- j. **Health Retreat** means a building or part of a building where health, wellness, and medical services and facilities are provided including but not be limited to therapeutic massage, aesthetician, health and food counselling, *fitness centre*, spa, personal training centre, medical practitioner and accessory retail product sales and services. A Health Retreat may also be used to provide medical treatment services and facilities and provide accommodation in the event of an emergency.

- k. **Outdoor Recreation Uses** means facilities such as recreational and fitness trails, comfort stations designed for passive leisure and fitness activities and nature appreciation.
- l. **Personal Service Use** means part of a building where a service is performed for the personal grooming and personal effects or clothing of the consumer, including: hair styling salon; barber shop; beautician; manicurist; tailor; spa; tanning salon; shoe repair shop; dry cleaning outlet; massage therapy service; and similar uses. The sale of accessory merchandise products and services shall be permitted.
- m. **Recreational Commercial Establishment** means an establishment, premises, or building where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, sports field, concert, outdoor theatre or movie venue, off-road and recreation trails, golf courses and mini-putt, driving ranges, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasium, band shell or open theatre, place of amusement and other similar uses but does not include a casino or bingo hall.
- n. **Restaurant** means part of a building where food is prepared and offered for sale to the public and includes a full service restaurant, take-out restaurant, sports bar, outdoor café, snack bar, dining hall or coffee shop within or accessory to the **water park**.
- o. **Retail Store** means part of a building in which goods, wares, merchandise, substances or articles are offered or kept for sale.
- p. **Villa** means a self-contained unit that includes up to five (5) bedrooms and common kitchen facilities, which can be rented or leased for short or long periods of time. A villa can be a free-standing unit, or can be linked, stacked or connected together with up to eight (8) villas.
- q. **Water Park** means a use, building or part of a building or indoor or outdoor area for use by the general public that includes water play areas, swimming pools, slides, splash pads, spray grounds, lazy rivers or similar recreational bathing, leisure, swimming or water-related activities. This definition shall include associated facilities and services such as change rooms, showers, hot tubs, saunas, indoor or outdoor spectator seating areas, picnic areas and associated retail sales and services.
- r. **Youth Activity Area** means part of a building where recreation and leisure activities geared to children and youth are provided, and may include facilities and services including but not limited to gym facilities, trampoline park, wall climbing, arcade games, billiards, basketball and other sports courts, arts and crafts, music and theatre arts, library, computer and internet services, and similar activities and events.

### 7.21.3 Zone Requirements

The following zone requirements shall apply to any permitted commercial use, accessory use, building or structure:

<b>7.21.3 – RUD Zone Requirements</b>		
	<b>Commercial Use</b>	<b>Accessory Use, Building or Structure</b>
Minimum Lot Area	8 ha [20 acres]	n/a
Minimum Lot Frontage:	46 m [150.9 ft.]	n/a
Minimum Lot Frontage for a Flag Lot:	15 m [49.2 ft.]	n/a
Minimum Front Yard	10 m [32.8 ft.]	same as main use
Minimum Rear Yard	10 m [32.8 ft.]	same as main use
Minimum Interior Side Yard	10 m [32.8 ft.]	same as main use
Minimum Exterior Side Yard	10 m [32.8 ft.]	same as main use
Maximum Height 1. Main Building 2. Accessory Building(s) 3. Water Park Structure	1. 45 m [148 ft.] or 6 Storeys 2. 25 m [82.0 ft.] 3. 30 m [98.4 ft.]	
Maximum Lot Coverage	50%	10% included in total
Minimum Setback from any Intake Protection Zone for a Municipal Water Supply	30 m [98.4 ft.]	
Minimum Setback of a sign, land use or building from a Provincial Highway	Subject to the Ministry of Transportation (MTO) approval under the <i>Public Transportation and Highway Improvement Act</i> .	
Minimum Setback of any building, structure or parking area from the boundary of a provincially significant or other wetland	30 m [98.4 ft.]	
Minimum Setback of any building, structure or parking area from the bank or high water mark of a creek or waterbody including but not limited to Bradley's Creek	30 m [98.4 ft.]	

**7.21.4 Parking and Loading Space Requirements**

1. The following parking and loading space provisions shall apply to any permitted use in the RUD Zone:

<b>7.21.4 Parking Requirements</b>				
	Item	Parking Space Dimensions		Minimum Number Parking Spaces
		Width	Length	
1	Standard Parking Spaces	2.7 m [8.8 ft.]	5.5 m [19.6 ft.]	1. Hotel – 100 spaces 2. Restaurant – 78 spaces 3. Conference Centre - 121 spaces 4. Miniature Golf - 26 spaces 5. Water Park - 368 spaces 6. Kennel - 2 spaces 7. Outdoor Spa - 145 spaces 8. Indoor Spa - 24 spaces 9. Cottage - 1 space per unit 10. Villa 1 space per unit
2	Barrier Free Parking Spaces	3.4 m [11.1 ft.]	5.5 m [19.6 ft.]	3% of the required number of standard parking spaces, minimum 10 spaces shall be added to the total number of standard parking spaces
3	Buses, Recreational Vehicles, Transport Trailer Service Vehicles	4 m [13.1 ft.]	14 m [45.9 ft.]	6 bus spaces shall be added to the total number of standard parking spaces
4	Bicycles	0.6 m	1.8 m	1 bicycle parking space/500 m <sup>2</sup> [5,382 ft. <sup>2</sup> ] Gross Floor Area (GFA)
5	Loading Spaces (required for commercial and resort uses)	4 m	14 m	< 250 m <sup>2</sup> [2,691 ft. <sup>2</sup> ] GFA – 0 loading spaces 250 m <sup>2</sup> [2,691 ft. <sup>2</sup> ] – 1,000 m <sup>2</sup> [10,764 ft. <sup>2</sup> ] GFA – 1 loading space 1,000 m <sup>2</sup> [10,764 ft. <sup>2</sup> ] – 7,500 m <sup>2</sup> [80,732 ft. <sup>2</sup> ] GFA – 2 loading spaces 1 loading space for each additional 7,500 m <sup>2</sup> [80,732 ft. <sup>2</sup> ] GFA, to a maximum of 5 loading spaces on the site

**2. Additional Parking and Loading Space Requirements**

The following additional parking space requirements shall apply:

1. Every standard or barrier-free parking space shall be accessible from a parking aisle having a minimum aisle width of 6 m [19.6 ft.] and every bus parking space shall be accessible from a parking aisle having a minimum aisle width of 8 m [16.2 ft.].
2. All parking spaces shall be identified through pavement markings or conventional signage to indicate their intended use including but not limited to barrier free spaces, parking for buses, RV's, transports, service vehicles, employee parking, etc.
3. Barrier free parking shall be provided within 50 m of every major entry point to a building or facility intended for general public use including water park entrances.
4. Bicycle parking spaces shall be located within 30 m of the main entrance to any hotel or water park facility or alternative internal bicycle storage lockers are provided.
5. Up to 15% of any designated parking area excluding parking designated as barrier free may be occupied on a temporary basis not exceeding seven calendar days for an exterior trade show, exhibit or special event.

6. Up to 10% of any designated parking area excluding parking designated as barrier free may be occupied for snow storage.
7. Minimum loading/delivery space height clearance 4.25 m [13.9 ft.]
8. Minimum loading/delivery space width 3.75 m [12.3 ft.]
9. Minimum loading/delivery space length 10 m [32.8 ft.]

#### 7.21.5 Additional Zone Provisions

##### 1. **Water and Sewage Disposal Systems**

No person shall erect or use in whole or in part, any building or structure unless the use, building or structure is properly connected to approved water and sewage systems under the *Ontario Water Resources Act* or the *Building Code Act*, whichever applies unless the use is exempted under the *Building Code Act* or prohibited by this By-law. The cumulative water demand and sewage disposal quantity for any and all development in the "Rural Destination" (RUD) zone shall not exceed the carrying capacity of the property, as determined through a hydrogeological study and terrain assessment or through the provision of a municipal water and sewage system with residual capacity.

##### 2. **Access and Parking Aisles**

No access aisle leading to an entrance from Merwin Lane or providing access to a parking aisle shall have a width of less than 12 m [39.3 ft.]. All access aisles shall be designed for two-way traffic flows. Any turnaround designed for access by an emergency vehicle shall be required to meet a minimum turning radius of 12.2 m [40 ft.] or the minimum required by the *Ontario Building Code*.

##### 3. **Entrances**

The minimum width of an entrance from a public road shall be 5 m [16.4 ft.] for one-way traffic and 9 m [29.5 ft.] for two-way traffic. The maximum width of an entrance from a public road shall be 9 m [29.5 ft.] for one-way traffic and 15 m [49.2 ft.] for two-way traffic.

##### 4. **Accessory Uses, Buildings and Structures**

This by-law shall not be deemed to limit the number of accessory uses, buildings and structures associated with the water park facility provided that all the applicable setback requirements of this by-law are met and provided there is a demonstrated capacity for water and sewage services in compliance with Section 7.21.5.1 of this By-law.

##### 5. **Flag Lot**

The following standards shall apply to flag lots:

- (a) The flag part of the lot shall contain a lot area at least equal to the minimum required lot area of the Zone in which the flag lot is located. The area of the pole shall not be included in the calculations of the required minimum lot area.
- (b) No part of the pole or access strip shall be granted or created by way of a right-of-way, or easement.
- (c) The minimum lot frontage at the street line, and the minimum continuous width along the pole or access strip from the street line to the flag shall be 20 m [66 feet].
- (d) The minimum width of the flag shall be equal to the minimum lot frontage of the zone in which the flag lot is located.
- (e) The front yard for the flag shall be measured at the point where the pole meets the flag.
- (f) The pole or access strip shall be suitable for the construction of an access driveway designed to provide continuous access from the public street to the flag and building envelope.

- (g) A flag lot shall not be further subdivided.
- (h) Any flag lot shall meet all other applicable zone standards.

## 7.22 ENVIRONMENTAL PROTECTION (EP) ZONE

No person shall use any land or erect, alter or use any building or structure in the "Environmental Protection EP" Zone except in accordance with the following provisions of this Section and any other relevant Sections in this By-law.

### 7.22.1 Permitted Uses

7.22.1 - EP Permitted Uses	
Main Uses	Accessory Uses, Structures
<ul style="list-style-type: none"> <li>• Conservation Use excluding buildings</li> <li>• Outdoor Recreation Use excluding buildings</li> <li>• Stormwater Management Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory structure such as a directional sign, comfort station, information kiosk</li> </ul>

### 7.22.2 Zone Requirements

The following zone requirements shall apply to any permitted use, accessory use, or structure:

1. The placement of any structure, stormwater facility, drainage or erosion control structure shall be subject to approval by the South Nation Conservation Authority or Ministry of the Environment, Conservation and Parks, whoever has jurisdiction.
2. That Schedule 'H' to By-law 2965 (2012) is hereby amended for certain lands, legally described as Concession 1, West Part of Lot 6, Lot 7 E, Lot 8 of the Township of Augusta and that part of the said lands shall be zoned Rural Destination (RUD) Zone as shown in PART C to this by-law.
3. That Schedule 'H' to By-law 2965 (2012) is hereby amended for certain lands, legally described as Concession 1, West Part of Lot 6, Lot 7 E, Lot 8 of the Township of Augusta and that part of the said lands shall be Zoned Environmental Protection (EP) Zone as shown in PART C to this by-law.
4. That Schedule 'H' to By-law 2965 (2012) is further amended by changing the lands zoned PSW to Environmental Protection (EP) Zone.
5. That the zone boundaries of the Rural Destination (RUD) Zone are shown on Schedule "A" to this by-law which zone boundaries and map are hereby declared to form part of this by-law.
6. That the zone boundaries of the Environmental Protection (EP) Zone are shown on Schedule "C" to this by-law which zone boundaries and map are hereby declared to form part of this by-law.
7. That By-law 3449-2019 passed by the Council of the Township of Augusta on December 2, 2019 is hereby repealed in its entirety.



## **PART B – SECTION 36 – PLANNING ACT**

**WHEREAS** pursuant to the provisions of the *Planning Act*, RSO 1990, c. 13, Section 36, the Council of a Municipality may enact the use of a Holding zone (h) for any by-law passed under Section 34 and may specify the use to which lands, buildings or structures may be at such time in the future as the holding symbol is removed by amendment to the By-law;


**AND WHEREAS** the Council of the Corporation of the Township of Augusta intends to amend the Zoning By-law to permit the expansion of the water park resort and make provision for additional uses;

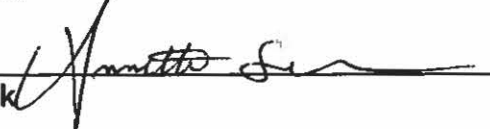
**NOW THEREFORE**, the Council of the Corporation of the Township of Augusta enacts as follows:

1. That lands shown on the Schedule A, of this by-law as Rural Destination – Holding Zone (RUD-h) may be used for the uses described in the Rural Destination (RUD) zone provided that any or all conditions for the lifting of the Holding symbol as set out in Section 9.4.6 of the Official Plan are met and more specifically, that adequate provision is made for water, sanitary sewage and stormwater management services are met for the proposed use(s).
2. That all applicable zone regulations in the Rural Destination (RUD) Zone shall apply to any development or redevelopment upon the lifting of the 'h' symbol.

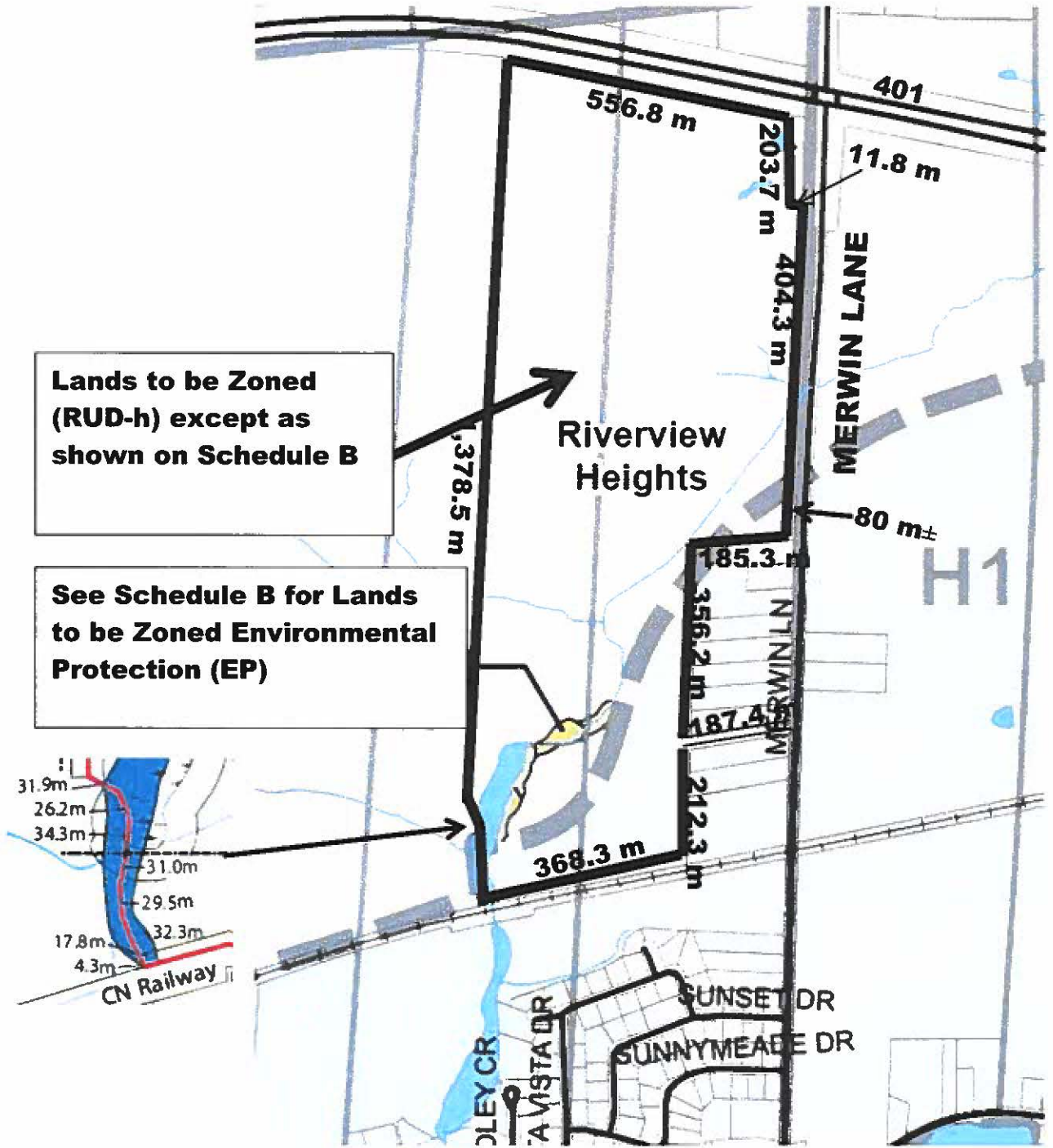
**Read a first time this 16 of September, 2020.**

**Read a second and third time and finally passed this 16 of September, 2020.**

  
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Mayor

  
\_\_\_\_\_  
Clerk

# PART C – SCHEDULES



Schedule A to By-law # 3491 - 2020

**Lands to be Zoned Environmental Protection (EP)**



**Schedule B to By-law #** 3491-2020