THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

BY-LAW NO. _____

A BY-LAW TO AMEND COUNTY COMPREHENSIVE ZONING BY-LAW

NO. 1816-2006, AS AMENDED

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 North Marysburgh;

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 described as Part of Lot 48, Concession Bayside, Ward of North Marysburgh, in the County of Prince Edward, is in agreement with the proposed changes;

AND WHEREAS authority 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 Schedule "A8**" for the Ward of North Marysburgh to By-law No. 1816-2006, as amended, is hereby amended by changing the zone category thereon from the *Rural 1 (RU1) Zone* to the TC-XX *Special Tourist Commercial' Zone* and from the *Environmental Protection (EP) Zone* to the EP-XX *Special Environmental Protection Zone* in accordance with Schedule '1' attached hereto.

2. **THAT** Schedule '1' attached hereto forms part of this by-law.

3. **THAT** By-law 1816-2006, as amended, is hereby amended by the addition of the following subsection 5 of Section 22 entitled "Special Tourist Commercial (TC) Zones" to be numerically placed in the next available Section:

   22.5.XX TC-XX Zone (Part of Lot 48, Concession Bayside, Ward of North Marysburgh)

   Notwithstanding any provision of this By-law to the contrary, within the lands zoned TC-XX the following special provisions shall apply:

   i. The permitted uses shall be limited to the following:
      a. A Resort Establishment;
      b. A Hotel;
      c. A Spa and café;
      d. An Assembly Hall;
      e. A Small-Scale Special Event venue;

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f. Conservation uses;
g. Uses that are normally incidental, subordinate and accessory to the main permitted uses.

ii. For the purposes of this By-law, a 'Resort Establishment' shall mean: "an establishment that operates throughout all or part of the year, that includes guest accommodation in the form of 19 Tourist Cabins and 12 Motel rooms, has facilities for serving meals including indoor/outdoor dining facilities, and may include facilities such as conference facilities and meeting rooms and swimming pools, saunas, spas, tennis courts and other similar recreational activities, but shall not include a golf course."

iii. For the purposes of this By-law, a 'Spa' shall mean: "a premise open to the general public which provides facilities for wellness, fitness, relaxation, and contemplation, which services may include, but is not limited to: massage therapy, swimming pools (indoor or outdoor), saunas or steam rooms, personal services related to grooming, and fitness and recreation."

iv. Notwithstanding any provisions to the contrary, the following zone provisions shall specifically apply to the resort establishment and spa uses:
   a. The maximum gross floor area shall be:
      i. For the Tourist Cabins: 120 sq. m per cabin (1292 sq. ft)
      ii. For the Motel rooms: 35 sq. m per room (377 sq. ft)
      iii. For the Spa: 90 sq. m (970 sq. ft)
      iv. For the Assembly Hall: 200 sq. m (2,153 sq. ft)
   b. The maximum number of guests at an event in the Assembly Hall or Special Event Venue shall be 100 persons;
   c. The minimum parking shall be calculated based on the following table:

Use	Required Parking Spaces
Tourist Cabin or Motel room	1 space per bedroom
Assembly Hall	1 space for every 9 sq. m (96.87 sq. ft) of gross floor area or portion thereof
Special Event Venue	No additional parking is required
Spa	No additional parking is required

v. No development shall be permitted below the flood line or within 30 m (98.4 ft) of the high water mark whichever is greater, with the exception of removable decks and floating docks.

vi. Development shall be set back a minimum distance of 15 m (49.2 ft) from the crest of the inland slope, and a minimum distance of 26 metres from the crest of the steep slope bordering the bay.

vii. The requirements of Section 41 of the Planning Act, R.S.O., 1990, c.P. 13, as amended, relating to Site Plan Control shall apply to the lands zoned TC-XX.

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viii. All other provisions of the TC Zone and By-law No. 1816-2006, as amended, shall apply to the lands zoned TC-XX.

4. **THAT** By-law 1816-2006, as amended, is hereby amended by the addition of the following subsection (XX) within Section 31.5 entitled "Special Environmental Protection (EP) Zones to be numerically placed in the next available Section:

   "31.5.XX EP-XX Zone (Part of Lot 48, Concession Bayside, Ward of North Marysburgh)

   Notwithstanding the provisions of this By-law to the contrary, within the EP-XX Zone, the following special provisions shall apply:

   i. In addition to the uses normally permitted in the EP Zone, the following uses shall be permitted:
      a. Trails;
      b. Structures such as observation platforms and decks that are located outside of the erosion hazard limit, and that have been approved by the Conservation Authority and the County;

   All other provisions of the EP-Zone and By-law No. 1816-2006, as amended, shall apply to the lands zoned EP-XX.

5. **THAT** this by-law shall come into force and take effect pursuant to the provisions and regulations made under the *Planning Act,* R.S.O., 1990, c.P.13, as amended.

Read a first, second and third time and finally passed this XX day of XX, 202X.

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Catalina Blumemberg, Clerk Steve Ferguson, Mayor

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CORPORATION OF THE COUNTY OF PRINCE EDWARD
WARD OF HALLOWELL
SCHEDULE '1"

BY-LAW NO. _____

THIS IS SCHEDULE '1' TO BY-LAW NO. _____ AMENDING COMPREHENSIVE ZONING BY-LAW NO. 1816-2006, AS AMENDED, FOR THE COUNTY OF PRINCE EDWARD

PASSED THIS _____ DAY OF _____ 2023.

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Catalina Blumenberg, Clerk

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Steve Ferguson, Mayor

Part of Lot 48, Concession Bayside, Ward of North Marysburgh