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**COUNTY  
OF  
PRINCE EDWARD  
AMENDMENT NO. 100  
TO THE OFFICIAL PLAN  
FOR THE  
ROSSMORE SECONDARY PLAN  
Office Consolidation – November 2006**

**Original Plan Prepared By:**

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**FILE NO. 388007**

**JULY, 1990**

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**AMENDMENT NO. 100 TO THE OFFICIAL PLAN  
FOR THE COUNTY OF PRINCE EDWARD**

Amendment 100 to the County of Prince Edward Official Plan which was adopted by the Council of the Corporation of the County of Prince Edward is hereby modified as follows:

Schedule A is hereby modified by:

- i. the designation of those lands shown in red as Waterfront Commercial; and
- ii. the addition of a line outlining in red the lands to which sub-section 4.2.1.4 applies and adding the phrase "see section 4.2.1.4" to the schedule.

As thus modified, this amendment is hereby approved, save and except for the following, which will be deferred for further consideration in accordance with Section 17(10) of the Planning Act, 1983.

1. Section 3.14, Group Homes.

**April 18, 1991**  
Date

**Original Signed By**  
**Peter W. Boles, M.C.I.P.**  
Director  
Plans Administration Branch  
North and East  
Ministry of Municipal Affairs

**THE CORPORATION OF THE  
COUNTY OF PRINCE EDWARD  
BY-LAW NO. 1953**

**WHEREAS** Amendment No. 100 to the Official Plan of the County of Prince Edward Planning Area has been recommended by the County of Prince Edward Planning Advisory Committee.

**NOW THEREFORE** the Council of the Corporation of the County of Prince Edward in accordance with the provisions of Sections 17 and 21 of the Planning Act, 1983, hereby enacts as follows:

1. Amendment No. 100 to the Official Plan of the County of Prince Edward Planning Area, consisting of the attached explanatory text and Schedules 'A', 'B', 'C', and 'D'.
2. That the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of Amendment No. 100 to the Official Plan of the County of Prince Edward Planning Area.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED on the 4th day of October, 1990.

Clifford Fennell  
WARDEN

Don Ward  
CLERK-TREASURER  
ADMINISTRATOR

Certified that the above is a true copy of By-law No. 1953 as enacted and passed by the Council of the Corporation of the County of Prince Edward on the 4th day of October 1990.

Don Ward  
CLERK-TREASURER  
ADMINISTRATOR

**AMENDMENT NO. 100  
TO THE  
OFFICIAL PLAN OF THE  
COUNTY OF PRINCE EDWARD PLANNING AREA**

The attached maps designated as Schedules 'A', 'B', 'C', and 'D' and the explanatory text, constituting Amendment No. 100 to the Official Plan of the County of Prince Edward Planning Area, was prepared by the Council of the County of Prince Edward under the provisions of Sections 17 and 21 of the Planning Act, 1983.

The amendment was adopted by the Corporation of the County of Prince Edward by By-law No. 1880 in accordance with Sections 17 and 21 of the Planning Act, 1983, on the 4th day of October, 1990.

seal

**Clifford Fennell**  
WARDEN

**Don Ward**  
CLERK-TREASURER  
ADMINISTRATOR

**AMENDMENT NO. 100 TO THE  
OFFICIAL PLAN OF THE  
COUNTY OF PRINCE EDWARD PLANNING AREA**

**ROSSMORE SECONDARY PLAN**

**TABLE OF CONTENTS**

<b>SECTION 1 - INTRODUCTION</b> .....	1
1.1 Purpose.....	1
1.2 Location .....	1
1.3 Basis of the Secondary Plan .....	1
1.4 Relationship of the Secondary Plan to the Official Plan .....	2
1.5 Monitoring the Secondary Plan .....	2
<b>SECTION 2- PLANNING PRINCIPLES</b> .....	3
2.1 General .....	3
2.2 Environmental .....	3
2.3 Transportation .....	3
2.4 Servicing .....	3
2.5 Recreational .....	4
2.6 Residential .....	4
2.7 Commercial .....	4
2.8 Community Facility.....	4
2.9 Industrial .....	4
<b>SECTION 3 - DEVELOPMENT POLICIES</b> .....	5
3.1 General .....	5
3.2 Development Standards.....	5
3.3 Development Staging.....	6
3.4 Energy Conservation.....	6
3.5 Development Agreements.....	7
3.6 Development Levies.....	8
3.7 Public Uses .....	8
3.8 Design Criteria for the Physically Disabled.....	8
3.9 Development Process .....	9
3.10 Frontage on Public Roads.....	9
3.11 Development Adjacent to Water Bodies.....	9
3.12 Educational Facilities .....	10
3.13 Site Plan Control Area.....	10
3.13.1 Proposed Site Plan Control Areas.....	10
3.13.2 Purpose of Site Plan Control .....	11
3.13.3 Site Plan Control By-laws.....	12
3.13.4 Site Plan Control Agreement.....	12

	3.13.5 Road Widenings.....	12
	3.13.6 Area Limitations of Site Plan Control.....	13
3.14	Group Homes.....	13
	3.14.1 Group Home Definition.....	13
	3.14.2 Separation Distances .....	14
	3.14.3 Group Home Registration By-law.....	14
	3.14.4 Registration Conditions .....	14
3.15	Development Criteria for the Central Business District .....	14
	3.15.1 Design Guidelines .....	15
	3.15.2 Promotional Guidelines .....	15
<b>SECTION 4 - LAND USE POLICIES .....</b>		<b>16</b>
4.1	Residential .....	16
	4.1.1 Uses Permitted.....	16
	4.1.2 Development Criteria for Single Family,..... Semi-Detached and Duplex Dwellings .....	16
	4.1.3 Development Criteria for Multiple Family Dwellings .....	18
	4.1.4 Development Criteria For Residential Conversions.....	19
	4.1.5 Development Criteria For Local Commercial Uses .....	20
	4.1.6 Zoning .....	21
4.2	Environmentally Sensitive Areas.....	21
	4.2.1 Uses Permitted.....	22
	4.2.2 Fill and Separation Distances.....	23
	4.2.3 Land Under Private Ownership .....	23
	4.2.4 Boundaries .....	23
	4.2.5 Amendments .....	23
	4.2.6 Zoning .....	24
4.3	Commercial.....	24
	4.3.1 General .....	24
	4.3.2 Uses Permitted.....	24
	4.3.3 Development Criteria .....	24
	4.3.4 Zoning .....	25
4.4	Waterfront Commercial .....	25
	4.4.1 General .....	26
	4.4.2 Uses Permitted.....	26
	4.4.3 Development Criteria .....	26
	4.4.4 Zoning .....	27
4.5	Industrial .....	27
	4.5.1 General .....	27
	4.5.2 Uses Permitted.....	28
	4.5.3 Development Criteria .....	28
	4.5.4 Zoning .....	29
4.6	Community Facility.....	29
	4.6.1 Uses Permitted.....	29
	4.6.2 Development Criteria .....	29

4.6.3	Lot Area .....	29
4.6.4	Zoning .....	30
4.7	Open Space .....	30
4.7.1	Uses Permitted.....	30
4.7.2	Development Criteria .....	30
4.7.3	Lot Area .....	30
4.7.4	Interconnection of Open Space Areas .....	30
4.7.5	Parkland Acquisition.....	31
4.7.6	Zoning .....	31
4.8	Environmental Protection Areas.....	31
4.8.1	Development Policies.....	31
4.8.2	Site Plan Approval.....	31
4.8.3	Delineation .....	32
<b>SECTION 5 - TRANSPORTATION POLICIES .....</b>		<b>33</b>
5.1	Road Classifications.....	33
5.1.1	Provincial Highway.....	33
5.1.2	Arterial Roads .....	33
5.1.3	Collector Roads.....	33
5.1.4	Local Roads .....	33
5.2	Public Road Definition.....	34
5.3	Improvements .....	34
5.4	Intersection Improvements.....	34
5.5	Existing Roads .....	34
5.6	Future Road Patterns.....	35
5.7	Road Assumptions .....	35
5.8	Zoning .....	35
5.9	Access To Highway No. 62 .....	35
<b>SECTION 6 - SERVICING POLICIES.....</b>		<b>37</b>
6.1	General .....	37
6.2	Service Areas.....	37
6.2.1	Service Area 1.....	37
6.2.2	Service Area 2.....	38
6.3	Stormwater Management.....	38
6.4	Lot Areas/Densities .....	39
6.5	Sanitary Sewage Disposal Systems.....	40
6.6	Other Services .....	40
<b>SECTION 7 - COMMUNITY IMPROVEMENT POLICIES.....</b>		<b>41</b>
7.1	General .....	41
7.2	Planning Principles.....	41
7.3	Community Improvement Area Selection Criteria .....	42
7.4	Community Improvement Areas.....	43
7.5	Implementation.....	43

<b>SECTION 8 - CONSENT POLICIES</b>	44
8.1 General	44
8.2 Zoning	44
8.3 Servicing	44
8.4 Access	44
8.5 Parkland Dedications	45
8.6 Technical Or Legal Consents	45
8.7 Preservation Of Natural Features	45
8.8 Future Development	45
<b>SECTION 9 - IMPLEMENTATION</b>	46
9.1 Provincial Acts	46
9.2 Municipal By-Laws	46
9.2.1 Zoning By-law	46
9.2.2 Holding Provision By-law	46
9.2.3 Interim Control By-law	47
9.2.4 Temporary Use By-law	48
9.2.5 Maintenance and Occupancy By-law	48
9.2.6 Trailer By-laws	50
9.3 Ontario Building Code	50
9.4 Committee Of Adjustment	50
9.5 Planning Advisory Committee	50
9.6 Development Levy	50
9.7 Plans Of Subdivision	50
9.8 Public Open Space And Park Land Dedications	50
9.8.1 Park Land Dedication	50
9.8.2 Open Space and Recreational Management	51
9.9 Capital Works Program And Budget	51
9.10 Legal Non-Conforming Uses	51
9.10.1 Section 34(10) of the Planning Act	51
9.10.2 Section 44(2) of the Planning Act	53
9.11 Amendment Procedure	53
9.11.1 Submission of Studies	53
9.11.2 Criteria	54
9.12 Public Information	55
<b>SECTION 10 - INTERPRETATION</b>	56
10.1 Land Use Boundaries And Roads	56
10.2 Lot Areas, Lot Frontages, Floor Areas	56
10.3 Accessory Uses	56
10.4 Jurisdiction	56
10.5 Subsequent Legislation	56
10.6 Measurements	56

MAPS

Schedule A - Land Use and Transportation Plan  
Schedule B - Servicing Plan  
Schedule C - Community Improvement Area  
Schedule D - Environmental Protection Areas

## APPENDICES

Appendix I  
Appendix II  
Appendix III

**COUNTY OF PRINCE EDWARD**  
**ROSSMORE SECONDARY PLAN**

**SECTION 1 - INTRODUCTION**

**1.1 Purpose**

The purpose of the Rossmore Secondary Plan is to establish detailed development and land use policies to guide future development in the Hamlet of Rossmore.

**1.2 Location**

The area affected by these policies is located on the southern shore of the Bay of Quinte in the vicinity of the Norris Whitney Bridge immediately across from the City of Belleville. The hamlet which is traversed by Provincial Highway No. 62 comprises part of both the Township of Ameliasburgh and the County of Prince Edward and is bounded by the Bay of Quinte in both the north and east, immediately south of the City of Belleville in the west and the Sawguin Creek in the south. The boundaries of the hamlet essentially are based on the area contemplated for eventual servicing by a municipal water supply.

**1.3 Basis of the Secondary Plan**

The Hamlet of Rossmore, in the Township of Ameliasburgh being located on the Bay of Quinte at the junction of County Roads 3 and 28 with Highway 62, is the central of four entry points into the County of Prince Edward. This location combined with the accessibility of the City (via the Norris Whitney Bridge) makes it a logical area for growth and accordingly the improvement and expansion of Rossmore has been under consideration for a number of years by the County of Prince Edward and the Township of Ameliasburgh. Despite this intent servicing problems relating to the hamlet's water supply always acted as a constraint on development. This situation changed in 1986 when the Ameliasburgh Council made a commitment to provide a piped (municipal) water system for Rossmore. In view of this commitment it was the consensus of both the County and Township Councils that a need existed for a plan to evaluate options and provide guidance for growth in Rossmore. Accordingly, the Rossmore Secondary Plan was initiated and prepared on the basis of:

1. a Background Report which identified certain environmental, servicing, transportation and planning constraints including those relating to the extension of municipal water services, storm water management, existing land use, traffic generation, environmental preservation and existing Official Plan policies;

2. deliberations by the County and Township Planning Advisory Committees and the County and Township Councils; and
3. a series of public meetings.

#### 1.4 **Relationship of the Secondary Plan to the Official Plan**

The Rossmore Secondary Plan was adopted by the Council of the County of Prince Edward and approved by the Minister of Municipal Affairs as an amendment to the Official Plan of the County of Prince Edward. The secondary plan provides detailed planning criteria to guide development within the Hamlet of Rossmore. The secondary plan however is not intended to stand alone and the development of the area shall proceed in a manner consistent with the policies contained within both the Official Plan and the secondary plan.

#### 1.5 **Monitoring the Secondary Plan**

From time to time Council will undertake a monitoring program to determine if the secondary plan is achieving its purpose. This program will evaluate the effectiveness of the secondary plan as well as determine if changes to the plan's policies are required. The monitoring program will include:

1. a review of development trends including construction activity occurring through registered plans of subdivision;
2. a review of secondary plan and zoning by-law amendments;
3. a review of statistical information regarding social and economic trends;
4. a review of provincial and federal policies and programs; and
5. a review of the capital works budgets of the Township and County.

## **SECTION 2- PLANNING PRINCIPLES**

### **2.1 General**

Planning policies for an area such as the Rossmore secondary plan area must be based on a clear statement of those planning principles which are considered relevant to the area. The following planning principles shall form the basis of this secondary plan.

### **2.2 Environmental**

Recognizing that a number of environmental factors will influence development, the secondary plan shall ensure that the quality of life of the area's residents is enhanced by preventing the occurrence of development on lands susceptible to environmental hazards, by encouraging the preservation of the area's natural amenities and by applying the standards established by the Ministry of the Environment and other concerned authorities to address any existing or potential sources of pollution.

### **2.3 Transportation**

New vehicular and pedestrian transportation routes and facilities shall be located to ensure minimal disturbance to existing residential areas and natural land forms. Furthermore, new transportation facilities shall be constructed in accordance with the standards established by the County of Prince Edward, the Township of Ameliasburgh and the Ministry of Transportation.

### **2.4 Servicing**

Recognizing that a municipal water system is contemplated for Rossmore within the time frame of this secondary plan, it is intended that all new and existing development eventually be serviced by municipal water supply and private sanitary sewage systems placed in accordance with the standards established by the Ministry of the Environment, the Hastings-Prince Edward County Health Unit, the County of Prince Edward and the Township of Ameliasburgh. Furthermore, new development will be permitted only in accordance with the stormwater management techniques established by the Prince Edward Region Conservation Authority and the Ministry of Natural Resources. In the case of any municipal servicing systems, agreements between the Township of Ameliasburgh and prospective developers may be required to cover the costs of extending services to private land holdings.

2.5 **Recreational**

The recreational potential of the hamlet shall be maximized by encouraging the preservation of the area's natural features, the development of scenic trails and the establishment of a park in or in the vicinity of the marshland areas. The development of a tourist recreation/informational area shall be encouraged wherever appropriate land becomes available as shall the development of an active recreational area.

2.6 **Residential**

Future residential development shall primarily be of a low to medium density variety and shall be separated by appropriate buffers from commercial and industrial sites and major roadways.

2.7 **Commercial**

Future commercial development shall be of a type that ensures a well balanced and varied commercial economy serving the needs of local residents and the travelling public. The commercial uses shall be buffered from residential areas.

2.8 **Community Facility**

Community and other service facilities shall be located in Rossmore on the basis of the needs of the area's residents and those of the County and Township as a whole.

2.9 **Industrial**

Industrial development shall be of a type that maximizes the economic and employment potential of the area within a frame work of sound environmental planning. Industrial uses shall be buffered from residential areas.

### **SECTION 3 - DEVELOPMENT POLICIES**

The development policies of this plan relate to Section 16 of the County of Prince Edward Official Plan. The development of the hamlet shall proceed in accordance with the development policies of the Official Plan and the secondary plan. However, wherever there is a conflict the policies of the secondary plan shall take precedence.

#### **3.1 General**

To ensure orderly, economic and aesthetically pleasing development Rossmore has been divided into land use classifications thereby separating activities which have conflicting requirements and functions. It is the intent of this secondary plan that all development within the hamlet occur in accordance with these land use designations and the policies contained within the secondary plan's text. Furthermore, this secondary plan intends that Council ensure:

1. that no by-law is passed which does not conform to the intent of this secondary plan and the County of Prince Edward Official Plan;
2. that new development hinders neither the County's nor the Township's financial situation;
3. that no public works are undertaken which do not comply with the intent of this secondary plan and the County of Prince Edward Official Plan;
4. that new development be serviced with full municipal water distribution and private sanitary sewage disposal facilities; and
5. that new development is protected from flooding or other environmental hazards.

#### **3.2 Development Standards**

Through the adoption of amendments to the zoning by-law the Township shall ensure that adequate standards are required for regulating the height, bulk, location, size, floor area and spacing of buildings; off-street parking and loading and landscaping and buffering. Particular attention shall be focused on:

1. the buffering of industrial, commercial, institutional and recreational uses from residential and environmentally sensitive areas and roadways. Buffering may include the provision of grass strips, screening and the planting of trees or shrubs and the implementation of increased building setbacks.

2. the provision of adequate off-street parking and loading facilities. Access points to parking and loading areas shall be limited in number and designed in a manner that provides for the efficient and safe movement of vehicular and pedestrian traffic. On-site parking and loading shall be integrated with the development of the site and generally shall be screened from surrounding roads and properties.
3. the provision of adequate separation distances and buffer planting between new residential development along Highway 62 and the roadway.

### 3.3 **Development Staging**

In order to protect taxpayers from undue financial burden, the Municipality shall ensure that the timing, location and nature of all new development are such that the demand for municipal services such as roads, schools, school buses, garbage collection, police and fire protection is not excessive in relation to the taxable assessment provided. New large scale residential development which would create an appreciable increase in the demand for such services shall not be permitted unless it can be demonstrated that the overall ratio of municipal debt to taxable assessment will not be adversely affected.

### 3.4 **Energy Conservation**

Recognizing the need for the preservation of non-renewable resources, the Municipality shall use all reasonable and cost-effective opportunities to encourage the efficient use of energy, particularly in relation to new development, and encourage appropriate private sector activity.

#### 1. **New Development**

In considering new development proposals, whenever practical, the Municipality shall:

- 1) encourage compact growth and infilling to reduce the energy used for space heating and transportation;
- 2) encourage the preservation of existing vegetation to buffer future development from northerly winds;
- 3) maximize the access to sunlight of dwellings and other buildings by, for example, laying out streets in an east-west direction and by orienting buildings within 30 degrees of due south, where terrain permits; and

- 4) request an assessment of energy efficiency in its evaluation of development proposals.

## 2. Existing Development

With regard to existing buildings, whenever practical, the Municipality shall:

- 1) give favourable consideration to zoning amendments and variances required to permit energy conserving innovations such as greenhouses or solar collectors; and
- 2) encourage the repair and maintenance of buildings in an energy-efficient manner by, for example, weatherizing external openings such as doors and windows and by maintaining furnaces at a high level of efficiency.

## 3.5 Development Agreements

Development of lands in the hamlet shall not create a financial burden on the municipality. Individuals proposing to develop lands shall enter into subdivision agreements and/or other agreements (eg. site plan control) with the municipality in order to ensure that the municipality's financial position remains stable. In this regard it shall be a policy of Council that the Township shall enter into a subdivision agreement with the developer of any plan of subdivision. Such agreement shall address among other items:

1. that the subdivider shall design, install and maintain, for a specific time, all required engineering services such as roads and water supply systems as required;
2. that the subdivider shall lodge a guarantee bond or other security satisfactory to the municipality that such engineering services shall be installed and completed within the time specified;
3. that the subdivider shall lodge an insurance policy insuring against any liability for the subdivider or the municipality;
4. that the subdivider shall submit to the municipality prior to the execution of the agreement, preliminary plans and cost estimates of all services involved in development of the site for review by the municipal engineer or other administrative technical staff;

5. that the subdivider agrees to pay to the municipality such reasonable fees as may be billed to the municipality by its solicitor and its consulting engineers in connection with the agreement or for services rendered;
6. that municipal authorities shall have the right to inspect the installation of the engineering works at all times;
7. that a building permit by the municipality to any purchaser of property within the area of subdivision shall be issued only after the municipality is satisfied that all requirements of the agreement have been met; and
8. that the subdivider insures that drainage and erosion control measures will be undertaken to the satisfaction of the municipality and that wildlife and vegetation will be protected to the satisfaction of the municipality, the Ministry of Natural Resources and the Prince Edward Region Conservation Authority. Large scale cutting of vegetation shall be discouraged.
9. that the municipality shall assume the ownership and maintenance at a specified time of all services once it is satisfied with the installation of same.

### 3.6 **Development Levies**

The Municipality shall levy a development fee on new development throughout the hamlet in order to finance the provision and expansion of municipal services. Such development fees will be established in subdivision agreements and/or other development agreements between developers and the municipality.

### 3.7 **Public Uses**

It is the intent of this secondary plan that public uses such as utility, communication facilities, public park lands and public playgrounds as well as all uses deemed similar in function be permitted in all land use designations provided they are not detrimental to the natural environment and providing that the design of any buildings or structures is in harmony with the uses permitted in the specific designation.

### 3.8 **Design Criteria for the Physically Disabled**

Recognizing the unique concerns of the physically disabled as they pertain to building design the Municipality shall ensure that the construction of new facilities and reconstruction of old facilities occur in a manner that is consistent with the needs of the physically disabled. In pursuing this goal the Municipality shall:

1. require building construction to occur in accordance with the regulations of Part 10 of "The Building Code", and
2. encourage any relevant construction or reconstruction on public lands to occur in a manner consistent with the needs of the physically disabled.

### 3.9 **Development Process**

All types of future development shall occur on the basis of the submission and approval of registered plans of subdivision, land severances by consent of the Land Division Committee and/or amendments to the implementing zoning by-law.

Residential development shall occur primarily by registered plan of subdivision. However, a limited amount of development may occur by consent in accordance with the applicable policies of this secondary plan when a plan of subdivision clearly is not necessary to ensure orderly development.

### 3.10 **Frontage on Public Roads**

No building or structure shall be erected, extended or enlarged on any lot within the hamlet unless such lot fronts on a public road as defined in Section 5.2 of this secondary plan.

### 3.11 **Development Adjacent to Water Bodies**

Development that is proposed to be located adjacent to a body of water shall, among other things, be subject to the following development criteria:

1. development shall be set back an appropriate distance from the shoreline in order to maintain as far as is possible existing vegetation and the natural environment.
2. existing vegetation and scenic vistas shall be preserved as much as possible. All development shall be designed to complement the natural landscape.
3. in considering specific development proposals the Municipality shall have regard for a water body's ability to support the development without any impact to the quality of the water and/or the natural habitat.
4. where communal docking facilities are proposed such facilities should be set back a minimum of 60 metres from any existing or proposed residential area or use.

5. in considering specific water oriented development proposals the Municipality shall consult with the Ministry of Natural Resources, the Conservation Authority and the Ministry of the Environment to obtain their opinions regarding the propriety of the development and/or their recommendations regarding limitations that should be placed on the use of the lands.

### 3.12 **Educational Facilities**

Education facilities in Rossmore are under the jurisdiction of the Prince Edward County Board of Education and the Hastings and Prince Edward County Roman Catholic Separate School Board. It is the intent of this secondary plan that these two agencies be responsible for the provision of additional educational facilities within the hamlet, as the need arises.

### 3.13 **Site Plan Control Area**

Section 40 of the Planning Act, 1983, permits a municipality to require, as a condition of development or redevelopment, a site plan control agreement setting out the conditions of development. The Planning Act, 1983, requires proposed site plan control areas to be shown or described in the Official Plan. The following subsections identify the areas and uses within Rossmore subject to site plan control, why it is required, what the intent is and the general objectives applicable to the areas or lands adjacent to the site plan control areas.

#### 3.13.1 **Proposed Site Plan Control Areas**

Where in this plan an area is designated or described as a proposed site plan control area, the Municipality may pass a site plan control by-law pursuant to Section 40 of the Planning Act.

The following areas are proposed site plan control areas pursuant to Section 40 of the Planning Act.

1. **Environmental Protection**

All areas designated Environmental Protection and/or Environmentally Sensitive Areas on Schedules A and D, being specifically all permitted use areas with no use area exemptions;

2. **Open Space**

All areas designated Open Space on Schedule A, being specifically all permitted use areas with no use area exemptions;

3. Community Facility

All areas designated Community Facility on Schedule A, being specifically all permitted use areas with no use area exemptions;

4. Residential

All areas designated Residential on Schedule A, except for single family dwelling, semi-detached dwelling and duplex dwelling use areas;

5. Commercial

All areas designated Commercial on Schedule A, being specifically all permitted use areas (including commercial and waterfront commercial use areas) with no use area exemptions; and

6. Industrial

All areas designated Industrial on Schedule A, being specifically all permitted use areas with no use area exemptions.

3.13.2 Purpose of Site Plan Control

1. Site plan control shall be used to protect existing adjacent uses from new development where it is likely that, due to its nature, it would have a detrimental physical or visual impact.
2. Site plan control shall be used to ensure adherence to proper development standards, to minimize land use incompatibility between new and existing development and to provide functional and attractive on-site facilities such as landscaping and lighting.
3. Site plan control shall be used to ensure the safe and efficient movement of both vehicular and pedestrian traffic as it relates to the development and surrounding areas.
4. Site plan control shall be used to ensure the conveyance of any required easements to the municipality for maintenance or improvements to drainage works, water courses, public utilities, roadways and similar undertakings.

5. Site plan control shall be used to ensure proper grading, storm drainage and maintenance in regard to surface water and erosion.
6. Site plan control shall be used to control the placement, massing and conceptual design of buildings, public utilities and related facilities.

### 3.13.3 Site Plan Control By-laws

The Municipality may pass by-laws designating the whole or any part of an area referred to in subsection 3.13.1 as a site plan control area.

### 3.13.4 Site Plan Control Agreement

In an area subject to a site plan control by-law, the Municipality may require, as a condition of development, that an agreement be entered into between the municipality and an owner of land in the area. Such an agreement may stipulate, through the text of the agreement and/or through the use of plans and drawings, the location of buildings and structures to be erected and show or describe the location of all works and facilities provided for under Section 40 of the Planning Act as amended.

### 3.13.5 Road Widenings

In an area where a site plan control by-law has been passed, a landowner may be required to dedicate land for the purposes of road widening.

1. Section 40 of the Planning Act regarding road widenings will only apply where in the case of roads designated on Schedule A and referred to in Section 5.0, an arterial road or collector road has a right-of-way less than 26 metres or a local road has a right-of-way less than 20 metres.
2. Such land dedications for road widenings may be taken from either or both sides of a road, except where, for topographic reasons, widening is only possible on one side and then the entire requirement may be taken from that side.
3. Except where topographic constraints require additional lands to be dedicated, only 50% of the land dedication required to widen a road to the widths identified in Section 3.13.5 1. shall be taken as part of the land dedication requirements of a Site Plan Control area.
4. Land dedications for road widenings taken through the use of Site Plan Control may only be taken in those areas referred to in Section 3.13.1.

5. The road widening provisions of this section shall apply to all development except single-family, duplex or semi-detached residential development.

### 3.13.6 Area Limitations of Site Plan Control

Notwithstanding Section 3.13.1 of this plan, within an area described as a site plan control area, the renovation, rehabilitation, alteration or enlargement of a building or structure which does not have the effect of increasing the size or usability of the building or structure by more than 25% shall be exempt from site plan control.

### 3.14 Group Homes Deferred

In accordance with section 17(10) of the Planning Act, 1983 to ensure that adequate living accommodation is available for all residents of the municipality, group homes shall be permitted within the Residential designation of this secondary plan.

Group homes shall be subject to the following development criteria:

#### 3.14.1 Group Home Definition

A group home shall mean a dwelling unit in which not less than three nor more than ten people receive specialized or sheltered residential care and accommodation by virtue of their physical, mental, emotional, social or legal status and which is approved or licensed in accordance with any Act of the Parliament of Ontario. Without limiting the generality of the foregoing, group homes include a home for foster children, a home for elderly persons, a home for mentally retarded or physically disabled persons and a home for people who are convalescing after hospital treatment and are under medical supervision but does not include a facility maintained and operated primarily for persons;

1. who have been placed on probation under the Probation Act, The Criminal Code (Canada) or the Juvenile Delinquent Act (Canada); or
2. who have been released on parole under the Ministry of Correctional Services Act; the Parole Act (Canada) or the Provincial Offenses Act; or
3. who are admitted to the institution for correctional purposes.

### 3.14.2 Separation Distances

The minimum separation distance between group homes should be a radius of 600 metres.

### 3.14.3 Group Home Registration By-law

The Municipality shall pass a by-law pursuant to Section 236 of the Municipal Act concerning the registration of federally or provincially licensed or approved group homes.

### 3.14.4 Registration Conditions

The registration of a group home shall be subject to:

1. the group home being licensed or approved by an appropriate authority;
2. the group home being in compliance with all municipal by-laws and the Ontario Building Code particularly as they relate to fire, health, safety and occupancy regulations; and
3. the Municipality being satisfied with regard to:
  - a) the need for the facility;
  - b) the qualifications of the group home manager;
  - c) the availability of support services and facilities for the future residents of the group home; and
  - d) the adequacy of the proposed program as it relates to the well being of the future group home residents.

### 3.15 **Development Criteria for the Central Business District**

It is a major objective of this secondary plan to realize the commercial opportunities offered by Rossmore's unique status as the "Gateway to Prince Edward County". In order to enhance and encourage the expansion of the hamlet's Central Business District (CBD) a number of design and promotional guidelines are set out below. These guidelines are to be utilized in developing a long range improvement plan for the CBD. They also may provide guidance in assessing any new development proposals or public works. The CBD refers to the lands designated Commercial on Schedule A and centred around the intersection of Highway 62 and County Road 3.

### 3.15.1 Design Guidelines

Any improvement plans for the CBD should incorporate the following design criteria:

1. Pedestrian and vehicular areas should be clearly marked so as to minimize potential conflicts.
2. A common theme unique to the County of Prince Edward should be developed and offered as a basis for establishing preferred designs and minimum standards for fencing, site furnishings, street lighting and signage. This theme might also form the basis for the introduction of colour and animation in the form of banners and flags.
3. A landscaping strategy which addresses the public streetscape and park areas should be formulated. Such a strategy might include criteria pertaining to tree planting, road edge maintenance, shrub beds and floral displays.

### 3.15.2 Promotional Guidelines

In an effort to promote the CBD consideration might be given to:

1. launching a project which creates a focal point for the CBD and clearly establishes Rossmore as the Gateway to the County.
2. developing one or a series of special events around identifiable themes. Seasonal events might be particularly effective.

## **SECTION 4 - LAND USE POLICIES**

The following land use policies relate to the designations delineated on Schedule A - Land Use and Transportation Plan. Schedule A establishes the pattern of development by dividing the hamlet into seven land use classifications: Residential, Environmentally Sensitive Areas, Commercial, Waterfront Commercial, Industrial, Community Facility and Open Space. A sub-classification "Environmental Protection Area" is illustrated on Schedule D. These designations and associated land use policies will provide the basis for development within the hamlet and guidance for necessary amendments to the Township's zoning by-law.

Any changes to Schedule A or the "Land Use Policies" shall require an amendment to the secondary plan.

### **4.1 Residential**

The Residential classification of land shall mean that the predominant use of land in areas so designated shall be for low to medium density residential uses.

#### **4.1.1 Uses Permitted**

The uses permitted shall be limited to detached single family dwellings, semi-detached or duplex dwellings, single family dwellings converted to multiple family dwellings, multiple family dwellings including triplexes, fourplexes, townhouses and low rise apartments, group homes established in accordance with the provisions of Section 3.15 and home occupations. Other uses considered necessary to serve residential areas may be permitted including open space and community facilities such as parks and playgrounds, places of worship, cemeteries, libraries and local commercial uses.

#### **4.1.2 Development Criteria for Single Family, Semi-Detached and Duplex Dwellings**

The relevant development policies set forth in Section 3 of this secondary plan shall apply to low density residential development within Rossmore in addition to the following specific policies:

##### **4.1.2.1 Development Process and Dwelling Mix**

Development shall primarily occur by registered plan of subdivision. However, where residential uses are compactly grouped, infilling may be permitted in accordance with the policies of this secondary plan providing the Municipality is satisfied that a plan of subdivision is not required.

The maximum number of semi-detached or duplex dwellings within a new plan of subdivision should not exceed 25 percent of the total number of dwellings proposed for the development.

4.1.2.2 Access

Development shall be serviced by a municipally assumed internal road network constructed to municipal standards.

4.1.2.3 Preservation of Natural Features

Development shall be designed to preserve, as much as possible, a site's physical attributes such as tree coverage, varying topography and scenic views for the benefit of future residents.

4.1.2.4 Servicing

The servicing of new development shall occur in accordance with the policies of Section 6 of this secondary plan, in addition to the following specific policies:

1. Lot Area - Private Servicing

It is the general intent of this secondary plan that the minimum lot area for a detached single family dwelling should not be less than 0.4 hectares when serviced by a private well and private sanitary sewage disposal system and the minimum lot size for each dwelling unit contained within a semi-detached or duplex dwelling should not be less than 0.4 hectares when serviced by a private well and private sanitary sewage system subject to approval of the Ministry of the Environment and the Municipality.

2. Lot Area - Municipal Servicing

It is the general intent of this secondary plan that the minimum lot area for a detached single family dwelling, a semi-detached dwelling unit and a duplex dwelling unit should not be less than 0.3 hectares when serviced by a municipal piped water supply system and private sanitary sewage disposal system subject to the approval of the Ministry of the Environment and the Municipality.

In the case of subdivisions proposed to be serviced by full municipal piped water supply and communal sanitary sewage disposal systems, the determination of appropriate minimum lot size criteria shall be made by the Municipality in consultation with the Ministry of the Environment prior

to the approval of an amendment to the implementing zoning by-law to permit the development to proceed.

4.1.2.5 Floor Area

The minimum gross floor area of living space within a detached single family dwelling should not be less than 90 square metres and the minimum gross floor area of living space within a semi-detached or duplex dwelling unit generally should not be less than 90 square metres.

4.1.3 Development Criteria for Multiple Family Dwellings

The relevant development policies set forth in Section 3 of this secondary plan shall apply to multiple family residential development within Rossmore in addition to the following specific policies:

4.1.3.1 Uses Permitted

The uses permitted shall be limited to multiple family dwellings including triplexes, fourplexes, townhouses and low rise apartment buildings.

4.1.3.2 Location Criteria

Multiple family dwellings shall be located so as to minimize their impact on adjacent lower density residential uses. Generally, multiple family dwellings should be located on arterial or collector roads or have access to arterial or collector roads without the necessity of passing through areas of lower residential density.

In considering development applications the Municipality shall ensure that the proposed multiple family dwelling will not create a traffic hazard and that its impact on low density residential areas will be minimal.

4.1.3.3 Servicing

The servicing of new multiple family residential development shall occur in accordance with the policies of Section 6 of this secondary plan. Accordingly, development shall be permitted to occur on a municipal water supply system and a private sanitary sewage disposal system and while recognizing the intent of Section 6 regarding the formulation of precise development standards, the minimum lot area per dwelling unit should not be less than 1400 square metres. Where serviced by full municipal water supply and/or communal sanitary sewage disposal systems a higher

residential density may be considered subject to the approval of the Ministry of the Environment and the Municipality.

4.1.3.4 Building Height

The maximum height of a multiple family dwelling should not exceed 15 metres.

4.1.3.5 Unit Facilities

All dwelling units shall be self-contained and have private entrances and separate culinary and sanitary facilities.

4.1.3.6 Floor Area

The minimum gross floor area of living space for each dwelling unit created should not be less than 42 square metres for a one bedroom apartment with an increase of 13 square metres for each additional bedroom.

4.1.4 Development Criteria For Residential Conversions

The relevant development policies set forth in Section 3 of this secondary plan shall apply to residential conversions within Rossmore in addition to the following specific policies:

4.1.4.1 Uses Permitted

The uses permitted shall be limited to the conversion of single family dwellings into multiple self-contained residential dwelling units.

4.1.4.2 Eligible Buildings

Criteria establishing the buildings eligible for conversion shall be included in the implementing zoning by-law.

4.1.4.3 Servicing

The proposed water supply and sanitary sewage disposal systems shall be approved by the Ministry of the Environment or its agents.

4.1.4.4 Unit Facilities

All dwelling units shall be self-contained and have private entrances and separate culinary and sanitary facilities.

4.1.4.5 Floor Area

The minimum gross floor area of living space for each dwelling unit should not be less than 42 square metres for a one bedroom unit with an increase of 13 square metres for each additional bedroom.

4.1.4.6 Construction Criteria

The converted dwelling shall comply with all pertinent provincial and municipal regulations and by-laws relevant to such matters as fire, health, safety and occupancy.

4.1.4.7 Lot Area

While recognizing the intent of Section 6 regarding the formulation of precise development standards, it is the general intent of this secondary plan that the minimum lot area per dwelling unit should not be less than 1400 square metres.

4.1.5 Development Criteria For Local Commercial Uses

The relevant development policies set forth in Section 3 of this secondary plan shall apply to local commercial development within Rossmore in addition to the following specific policies:

4.1.5.1 Uses Permitted

The uses permitted shall be limited to commercial uses which provide for the sale of convenience goods and services to meet the daily living needs of the adjacent residential area in foods, sundries and personal services.

4.1.5.2 Lot Area

The lot area of local commercial uses shall be of an appropriate size and frontage to ensure minimal disruption to the adjacent residential area and adequate provision for parking and access. In addition the lot shall be of sufficient size to support private or public water supply services and private sanitary sewage disposal systems.

4.1.5.3 Location Criteria

Local commercial uses shall be located so as to minimize their impact on adjacent residential uses. Generally, local commercial uses should be located on the fringes of residential development where access to a major road is assured.

4.1.5.4 Compatibility

Local commercial buildings, signs and parking areas shall be designed and arranged to ensure minimal disruption to adjacent residential areas. All on-site lighting shall be directed away from adjacent residential areas.

4.1.5.5 Grouping

No more than two local commercial uses shall be located on any one site or on adjacent sites.

4.1.5.6 Floor Area

The total net floor area of any individual local commercial use should not exceed 93 square metres.

4.1.5.7 Storage

No open storage of goods or materials shall be permitted.

4.1.6 Zoning

Low density residential uses, multiple family residential uses, residential conversions and local commercial uses each shall be zoned in separate categories in the implementing zoning by-law.

4.2 **Environmentally Sensitive Areas**

Certain lands within the hamlet have been identified as having unique environmental significance as a result of biological, geological, zoological or other natural features. These lands are identified by a separate "Environmentally Sensitive Areas" land use classification on Schedule A. This environmental resource, which comprises part of the Sawguin Creek wetland, offers a number of unique opportunities for developing Rossmore's recreational and tourist potential. In order to preserve and protect the unique qualities of these lands, the area designated "Environmentally Sensitive Areas" shall be subject to the following policies:

#### 4.2.1 Uses Permitted

4.2.1.1 Uses permitted on Environmentally Sensitive Areas shall be limited to conservation, forestry, wildlife areas, public and private parks and outdoor recreational activities.

4.2.1.2 It is the intent of this secondary plan that the Municipality promote the development of a recreational/educational resource facility in conjunction with the Environmentally Sensitive Areas to serve both local residents and tourists. In addition to boardwalks and towers, such a resource facility might incorporate an interpretive centre containing a lecture room and areas for displays explaining the wetland's geological history, water cycle, wildlife and food chain etc.. To complement this nature centred facility, the Municipality might also consider the establishment of more active recreational uses in or adjacent to the wetland providing their location will not threaten the area's sensitive environment. Subject to the approval of the Conservation Authority and the Ministry of Natural Resources, such active recreational uses might include a playground, petting zoo, canoe or paddle boat rental outlet, picnic area or similar type of use.

4.2.1.3 The erection of new buildings or structures shall not be permitted on Environmentally Sensitive Areas except for those involving flood and erosion control, conservation, recreation and wildlife management. However, uses existing at the date of the adoption of this secondary plan may be recognized in the implementing zoning by-law and minor extensions and/or the construction of accessory uses may be permitted subject to the approval of the Municipality in consultation with the Prince Edward Region Conservation Authority and/or the Ministry of Natural Resources.

Notwithstanding the above, it is the intent of this secondary plan that the expansion of existing land uses considered to be incompatible with Environmentally Sensitive Areas be discouraged.

4.2.1.4 The following principles are to be considered in the development and zoning of those lands which are annotated on Schedule A with the phrase "see section 4.2.1.4" and are located on the peninsula (on the east side of the property described legally as Part of Lots 47, 49 and 62 Registered Plan 3, Village of Rossmore, and Part of Lot 60, Concession 1, Township of Ameliasburgh):

- i) in addition to the uses permitted by Sections 4.2.1.1 and 4.2.1.2 and notwithstanding Section 4.2.1.3, low impact or

passive ancillary uses permitted within the Waterfront Commercial designation may be permitted subject to the approval of the Ministry of Natural Resources and the Prince Edward Region Conservation Authority; and

- ii) a zoning by-law amendment and a site plan agreement shall outline the nature and extent of the permitted uses and the development of the lands.

#### 4.2.2 Fill and Separation Distances

- 4.2.2.1 The placing or removal of fill of any kind whether originating on the site or elsewhere shall not be permitted without the approval of the Prince Edward Region Conservation Authority and the Municipality.
- 4.2.2.2 The protection of Environmentally Sensitive Areas from conflicting uses will be undertaken through the inclusion of appropriate separation distances in the implementing zoning by-law.

#### 4.2.3 Land Under Private Ownership

Nothing in this secondary plan shall be construed to imply that Environmentally Sensitive Areas are free and open to the general public or that such areas will be purchased by the County or Township or other public agency.

#### 4.2.4 Boundaries

The boundaries of the Environmentally Sensitive Areas designation are approximate and it is the intent of this secondary plan that the precise locations be determined at the time of the submission of development applications through consultation with the local Conservation Authority and/or the Ministry of Natural Resources. An amendment to this secondary plan shall not be required to make minor modifications to the boundaries of the Environmentally Sensitive Areas designation providing that the overall intent of the secondary plan is maintained.

In the absence of more detailed mapping the boundaries of the Environmentally Sensitive Areas designation shown on Schedule A shall be used as a guide in the preparation of the implementing zoning by-law.

#### 4.2.5 Amendments

The inclusion of new or the deletion of existing Environmentally Sensitive Areas designations may be undertaken in consultation with the Prince Edward Region

Conservation Authority and/or the Ministry of Natural Resources, by amendment to this secondary plan.

#### 4.2.6 Zoning

Environmentally Sensitive Areas shall be included in separate zoning classifications in the implementing zoning by-law.

#### 4.3 Commercial

The Commercial classification of land shall mean that the predominant use of the land in areas so designated shall be for commercial uses.

##### 4.3.1 General

It is the intent of this secondary plan that a variety of commercial uses be located within Rossmore to serve the commercial needs of the residents of the hamlet, the Township, the County and the travelling public. It is also the intent of this secondary plan that commercial activity be strategically located so as to maintain and improve the existing retail facilities, to foster the establishment of a commercial core and to ensure minimal disruption to the residential components of the community.

##### 4.3.2 Uses Permitted

The uses permitted shall include those low water use commercial establishments offering goods and services, such as retail commercial establishments, personal service shops, recreational uses, motels and hotels, places of entertainment, taverns, business and professional offices, eating establishments, funeral homes, motor vehicle service stations and gasoline outlets, motor vehicle dealerships, service shops, vegetable and fruit markets, garden centres, and medical clinics. In addition, residential uses shall be permitted to locate in either the upper stories or in the rear half of the ground storey of buildings in which commercial uses are permitted.

##### 4.3.3 Development Criteria

The relevant development policies set forth in Section 3 of this secondary plan shall apply to commercial development within Rossmore in addition to the following specific policies:

###### 4.3.3.1 Location Criteria

The Commercial area should remain as compact as possible in order to serve pedestrians most effectively. New commercial development may

occur as an extension or as infilling within the existing business area, or in groups at major intersections, but it should not be allowed to infiltrate unnecessarily into adjoining residential areas.

Where new development is proposed adjacent to a residential area it shall be demonstrated that the commercial use will not create a traffic hazard and that its impact on the residential area will be minimal.

#### 4.3.3.2 Storage

The open storage of goods or materials shall only be permitted in conjunction with vegetable and fruit markets, garden centres, motor vehicle sales centres and antique dealers where goods or materials associated with these uses are being offered for immediate sale. Such goods or materials may be stored in such a way as to be visible from a road.

#### 4.3.3.3 Lot Area

Commercial development shall occur on lots of an appropriate size for a specific commercial use and the lot shall be of sufficient size to support water supply services and private sanitary sewage disposal systems regulated by Regulation 374/81 under the Environmental Protection Act.

Whereas it is the intent of this secondary plan that new development within commercial areas be serviced by adequate water supply and sanitary sewage disposal facilities, this plan also recognizes that lot area limitations often exist in established commercial areas. This being the case minimum lot size standards have not been included for commercial uses. Instead it is the intent of this secondary plan that, in accordance with Section 6.4, appropriate development standards be formulated for development proposals on a site specific basis in consultation with the Ministry of the Environment and the Health Unit.

#### 4.3.4 Zoning

Commercial areas shall be zoned in separate categories in the implementing zoning by-law.

#### 4.4 Waterfront Commercial

The Waterfront Commercial classification of land shall mean that the predominant use of land or areas so designated shall be water-oriented commercial and recreational and accessory residential uses.

#### 4.4.1 General

It is the intent of this secondary plan that land designated Waterfront Commercial be developed in a manner which utilizes the access afforded by Highway 62 and water frontage on the Bay of Quinte for water-oriented uses to serve the needs of the residents of the hamlet, the Township, the County and the travelling public. It is also the intent of this secondary plan that water-oriented activity be strategically located so as to foster the establishment of a focal point for the Rossmore shoreline while maintaining the environmentally sensitive areas.

#### 4.4.2 Uses Permitted

The uses permitted are those directly relating to waterfront activity or compatible with such waterfront location and may include hotels, marinas, eating establishments, water and tourist-oriented retail commercial establishments, private and public recreational facilities, business and professional offices and residential uses.

#### 4.4.3 Development Criteria

The relevant development policies set forth in Section 3 of this secondary plan shall apply to Waterfront Commercial development within Rossmore in addition to the following specific policies:

##### 4.4.3.1 Locational Criteria

All development shall be set back an appropriate distance from the Environmentally Sensitive Areas as determined by the Township, the Ministry of Natural Resources and the Prince Edward Region Conservation Authority. In addition, access to Highway 62 shall be in accordance with the policies set out in Section 5.9.

##### 4.4.3.2 Development Form

In order that the Rossmore Waterfront Commercial area may attract investment and serve to initiate positive development along the waterfront area, a high quality of development and an attractive appearance shall be encouraged within the area.

#### 4.4.3.3 Waterfront Access

Waterfront access should be provided in all Waterfront Commercial areas. This access will provide for continuous pedestrian movement generally parallel with the water's edge, allowing for access to and from adjacent waterfront property or public access points. Such access shall preferably be located at the water's edge or in such a manner that visual contact with the waterfront is maintained.

#### 4.4.3.4 Lot Area and Services

Waterfront Commercial development shall occur on lots of an appropriate size for the intended use and shall be of a sufficient size to support water supply services and sanitary sewage disposal systems. Development shall be provided with services in accordance with the policies of Section 6 of this secondary plan.

#### 4.4.3.5 Residential Development

It is the intent of this secondary plan that residential uses in Waterfront Commercial areas be developed as accessory uses to water-oriented commercial and recreational uses. Residential development shall occur in accordance with Section 4.1 of this secondary plan.

#### 4.4.4 Zoning

Waterfront Commercial areas shall be zoned in separate categories in the implementing zoning by-law.

#### 4.5 **Industrial**

The Industrial classification of land shall mean that the predominant use of the land in areas so designated shall be for light industrial uses.

##### 4.5.1 General

It is the intent of this secondary plan that light industrial uses be located in Rossmore to facilitate the provision of adequate industrial resources and employment opportunities for residents of Ameliasburgh and Prince Edward County. The type of industrial use shall be limited to those having a minimal adverse impact on adjacent land uses as the result of emissions into the environment, and liquid waste disposal etc..

#### 4.5.2 Uses Permitted

The uses permitted shall be limited to those low water use and light industrial uses such as: workshops; service shops, manufacturing, processing and assembly operations; concealed storage and warehousing facilities; motor vehicle repair garages and research establishments. In addition, uses accessory to the various permitted uses may be permitted, including commercial uses servicing an industrial area, business offices, a residence for a caretaker or a watchman and a retail commercial outlet for the purpose of the sale of goods or materials produced on the premises, providing the accessory retail use is located within the structure in which the principal industrial use is situated

#### 4.5.3 Development Criteria

The relevant development policies set forth in Section 3 of this secondary plan shall apply to industrial development within Rossmore in addition to the following specific policies:

##### 4.5.3.1 Lot Area

Industrial uses shall occur on lots of an appropriate size, generally 0.4 hectares or larger, and appropriate lot frontage for a specific industrial use. The lot shall be of sufficient size to support water supply services and private sanitary sewage disposal systems regulated by Regulation 374/81 under the Environmental Protection Act.

##### 4.5.3.2 Location Criteria

Industrial uses shall be encouraged to locate on a municipally assumed internal road network which has direct access to an arterial or collector road and is situated within an approved industrial plan of subdivision. In the case of individual development proposals industrial uses generally shall be located on arterial or collector roads, although the Municipality may give consideration to the use of other public roads where it is satisfied that no suitable alternate locations are available. In all cases it shall be demonstrated that the proposed use will not create a traffic hazard and that the impact of the proposed use on adjacent land uses, particularly residential uses, will be minimal.

##### 4.5.3.3 Environmental Impact

No industrial use shall be permitted which creates an adverse impact on adjacent land uses as the result of the emission of contaminants into or onto the air, water or land. Adjacent uses shall be adequately protected

from industrial emissions in accordance with and subject to the regulations of the Ministry of the Environment.

Where deemed necessary a report(s) prepared by a professional engineer(s), biologist or other qualified professional(s) shall be prepared indicating the anticipated impact of the proposed operation on the environment, including air and water pollution, noise, changes in the water table, changes in surface drainage both on and off site and the effectiveness of the proposed ameliorative measures.

#### 4.5.4 Zoning

Industrial areas shall be zoned in a separate category in the implementing zoning by-law. In addition commercial uses which are accessory to a permitted industrial use or which service an industrial area may be zoned in separate categories.

#### 4.6 **Community Facility**

The Community Facility classification of land shall mean that the predominant use of land in areas so designated shall be for community facility uses.

##### 4.6.1 Uses Permitted

The uses permitted shall be limited to public, separate and private schools, places of worship, municipal government facilities, community centres, libraries, fire halls, public or private clubs or association halls, cemeteries, nursing homes, hospitals, public parks, nursery schools, daycare centres and similar community oriented uses.

##### 4.6.2 Development Criteria

The relevant development policies set forth in Section 3 of this secondary plan shall apply to Community Facility development in Rossmore.

##### 4.6.3 Lot Area

Community Facility uses shall occur on lots of an appropriate size for a specific community facility use and the lot shall be of sufficient size to support water supply services and private sanitary sewage disposal systems approved under the Ontario Water Resources Act.

#### 4.6.4 Zoning

Community Facility uses shall be zoned in a separate category in the implementing zoning by-law.

#### 4.7 Open Space

The Open Space classification of land shall mean that the predominant use of land in areas so designated shall be for conservation and recreational uses.

##### 4.7.1 Uses Permitted

The uses permitted shall be limited to conservation uses, recreational uses including public and private parks, passive and active recreational activities, picnic areas, recreational trails, and other similar open space activities. In addition, accessory uses may be permitted including commercial establishments to serve the user needs of the open space area.

##### 4.7.2 Development Criteria

The relevant development policies set forth in Section 3 of this secondary plan shall apply to Open Space development in Rossmore.

##### 4.7.3 Lot Area

Open Space uses shall occur on lots of an appropriate size for a specific open space use and where applicable the lots shall be of sufficient size to support private water and sanitary sewage systems.

##### 4.7.4 Interconnection of Open Space Areas

It is the intent of this secondary plan that open space areas, including pedestrian trails located on lands designated for Open Space and Environmentally Sensitive Areas be interconnected to provide for both continuous pedestrian passage and a common means of access to the public open space areas located along and in the vicinity of the Bay of Quinte shoreline. Maximum accessibility to all shoreline public open space areas shall be provided by such means as regulations controlling land fill and the erection of buildings and through the design of bridges, culverts and stream improvement projects.

Where these interconnections result in conflicts between the Environmentally Sensitive Areas and Open Space policies of this secondary plan, the Environmentally Sensitive Area policies shall take precedence.

#### 4.7.5 Parkland Acquisition

Parkland shall be acquired by the Municipality in the manner prescribed in Subsection 9.8 of this secondary plan. Where any proposed dedication is not in an area intended for park purposes it shall be the general policy of this secondary plan that a cash payment in lieu of land shall be requested and such monies shall be applied to the acquisition and/or development of park lands in accordance with the provisions of The Planning Act.

In addition to the acquisition of parkland the Municipality may obtain easements and/or enter into agreements with private land owners or public and private agencies for the use of lands for park purposes. This type of arrangement may be particularly relevant to the location of pedestrian trails on lands designated for Open Space or Environmentally Sensitive Areas.

#### 4.7.6 Zoning

Open Space areas shall be zoned in a separate category in the implementing zoning by-law.

### 4.8 **Environmental Protection Area**

#### 4.8.1 Development Policies

Schedule D identifies those lands located below the 1:100 year floodline. These lands may be developed in accordance with the appropriate land use designations on Schedule A provided that all buildings or structures, but not including a boathouse accessory to a residential use, are flood proofed. Flood proofed shall mean measures taken to ensure that a building or structure is safe from the effects of flooding and includes no openings of any kind such as windows, doors, vents, in and/or outcoming service and utility installations, etc. below the 1:100 year floodline. Back up provisions in the form of sump pumps shall not be considered as openings.

#### 4.8.2 Site Plan Approval

Prior to development proceeding, a site plan acceptable to the Municipality shall be submitted by the developer/applicant indicating:

- i) the location and use of all existing and proposed structures;
- ii) the existing and final contours at 0.5 metre intervals;
- iii) the erosion and siltation control procedures; and

iv) the location of the floodline.

In addition, the Municipality may request technical advice and recommendations regarding development on flood prone lands from the Prince Edward Region Conservation Authority and the Ministry of Natural Resources.

#### 4.8.3 Delineation

In the absence of updated floodline contour mapping, the boundaries of the Environmental Protection Areas shown on Schedule D shall be used as a guide in the preparation of the implementing zoning by-law. When new mapping becomes available the secondary plan and implementing zoning by-law shall be amended to reflect the new mapping.

## **SECTION 5 - TRANSPORTATION POLICIES**

The transportation network delineated on Schedule A reflects the inter-relationship of land use and transportation in the Hamlet of Rossmore. The road system is designed to enable the safe and efficient movement of people and goods within the hamlet as well as to facilitate through traffic movement. Roads are classified according to their predominant function and any change in function should conform with the intent and purpose of this secondary plan, the Prince Edward County road system and policies and criteria established by the Ministry of Transportation.

### **5.1 Road Classifications**

#### **5.1.1 Provincial Highway**

For the purpose of this secondary plan, Highway No. 62 is classified as a major arterial road (provincial highway). The right-of-way width, number of lanes and design detail for Highway No. 62 shall be as determined by the Ministry of Transportation.

#### **5.1.2 Arterial Roads**

Arterial roads are existing and proposed roads that are designed to facilitate inter-municipal and through traffic movement of large volumes of traffic at relatively high operating speeds between major traffic generating areas and/or other arterial roads. Direct access to adjoining or adjacent lands should be limited. Where possible, the roads will have minimum right-of-way widths of 26 metres for two lanes and 46 metres for four lanes.

#### **5.1.3 Collector Roads**

Collector Roads are existing and proposed roads that are designed to collect and carry medium volumes of traffic between local and arterial roads. These roads may provide limited direct access to adjoining or adjacent lands. Where possible the road should have a minimum right-of-way width of 26 metres.

#### **5.1.4 Local Roads**

Local roads are existing and proposed roads that are designed to carry small volumes of traffic to arterial and collector roads. The roads should provide direct access to abutting lands and where possible will have a right-of-way width of 20 metres.

## 5.2 **Public Road Definition**

For the purpose of this secondary plan, a public road shall mean:

- 5.2.1 a road which affords the principal means of access to an abutting lot and which is dedicated, assumed and maintained by the Township, the County, or the Province; and
- 5.2.2 a road within a registered plan of subdivision where a subdivision agreement has been entered into but the road will not be assumed until the end of the maintenance period.

## 5.3 **Improvements**

- 5.3.1 It is the intent of this secondary plan that as traffic conditions warrant, bridge and road improvements such as grade separations, day lighting, jog eliminations, turning lanes, signing, traffic signals, lane marking, channelization, etc., will be undertaken. Minor road improvements or realignments will not require an amendment to this secondary plan.
- 5.3.2 Where there is an existing or an anticipated future need for a municipal road widening, extension and/or intersection improvement appropriate lands shall be obtained.
- 5.3.3 When within the jurisdiction of the County or Township improvements to arterial roads shall have priority over those to collector roads and local roads and improvements to collector roads shall have priority over those to local roads.

## 5.4 **Intersection Improvements**

The number of intersections created by plans of subdivision and/or other developments shall be kept to a minimum. New intersections should be "T" intersections and all existing "Y" intersections should, where possible, be replaced by "T" intersections.

## 5.5 **Existing Roads**

It is not the intent of this secondary plan that arterial or collector roads that are existing in built-up areas, will necessarily be widened or that direct access will be eliminated or restricted, except where redevelopment is taking place.

5.6 **Future Road Patterns**

Where new roads are proposed in Rossmore, the Municipality shall ensure that the location and design of the intended road pattern is coordinated with existing and future development areas.

5.7 **Road Assumptions**

The County or Township shall not assume a private road or private right-of-way that does not meet minimum acceptable standards as defined by the Ministry of Transportation. In addition, no unassumed road nor any unopened road allowance will be assumed or opened prior to the County or Township being able and/or willing to do so.

5.8 **Zoning**

Provision shall be made in the implementing zoning by-law for adequate setbacks from roads in order to minimize the disruption to adjacent land uses and in order to facilitate the efficient and safe movement of traffic.

5.9 **Access To Highway No. 62**

Provincial Highway No. 62 which traverses Rossmore in a north/south direction, is one of the major transportation routes in the County of Prince Edward. It provides the central point of entry into the County and connects the hamlet with the City of Belleville. Consequently, it is the intent of this secondary plan that the Highway No. 62 right-of-way be subject to the special development criteria described below.

It is the general intent of this secondary plan that no access, other than that made available through the intersection of other roads, be permitted to Highway No. 62. However, this secondary plan also recognizes that in certain circumstances access to this major arterial route may be necessary and in the public interest. Access to Highway No. 62 will only be considered by the Ministry of Transportation to those lands that meet the geometric requirements of the M.T.O. for visibility, grades, curvature and frontage so that vehicles can safely enter and leave the highway from the property under consideration. The following policies are intended to provide guidance to the Municipality in its consideration of specific development proposals:

- 5.9.1 No access to Highway No. 62 shall be permitted where alternate access to a public road is available.

- 5.9.2 Direct access to new single family, semi-detached and duplex dwellings fronting onto Highway No. 62 shall be prohibited and no more than one access will be permitted to an abutting multiple residential, industrial or commercial property or to lands divided by plan of subdivision. No development proposals or secondary plan or zoning by-law amendments shall be approved by Council or the Municipality until it is satisfied that the Ministry of Transportation is prepared to issue an entrance permit.
- 5.9.3 In the interest of preventing strip or linear development along Highway No. 62, access to new development shall be encouraged to occur through the use of service roads and/or vehicular links between individual parking lots.
- 5.9.4 Where new roads are proposed to intersect with Highway No. 62 their point of intersection should be at least 365.8 metres distant from any other sideroads or intersection. The number of intersections with other roads shall be kept to a minimum.

## **SECTION 6 - SERVICING POLICIES**

It is a primary objective of this secondary plan to ensure that existing and proposed development within Rossmore has an adequate supply of potable water and is serviced by proven sanitary sewage disposal and storm water management systems. Therefore, development shall proceed in accordance with the following servicing policies:

### **6.1 General**

A municipal water supply system will be established in Rossmore during the planning period of this secondary plan and it is the general intent of this plan that development be serviced by this public water system in conjunction with private sanitary sewage disposal services. Notwithstanding this general intent however, this plan further intends that limited new development may be permitted on private water supply and sanitary sewage disposal systems where the Municipality is satisfied that municipal water supply services will not be available and providing the proposed private servicing systems are in accordance with the standards of the authorities responsible for their approval.

New development utilizing a private water supply system shall require an amendment to the implementing zoning by-law. Furthermore, prior to the issuance of a building permit the owner of the lands proposed for development shall be required to enter into an agreement with the Municipality providing for the property's "hook-up" to a municipal water supply system when it becomes available.

### **6.2 Service Areas**

The secondary plan area has been divided into two service areas as follows:

- 6.2.1 Service Area 1 - Service Area 1 as delineated on Schedule B generally includes existing development and encompasses the area initially to be serviced by a municipal water supply system. Accordingly, this secondary plan intends that development be permitted immediately in Service Area 1 on the basis of a municipal water supply system and private sanitary sewage disposal facilities.

In the event that this secondary plan precedes the establishment of the municipal water supply system, new development shall require an amendment to the implementing zoning by-law in accordance with the provisions of subsection 6.1 above.

6.2.2 Service Area 2 - Service Area 2 as delineated on Schedule B generally includes vacant lands and is dependent on the construction of major extensions to the municipal water supply system servicing Service Area 1.

Although limited new development may be permitted in Service Area 2 on the basis of private water supply and sanitary sewage disposal facilities in accordance with subsection 6.1 above, major development within Service Area 2 shall not be permitted until municipal water supply services are provided. These water supply services shall be extended from the existing municipal system located in Service Area 1 and their cost shall be borne entirely by the developers of Service Area 2 lands.

For the purposes of this secondary plan "major" development shall mean development involving the construction of buildings or structures encompassing a gross floor area of 250 square metres or more and/or development which could have a significant impact on the environment, the existing economic or social structure and/or the hamlet's established servicing approach.

The extension of these services generally shall proceed in accordance with the following policies:

1. The engineering design of new water supply systems shall be approved by the Ministry of the Environment and the Township of Ameliasburgh.
2. The location, sizing and design of the external and internal water distribution systems servicing specific areas and/or developments shall be determined as development proceeds.
3. Developers shall enter into agreements for the construction of the necessary water supply works.

### 6.3 **Stormwater Management**

A basic objective of this secondary plan is to minimize the volume and maximize the quality of surface drainage from new development. Consequently, it is the intent of this secondary plan that run-off from individual development sites be minimized and the impact of any proposed development on local and area wide drainage patterns be identified. A suitable method of handling surface run-off shall be developed and implemented as an aspect of the development approval process. In this regard the following policies shall apply.

6.3.1 The use of on-site stormwater management techniques shall be employed as a means of reducing the cost of storm sewers and reducing flows. The

engineering design of on-site stormwater management facilities shall be approved by the Township of Ameliasburgh.

- 6.3.2 The retention of existing tree cover or natural vegetation and the provision of significant grassed and natural areas shall be encouraged to facilitate absorption of surface water into the ground.
- 6.3.3 All developments shall provide drainage plans showing methods of surface water disposal and any anticipated impacts on adjacent or other affected properties.
- 6.3.4 No secondary plan or zoning by-law amendments shall be approved if the proposed development would have a significant adverse impact on surface drainage.
- 6.3.5 Development throughout the secondary plan area generally shall be serviced by storm sewers. However, the Township may consider other methods for directing storm water flows in those instances where the provision of storm sewers is determined not to be physically viable or prohibitively expensive.
- 6.3.6 The financing of surface drainage facilities shall be the responsibility of the developer.

#### 6.4 **Lot Areas/Densities**

Private sewage treatment systems within Rossmore will be regularly monitored and, where such monitoring indicates a deterioration in the proper functioning of the systems, engineering studies will be initiated to assess the need for, and feasibility of, municipal sewage treatment systems. Until municipal sewage treatment services are available development will be permitted on private sanitary sewage disposal systems in accordance with the standards of the authorities responsible for their approval.

Although servicing studies were completed for Rossmore in 1988, specific development standards could not be developed due to the area's varied physiographic conditions. As such it is the intent of this secondary plan that development standards relating to minimum lot sizes, densities and the proper installation of private sanitary sewage disposal services be formulated for development proposals on a site specific basis. In this regard, where deemed necessary by the Ministry of the Environment, Health Unit and/or the Municipality, development applications shall be accompanied by soils and hydrology studies which demonstrate to the satisfaction of the Ministry of the Environment, Health Unit and the Municipality that soil conditions are suitable for the installation of private sanitary sewage disposal systems.

6.5 **Sanitary Sewage Disposal Systems**

It is the intent of this secondary plan that private sanitary sewage disposal systems primarily consist of septic tanks and tile systems. However, consideration may be given to the use of other proven systems subject to the approval of the Ministry of the Environment, Health Unit and the Township.

6.6 **Other Services**

Developers proposing to develop lands in the area covered by this secondary plan shall identify the nature and location of all services required by the proposed development and shall enter into subdivision or other agreements with the Township regarding the provision of such services. These services, among others, include electrical, natural gas and telephone facilities.

## **SECTION 7 - COMMUNITY IMPROVEMENT POLICIES**

### **7.1 General**

This plan recognizes that the Hamlet of Rossmore is aging and that a need exists to upgrade its physical infrastructure, buildings, recreational facilities and the arrangement of existing land uses. Furthermore, the Municipality recognizes the need to maintain and rehabilitate the hamlet's physical environment and therefore is committed to ongoing improvement where deficiencies and/or opportunities exist. With this in mind this section contains the Municipality's goals and objectives for community improvement and identifies the entire hamlet as the area selected for improvement as delineated on Schedule C.

### **7.2 Planning Principles**

It is a goal of this secondary plan to encourage the improvement, upgrading and correction of deficiencies in municipal, social and recreational services as well as the improvement of private lands. As well, it is a goal of this secondary plan to continue to make Rossmore an attractive and safe place in which to live, work and visit and to maintain and improve the economic base of the hamlet through the promotion of jobs, new capital investment and increases in the municipal tax base. As such, the Municipality adopts the following community improvement objectives.

- 7.2.1 To improve and upgrade the hamlet's environment and, in particular, to address deficiencies with respect to the residential, commercial, industrial, recreational and community facility areas by:
1. upgrading municipal services;
  2. increasing the efficiency of the movement of vehicular and pedestrian traffic;
  3. ameliorating land use conflicts; and
  4. enhancing the aesthetic quality of the area.
- 7.2.2 To encourage and support efforts by the private sector to maintain and improve existing buildings and structures.
- 7.2.3 To undertake community improvement projects in a manner that is fiscally responsible, recognizing the anticipated growth and various functions of the community including its social and economic roles.

- 7.2.4 To improve and upgrade municipal facilities and services including those serving institutional, recreational, cultural, social and community related functions.
- 7.2.5 To enhance the hamlet's ability to accommodate new development, redevelopment and economic growth and to foster a favourable climate for private investment.
- 7.2.6 To ensure that buildings and property are maintained to acceptable standards.
- 7.2.7 To undertake a monitoring program to review budgeting and program direction in respect to attainment of specific policies.

7.3 **Community Improvement Area Selection Criteria**

In order to achieve the community improvement goals and objectives, the selection and identification of community improvement areas shall be undertaken where some or all of the following deficiencies and opportunities have been identified:

- 7.3.1 The existence of sanitary and storm sewers and water systems requiring upgrading or construction;
- 7.3.2 The existence of roads, curbs, sidewalks, street lighting or other municipal services and/or utilities requiring construction or upgrading;
- 7.3.3 The need for new or the upgrading of existing recreational or community facilities, including those serving the needs of special groups;
- 7.3.4 The presence of incompatible land uses or environmental problems;
- 7.3.5 The existence of building stock showing signs of deterioration and requiring rehabilitation and upgrading;
- 7.3.6 Lands with potential for infill development or improvement to under-used properties or buildings;
- 7.3.7 Deficient aesthetic or structural quality of streetscapes, particularly in existing commercial areas;
- 7.3.8 Opportunities to enhance tourism and public education.

#### 7.4 **Community Improvement Areas**

On the basis of the criteria outlined in Section 7.3, Rossmore has been identified as a community improvement area. The area has been identified on Schedule C and it is the intent of this secondary plan that community improvement projects be undertaken in this area as needed. However, prior to approving any improvement plans, the Municipality must be satisfied that it can reasonably finance and afford the Township's share of any costs.

#### 7.5 **Implementation**

In implementing this secondary plan's community improvement goals and objectives the Municipality shall:

- 7.5.1 designate by by-law, any part of the hamlet of Rossmore as a community improvement project area(s), on the basis of the criteria outlined in Sections 7.3 and 7.4;
- 7.5.2 participate in available public funding programs to assist in the implementation of community improvement plans;
- 7.5.3 incorporate any other relevant municipal programs into the community improvement plan;
- 7.5.4 encourage the participation of the private sector in the implementation of the community improvement plan;
- 7.5.5 support and encourage the participation of local community groups, service clubs and other public organizations in the implementation of the community improvement plan;
- 7.5.6 improve, acquire or dispose of land and/or buildings in a designated area in accordance with the community improvement plan;
- 7.5.7 develop and enforce maintenance and occupancy standard by-laws; and
- 7.5.8 undertake the preparation of community improvement plans and the development of community improvement programs pursuant to Section 28 of the Planning Act.

## **SECTION 8 - CONSENT POLICIES**

### **8.1 General**

This secondary plan intends that the creation of new lots primarily occur by plan of subdivision. Therefore, an application to the Land Division Committee for a consent to sever a parcel of land will only be considered when it is clearly evident that a registered plan of subdivision is not required in the public interest. To assist the Land Division Committee in its evaluation of applications for consent, the following policies serve to define the circumstances in which approval of a consent application may be considered.

In considering specific applications for consent the Land Division Committee shall have regard for the policies of this section in addition to all other policies in this secondary plan and to the matters set out in the Planning Act.

### **8.2 Zoning**

The proposed lot and the lot to be retained shall be of an appropriate size and have adequate frontage for the existing and proposed uses and the severed and retained lots must comply with the provisions of the implementing zoning by-law. Where a rezoning is required it shall be included as a condition of approval of the consent.

### **8.3 Servicing**

Consents may only be considered when it has been established to the satisfaction of the appropriate approval agencies that an adequate supply of potable water is available to service the proposed and retained lots and that the lots are of sufficient size to support private sanitary sewage disposal systems. The Land Division Committee shall adhere to the policies set out in Section 6.0 of this secondary plan.

### **8.4 Access**

8.4.1 The creation of strip or linear development along Provincial Highway No. 62 shall be discouraged. Development shall only be permitted in accordance with the policies set forth in Section 5.9 of this secondary plan.

8.4.2 All lots created by consent shall front on a public road.

8.4.3 Consents shall not be permitted where a traffic hazard would be created due to the curve, the grade and/or the existing traffic volume of the road upon which the lot fronts.

8.4.4 The creation of lots with access onto Provincial or County roads shall only be approved where the Ministry of Transportation or the County of Prince Edward respectively advises that an entrance permit will be issued.

8.4.5 The creation of lots with access onto Township roads shall only be approved where it is demonstrated that the Township road is of suitable quality to accept traffic generated by the proposed land use activity.

#### 8.5 **Parkland Dedications**

8.5.1 In the case of a lot created for residential purposes the Land Division Committee may require the conveyance of up to a five percent parkland dedication or a cash payment in lieu of land.

8.5.2 In the case of a lot created for industrial or commercial purposes the Land Division Committee may require the conveyance of up to a two percent parkland dedication or a cash payment in lieu of land.

8.5.3 The Land Division Committee also shall be guided by the provisions of Section 9.8 of this secondary plan.

#### 8.6 **Technical Or Legal Consents**

A consent may be permitted for technical or legal reasons such as boundary adjustments, easements, right-of-ways or other similar purposes that do not result in the creation of a new lot.

#### 8.7 **Preservation Of Natural Features**

Consents shall not be permitted where they may have a deleterious impact on those environmentally sensitive areas identified on Schedule A of this secondary plan.

#### 8.8 **Future Development**

Consents which inhibit or limit the potential for future planned development will be discouraged.

## **SECTION 9 - IMPLEMENTATION**

The secondary plan shall be implemented by means of the following:

### **9.1 Provincial Acts**

The Municipality shall implement this secondary plan by utilizing the powers conferred upon it by the Planning Act, the Municipal Act and such other statutes as may be applicable.

### **9.2 Municipal By-Laws**

#### **9.2.1 Zoning By-law**

##### **9.2.1.1 General**

It is the intent of this secondary plan that a comprehensive amendment to the Township's zoning by-law shall be brought into effect by the Municipality, in accordance with the policies and land use designations of this secondary plan which will establish regulations to control the use of land and the character, location and use of buildings and structures in Rossmore.

Although the zoning by-law shall zone land in accordance with the land use designations and policies of this secondary plan, it is not intended that all areas designated for a particular land use necessarily be zoned immediately for such use. Rather, holding zones may be placed on certain areas until it is appropriate for development to occur.

##### **9.2.1.2 Existing Uses**

Uses of land which legally existed at the date of the adoption of this secondary plan may be recognized by an appropriate zoning category in the implementing zoning by-law and minor extensions and/or the construction of accessory buildings may be permitted.

#### **9.2.2 Holding Provision By-law**

##### **9.2.2.1 General**

Pursuant to Section 35 of the Planning Act, the Municipality may in a by-law passed under Section 34 of the Planning Act, by the use of the holding symbol 'H' (or 'h'), delay development within specific areas until the development criteria contained in the policies for the various land use

designations, in addition to all other relevant policies of this secondary plan, have been satisfied. For example, a holding provision by-law could be utilized to enable the phasing of development and provision of municipal services.

Without limiting the generality of the foregoing it is the intent of this secondary plan that holding provisions may be applied due to:

1. a site's specific location or relationship to adjacent uses;
2. a site's lack of appropriate servicing;
3. a site's relationship to a road, road intersection or body of water; or
4. a site's undeveloped nature.

#### 9.2.2.2 Implementation

Lands subject to holding provisions shall be identified within the implementing zoning by-law by the placement of a holding symbol immediately following the relevant zone symbol. Permitted uses within an area subject to holding provisions shall be limited to the uses existing at the time of the passing of the by-law and the holding by-law may be utilized to restrict the expansion of existing uses. Notwithstanding these limitations the Municipality may permit development which it deems to be similar to or compatible with the designated land use as delineated on the land use schedules to this secondary plan.

#### 9.2.2.3 Removal of the Holding Symbol

The holding symbol shall be removed from the lands so zoned by an amendment to the zoning by-law, once the Municipality is satisfied that development can proceed in accordance with the policies of this secondary plan.

#### 9.2.3 Interim Control By-law

Where the Municipality by by-law or resolution directs that a review or study be undertaken with respect to land use policies in the hamlet or in defined areas of the hamlet, the Municipality may pass an interim control by-law pursuant to Section 37 of the Planning Act which serves to control the use of land, buildings, or structures within the municipality or within the defined areas of the municipality that are subject to the review and study.

An interim control by-law may remain in effect for a period of time specified in the by-law but shall not be in effect for longer than two years from the date of the passing of the by-law.

#### 9.2.4 Temporary Use By-law

Pursuant to Section 38 of the Planning Act and notwithstanding the other policies of this secondary plan, temporary uses may be permitted in any designation. Before passing a by-law to permit a temporary use, the Municipality shall be satisfied that those of the following requirements which are relevant to the specific application are, or will be, fulfilled in order to safeguard the wider interests of the general public:

1. that the proposed development or redevelopment is consistent with the temporary nature of the proposal;
2. that the proposed use will be compatible with adjacent uses;
3. that the size of the parcel of land or building to be used is appropriate for the proposed use;
4. that services such as water, sewage disposal, and roads are sufficient;
5. that matters such as noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity are considered to ensure that the impact of a temporary use will not be detrimental to adjacent uses or the wider community;
6. where necessary, neighbouring uses will be protected by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings, structures or uses; devices or measures to reduce nuisances; and regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc.; and
7. that the by-law must have suitable regulations in regard to setbacks, lot coverage, parking and other such items as may be required either through the text of the by-law or by reference to the municipality's zoning by-law.

#### 9.2.5 Maintenance and Occupancy By-law

The Municipality may pass by-laws pursuant to Section 31 of the Planning Act to establish minimum standards of maintenance and occupancy for properties within the hamlet and the Township as a whole.

Such a maintenance and occupancy by-law applicable to all property shall contain requirements with respect to:

1. garbage disposal;
2. pest prevention;
3. the structural maintenance of buildings;
4. the safety of buildings;
5. the cleanliness of buildings;
6. the services to buildings such as plumbing, heating, electricity;
7. keeping lands and waterfronts free from rubbish, debris, weeds, abandoned or used vehicles or equipment;
8. maintaining yards, lands, parking and storage areas;
9. maintaining fences, swimming pools, accessory buildings and signs; and
10. occupancy standards.

9.2.5.1 Property Standards Officer

The Municipality may appoint a Property Standards Officer who will be responsible for administering and enforcing the maintenance and occupancy by-law.

9.2.5.2 Property Standards Committee

The Municipality may appoint a Property Standards Committee as provided for in Section 31 of the Planning Act to hear appeals against an order of the Property Standards Officer.

9.2.5.3 Public Lands

Complimentary to the enforcement of minimum standards on private properties, the Municipality shall undertake to keep in a fit and well-maintained condition all municipally owned properties and structures and to provide or maintain in good repair roads and sidewalks, etc.

9.2.6 Trailer By-laws

Pursuant to Section 210(95) of the Municipal Act, the Municipality may pass trailer by-laws to regulate the use of trailers within the hamlet.

9.3 Ontario Building Code

All construction shall adhere to the regulations of the Ontario Building Code.

9.4 Committee Of Adjustment

The Committee of Adjustment shall be guided by the intent and purpose of this secondary plan and the implementing zoning by-law when making decisions on applications pursuant to Sections 44 and 52 of the Planning Act.

9.5 Planning Advisory Committee

The Planning Advisory Committee shall be guided by the intent and purpose of this secondary plan when advising the Municipality on planning matters.

9.6 Development Levy

The Municipality may set development or lot levies in order to finance the provision of municipal services.

9.7 Plans Of Subdivision

It is the intent of this secondary plan that residential and major industrial development occur by registered plan of subdivision. In considering the propriety of applications for approval of plans of subdivision, the Municipality shall only recommend to the Minister of Municipal Affairs for approval those plans which comply with the intent and purpose of this secondary plan with regard to such matters as the provision of adequate services, the compatibility of the proposed development with adjacent uses and the capacity of the municipality to absorb the new development without placing unnecessary demands on the municipality's finances.

9.8 Public Open Space And Park Land Dedications

9.8.1 Park Land Dedication

To ensure that adequate lands are available to meet the open space and recreational needs of the residents of the hamlet, the Municipality shall require

the conveyance of up to a five percent park land dedication in the case of new residential development and up to a two percent parkland dedication in the cases of new commercial or industrial development. In addition, the Municipality may accept a "cash-in-lieu" of park land payment when deemed appropriate.

All lands dedicated for park land purposes must be in a satisfactory physical condition and be located in a manner which provides for its use by the general public. Where a proposed development abuts a body of water, the Municipality shall endeavour to require that the lands dedicated for park land be located adjacent to the body of water.

Lands susceptible to flooding or other environmental hazards need not be accepted as part of the park land dedication.

#### 9.8.2 Open Space and Recreational Management

It is the intent of this secondary plan that the Municipality make provision for the establishment, improvement, maintenance and management of parks and recreational facilities in accordance with the needs of the hamlet's residents.

#### 9.9 Capital Works Program And Budget

It is the intent of this secondary plan that wherever possible the Municipality, on the basis of the policies contained within this secondary plan, shall establish a staged program for the implementation of community facility, public works and any other municipal projects within the hamlet and Township as a whole. A five year capital improvement program should then be developed and systematically implemented. This program should be reviewed annually as part of the capital budget procedure.

#### 9.10 Legal Non-Conforming Uses

Land uses which legally exist at the date of approval of this secondary plan that are neither designated in this plan nor zoned in the implementing zoning by-law as a permitted use, are termed "legal non-conforming uses" and in the long run should cease to exist. In some instances, however, it may be desirable to permit the extension or enlargement of such a legal non-conforming use in order to avoid unnecessary hardship. Is the intent of this secondary plan that any such extensions or enlargements shall be processed under the authority of Section 34(10) or Section 44(2) of the Planning Act as follows:

##### 9.10.1 Section 34(10) of the Planning Act

Any application for the extension or enlargement of a use which is not permitted in the implementing zoning by-law and which legally existed at the time of the passing of such by-law shall be dealt with in the following manner:

9.10.1.1 Land Acquisition

Pursuant to Section 34(8) of the Planning Act, the Municipality shall evaluate the possibility and feasibility of acquiring the property concerned at the time of the application or possibly at some future date and of holding, selling, leasing or redeveloping the property. At the same time, consideration shall be given to the possibility of relocating the use under consideration to a designated and zoned location where it would be able to function and produce under improved conditions in accordance with the policies of this secondary plan.

9.10.1.2 Section 34(10)

Pursuant to Section 34(10) of the Planning Act if the Municipality considers the purchase of the property to be unrealistic but the merits of the individual case deem it desirable to grant permission for the extension or enlargement, the Municipality may pass an amendment to the zoning by-law. Such a by-law may be passed without amending the secondary plan providing that:

1. The proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of the secondary plan and the requirements of the implementing zoning by-law applying to the area.
2. The proposed extension or enlargement shall be in an appropriate proportion to the size of the existing use established prior to the date of passing of the implementing zoning by-law.
3. The characteristics of the existing use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity. If one or more of the above nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area, then no amendment to the implementing zoning by-law shall be made. The Ministry of the Environment will be consulted in dealing with extensions to non-conforming uses which may produce pollution problems.

4. The neighbouring conforming uses will be protected by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. The above measures shall be applied to the proposed extension or enlargement and, wherever feasible, also be applied to the established use in order to improve its compatibility with the surrounding area.
5. Traffic generation and parking conditions in the vicinity will not be adversely affected and traffic hazards will be kept to a minimum by appropriately designed ingress and egress points to and from the site and improvements to sight conditions especially in proximity to intersections so as to provide maximum safety for pedestrian and vehicular traffic.
6. Adequate provision has been, or will be, made for off-street parking, loading and unloading facilities.
7. Applicable municipal services such as storm drainage, water supply, sanitary sewage disposal facilities and roads etc. are available or can be made available.

#### 9.10.2 Section 44(2) of the Planning Act

Pursuant to Section 44(2) of the Planning Act, the Committee of Adjustment may permit the enlargement or extension of legally non-conforming buildings or structures but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

### 9.11 **Amendment Procedure**

#### 9.11.1 Submission of Studies

Where an amendment to the secondary plan and/or implementing zoning by-law is required to permit a new residential, commercial or industrial use, prior to the approval of such amendments where deemed necessary by Council or the Municipality appropriate studies shall be prepared which demonstrate to the satisfaction of Council or the Municipality that all pertinent secondary plan criteria have been addressed.

In addition, where deemed necessary by Council or the Municipality applications to amend the secondary plan and/or implementing zoning by-law shall be accompanied by a site plan which shall include:

1. the boundaries of the land to be developed;
2. the locations and widths of proposed access points, parking areas and parking sites;
3. small key plan showing the extent of the applicant's holding and adjacent land uses;
4. all natural and artificial features, including buildings or structures, fences, water courses etc.;
5. the locations and dimensions of all proposed buildings or structures;
6. existing and proposed contours and elevations;
7. any easements affecting the lands;
8. the proposed landscaping approach, where applicable;
9. the proposed method of surface water drainage; and
10. any other information deemed necessary by Council or the Municipality.

#### 9.11.2 Criteria

Amendments to the zoning by-law may be permitted when the Municipality is satisfied that:

1. the proposed use will not have a deleterious impact on adjacent uses;
2. the proposed use does not pose a danger to adjacent uses by virtue of its hazardous nature;
3. the proposed use will not pollute any water and/or soil or otherwise threaten the environment; and

4. the proposed use conforms to the policies and designations of this secondary plan and the provisions of the Planning Act.

#### 9.12 **Public Information**

In order to adequately inform the general public as to the policies and proposals contained herein, Council shall, upon receiving the Minister's approval of the secondary plan, reproduce the plan and make it available to the public.

## **SECTION 10 - INTERPRETATION**

### **10.1 Land Use Boundaries And Roads**

It is intended that the boundaries of the land use designations shown on Schedule A be considered as approximate and absolute only where bounded by roads, railways, rivers, lakes, or other similar clearly defined physical features. It is also intended that the location of roads as indicated on Schedule A be considered as approximate and not absolute. Amendments will not be required in order to make minor adjustments to the approximate land use boundaries or the location of roads, provided the overall intent of the secondary plan is preserved.

### **10.2 Lot Areas, Lot Frontages, Floor Areas**

It is intended that all minimum lot area, lot frontage and floor area criteria herein be considered as approximate and not absolute. Amendments to this secondary plan will not be required for any minor variation from the criteria providing that the intent of the secondary plan is maintained.

### **10.3 Accessory Uses**

Wherever a use is permitted in a land use classification it is intended that uses, buildings or structures normally incidental, accessory and essential to that use also be permitted.

### **10.4 Jurisdiction**

In this secondary plan the term "the Municipality" refers to the Township of Ameliasburgh and its Council and reference to "Council" is intended to mean the Council of the County of Prince Edward.

### **10.5 Subsequent Legislation**

Where a Provincial or Federal Act, or section thereof, is referred to in this secondary plan, it is intended that such references should be interpreted to include any subsequent legislation that may replace the specified Act.

### **10.6 Measurements**

All measurements in this secondary plan are in the metric form and it is the intent of this plan that the metric format be utilized in the preparation of the implementing zoning by-law.

APPENDICES 1, 2, AND 3

AMENDMENT NO. 100  
TO THE  
OFFICIAL PLAN  
FOR THE  
COUNTY OF PRINCE EDWARD

ROSSMORE SECONDARY PLAN

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SEPTEMBER, 1989

APPENDICES

The following appendices are not intended to form a part of Amendment No. 100 but are included only for the purpose of providing information in support of this amendment.

APPENDIX 1

STATEMENT CERTIFYING THE REQUIREMENTS OF SECTIONS 17(2), 17(4) AND 17(8) OF THE PLANNING ACT 1983 HAVE BEEN COMPLIED WITH

It is hereby certified that the requirements for the giving of Notice, as set out by Section 18.3 of the Official Plan of the County of Prince Edward Planning Area (Amendment No. 33 as per Section 17(4) of the Planning Act, 1983), and the holding of at least (1) public meeting, as required by Section 17(2) of the Planning Act, 1983 have been complied with. In addition, the requirement for the giving of Notice as mentioned in Section 17(8) of the Planning Act, 1983 has been complied with.

Robert P. Taylor  
Director of Planning

## APPENDIX II

### REPORT OF THE PUBLIC MEETING

An advertised public meeting on proposed Official Plan Amendment No. 100 was held by the County of Prince Edward Planning Advisory Committee on Tuesday, August 29th, 1989 at 7:30 p.m. at the Rossmore Firehall.

Ruth Ferguson, Chief Planner from Ainley & Associates, gave an overview of the preparation of the Secondary Plan by their firm and provided a brief summary of the contents of the plan. Ms. Ferguson also summarized public and agency comments which had been reviewed.

Mr. Randy Kerr posed a question about access to the waterfront commercial area.

Ms. Ferguson responded by stating that this concern could be addressed through the zoning by-law and the Ministry of Natural Resources.

Paul Burton, representing the Tatham Estate, and a Planner with Lehman Planning Consultants of Barrie, expressed a number of concerns on behalf of his clients. His main issue was that a portion of his client's land was incorrectly designated as environmentally sensitive. He maintained that a portion of this land was not defined as "wetland" according to Ministry of Natural Resource's mapping. His second concern related to the designation of a portion of Mr. Tatham's land holdings as "Open Space Conservation" and the reasons for this designation.

Responding to Mr. Burton's first concern, Ms. Ferguson noted that according to the most recent information available the specific piece of land was identified as wetland. Ms. Ferguson responded to the second issue stating that this was a natural location for numerous reasons. Firstly, this location affords excellent vistas of the Bay of Quinte. In addition, the chosen location occupies the extreme southern portion of Mr. Tatham's land and does not divide the property into two separate parcels.

No one else attended the meeting to speak on matters directly relating to the amendment.

Robert P. Taylor  
Director of Planning

APPENDIX III

TRUE COPIES OF ALL WRITTEN SUBMISSIONS OR COMMENTS AND  
ACCOMPANYING MATERIAL RECEIVED PRIOR TO THE ADOPTION OF OFFICIAL  
PLAN AMENDMENT NO. 100.