



REPORT

Development Services

TO: Mayor and Members of Council

FROM: James Griffin, Planner

DATE: July 6, 2022

REPORT: DS-114-2022 - FOR DECISION

SUBJECT: Rezoning Application

File Nos. Z19-22

OWNER: The Corporation of the County of Prince Edward

LOCATION: 1 Head Street, Ward of Picton

EXECUTIVE SUMMARY:

The purpose of the application is to zone lands owned by The Corporation of the County of Prince Edward, located at 1 Head Street, described as Part Lot 1025, 1076 Plan 24 Part 1 47R5921, Part 1 47R2099 except Part 2 47R5921, in the Ward of Picton, (see **Attachment 1**) in the County of Prince Edward.

The subject lands are currently zoned the *Open Space (OS) Zone*. Through the approval of Zoning File No. **Z19-22**, the lands are requested to be rezoned to the *Special Open Space (OS-36) Zone* to permit Marina and Accessory uses.

A staff review, including review of all comments received from the public bodies and the general public, confirmed that the proposed applications conform to all applicable local and provincial policies.

RECOMMENDATION:

1. **THAT** report DS-114-2022 of Development Services dated July 6, 2022 regarding Rezoning File No. Z19-22 be received for information;
2. **THAT** Zoning By-law Amendment File No. Z19-22 for lands described as Part Lot 1025, 1076 Plan 24 Part 1 47R5921, Part 1 47R2099 except Part 2 47R5921, in the Ward of Picton, be approved.

ANALYSIS:

The purpose of this report is to provide information on the proposed Rezoning Applications and any comments received to date.

Background

The subject lands are located at 1 Head Street in Picton. The lands are known as the Prince Edward County Harbour and Marina. On September 22, 2020, Prince Edward County Council approved a draft sub-lease allowing Tenacity Capital to operate the Picton Marina.

The subject lands are currently zoned Open Space (OS), which does not permit a Marina as of right. As such, the proposed zoning by-law amendment proposes to rezone the property to permit a Marina as defined in the Zoning By-law.

The proposal from Tenacity, originally requested that a mobile restaurant be a permitted use as of right to support the marina operations. However, during consultation with By-law Staff, it was noted that an amendment to By-law No. 1778-2006 (By-law to Regulate, Govern and License Mobile Canteen, Food Trucks and Other Refreshment Vehicles (Food Truck By-law), would also be required as it does not permit mobile restaurants within the Open Space Zone.

After further consultation with Staff from the Community Services, Programs and Initiatives Department, it was noted that they are conducting a full review of the Food Truck By-law. It is understood that part of the review is considering that Food Trucks being permitted in the Open Space (OS) Zone. As such, it would not be appropriate to not amend the licensing by-law at this time. However, In the Winter of 2021 a similar Temporary Use by-law was passed by Council for Wellington Beach.

Through, *Ontario Bill 13, Supporting People and Businesses Act, 2021*, the *Planning Act* was amended to permit Temporary Use By-laws to be delegated to Municipal Staff for approval. As such, Planning Staff have will process the Temporary Use By-law application for a Mobile Restaurant on the subject lands through delegated authority.

The following table summarizes key information related to the application:

Zoning By-law Amendment Z19-22	
Civic Address	1 Head Street
Legal Description	Part Lot 1025, 1076 Plan 24 Part 1 47R5921, Part 1 47R2099 except Part 2 47R5921, Ward of Wellington
Secondary Plan Designation	Park and Open Space Area
Existing Zoning	Open Space (OS) Zone
Proposed Zoning	Special Open Space (OS-35) Zone to permit a Marina and to allow for mobile restaurants for a period of two (2) years.

Planning Act

The Application for a Zoning By-law Amendment was deemed complete by staff. The proposed applications satisfy criteria of Section 34 of the Planning Act.

Provincial Policy Statement

Public Spaces, Recreation, Parks, Trails and Open Space

The PPS states that healthy, active communities should be promoted by planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources (PPS Section 1.5.1)

The proposed zoning by-law amendment promotes providing a full range of public facilities, by encouraging the added use of the existing parkland and public space within the Town of Picton.

Natural Heritage

The PPS states that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features (PPS Section 2.1.2.).

The Prince Edward County Harbour and Marina serves a natural heritage feature and is also a recreational space for The County. It is important to note that there are existing drive surfaces at the beach that can support the operation of a food truck without impacting the natural heritage features of the site. Similarly, the docking facilities in associated with the marina are in place and are not proposed to be expanded.

Picton Hallowell Urban Secondary Plan

The Picton Hallowell Urban Secondary Plan designates the subject lands Park and Open Space on Schedule A: Secondary Plan Land Use Map.

A guiding policy of the Park and Open Space designation is to ensure that park and open space development conserves and enhances the role of these lands for recreational, cultural, and leisure pursuits (Section 2.9.2). The proposed Marina, and accessory uses will enhance the role of the existing park as a place for the community to enjoy recreational, cultural and leisure activities.

The subject lands are within the Picton Harbour Special Policy Area as outlined on Schedule C: Policy Areas. A guiding policy for the Picton Harbour is that all development at the waterfront contributes to the viability and vibrancy of the Harbour for both residents and visitors (Section 2.12.2.2). The proposed zoning by-law amendment to formalize the marina and to include a food truck will enhance the underutilized site and encourage the use of the area by both residents and visitors.

The proposed zoning by-law amendment is consistent with the Picton Hallowell Urban Secondary Plan.

Implementation

The subject lands are currently zoned the *Open Space (OS) Zone*. Through the approval of Zoning File No. **Z19-22**, the lands are requested to be rezoned to the *Special Open Space (OS-36) Zone* to permit Marina, and Accessory uses. The

accessory uses could include a small canteen facility, refreshment pavilion within the existing building and fueling facilities and marine sales and services.

As the lands are within the Open Space (OS) Zone, a public park is a permitted use. An activity typical within a public park are single day 'pop up' markets in which there are vendors selling goods within the green space. Tenacity, has expressed interest in operating an activity such as this, it should be noted that, it is currently permitted as of right and will continue to be permitted.

OTHER OPTIONS CONSIDERED:

None identified for the recommendations of this report.

CONSULTATION TO DATE:

Development Services Staff consulted with the applicants.

Statutory Notice:

- Ad in the County Weekly News, Wellington Times and Picton Gazette
- All prescribed bodies

Supplementary Notice:

- Notice of Public Meeting mailed to land owners within 120 meters of the subject property
- Sign posted on property
- Posted on thecounty.ca

Departments, Agencies and Staff Circulated

- ***Development Services; Engineering Division*** - No objection
- ***Michael Branscombe, Fire Prevention Officer*** - No objection.
- ***Adam Goheen, Director of Operations*** - No objection
- ***Emily Cowan, Director of Community Services, Programs and Initiatives*** - No objection.

FINANCIAL CONSIDERATIONS:

There is no financial impact related to the recommendations of this report as the applicants have paid the fees associated with the Consent and Rezoning Application.

RISKS:

RISK DESCRIPTION	RISK TYPE	PROPOSED MITIGATION
Further Development of the Marina (i.e. Boat Slips)	Environment	Should Tenacity want to expand the number of boat slips currently at the Marina, a permit from Quinte Conservation would be required to review the ecological impact.

RELEVANT POLICY/BY-LAW:

Provincial Policy Statement, 2020

County of Prince Edward Comprehensive Zoning By-Law 1816-2006

County of Prince Edward Official Plan (2021)

CORPORATE STRATEGIC PRIORITY ALIGNMENT:

6. *Livable Community* – *Foster an affordable, healthy, livable community for all*

The proposed application aligns with this strategic priority as it will add to the public space to be used by residents and visitors alike

COMMUNICATIONS:

A notice of decision will be mailed to the applicants notifying them of the decision of Council in regards to their application. A notice of decision will be given to building services.

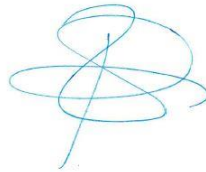
ATTACHMENTS:

1. Key Map
2. Draft By-law

Authorizing signatures:

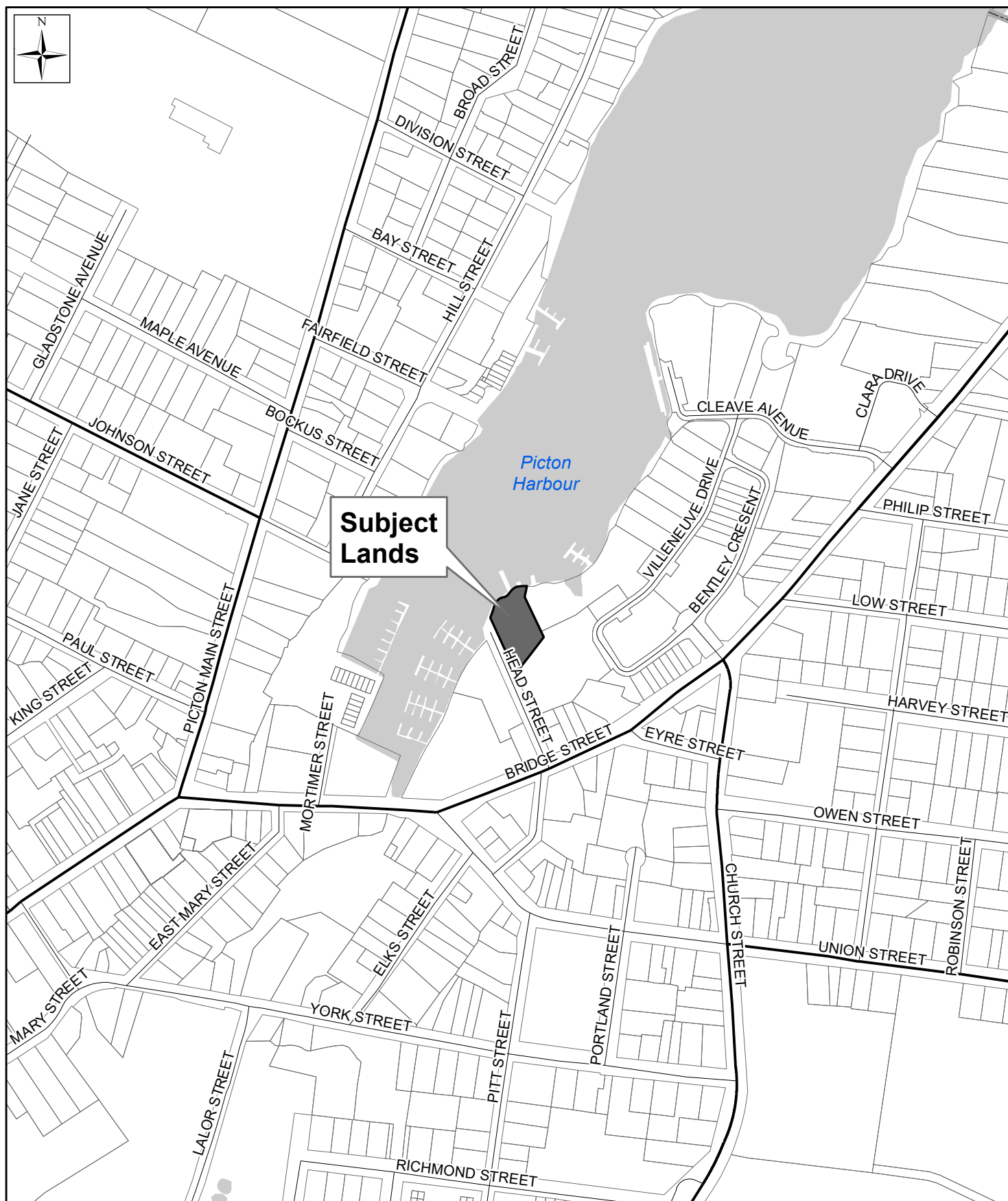
Prepared by: James Griffin, MCIP, RPP June 20, 2022
Intermediate Planner

Reviewed by: Michael Michaud, MCIP, RPP. June 21, 2022
Manager of Planning



Director Approval: Peter Moyer, P.Eng. June 28, 2022
Director of Development Services

KEY MAP File No. Z19-22



**THE CORPORATION OF THE COUNTY OF PRINCE EDWARD
BY-LAW NO. XX-2022**

**A BY-LAW TO AMEND COUNTY COMPREHENSIVE ZONING BY-LAW
NO. 1816-2006, AS AMENDED**

(PEC Harbour and Marina - The Corporation of the County of Prince Edward- Z19-22)

WHEREAS By-law No. 1816-2006, as amended, is the Comprehensive Zoning By-law governing the lands located within the County of Prince Edward in the Ward of **Picton**.

AND WHEREAS the Council of The Corporation of the County of Prince Edward, having received and reviewed an application to amend By-law No. 1816-2006 for the lands located at 1 Head Street, described as Part Lot 1025, 1076 Plan 24 Part 1 47R5921, Part 1 47R2099 except Part 2 47R5921; in the Ward of Picton in the County of Prince Edward, is in agreement with the proposed changes;

AND WHEREAS authority is granted under Section 34 of the *Planning Act, R.S.O. 1990, c.P.13*, as amended;

NOW THEREFORE the Council of The Corporation of the County of Prince Edward enacts as follows:

1. **THAT** By-Law No. 1816-2006 as amended, is hereby amended by the addition of the following to subsection 30.5 of Section 30 entitled "Open Space (OS) Zones" immediately after item 8.35. thereof;

"30.5.36 OS-36 Zone (Part Lot 1025, 1076 Plan 24 Part 1 47R5921, Part 1 47R2099 except Part 2 47R5921 in the Ward of Picton)

Notwithstanding any provisions of the By-law to the contrary, within the OS-36 Zone, the following provisions shall apply:

- i. In addition to the uses normally permitted in the Open Space (OS) Zone, the following uses shall be permitted:

- Marina and accessory uses including storage, fueling facilities, canteen, and marine sales and service

2. **THAT Schedule "A1-EAST"** for the Ward of **Picton** to By-law No. 1816- 2006, as amended, is hereby amended by changing the zone category thereon from the *Open Space (OS) Zone* the *Special Open Space (OS-36) Zone*, in accordance with Schedule "1" attached hereto.

Read a first, second and third time and finally passed this 12th day of July, 2022.

Catalina Blumenberg, **Clerk**

Steve Ferguson, **Mayor**

KEY MAP File No. Z19-22

