

3.1 Introduction

The intent of this Plan is to provide for the future orderly development and growth of the Village of Fenelon Falls by establishing policies concerning the physical, social and economic development of the planning area as a whole. In this regard the Plan serves to define a land use framework which will guide development or redevelopment in such a manner that adjacent land uses are reasonably complementary, and, that those activities or uses which are not compatible or which demonstrate conflicting land use requirements are separated. The policies contained in this Section of the Plan must be read in conjunction with Schedule "A", the Land Use Plan, and, as may be applicable, Schedule "B", the Road Network Plan, Schedule "C", Environmentally Sensitive Areas and Schedule "D", the Community Improvement Plan.

The pattern of land use on Schedule "A", the Land Use Plan, has been delineated with the intent of providing for the future orderly development of the planning area having regard for the present pattern of land use and various physical and socio-economic factors which are considered to influence the growth of the Municipality. Lands within the Village of Fenelon Falls shall be developed in accordance with the generalized land use pattern delineated on Schedule "A" and the policies contained in the text of this Plan. General policies which are supplementary to the land use policies set forth in this Section of the Plan should also be referred to.

3.2 Environmental Constraint Areas

3.2.1 General Principles

The Environmental Constraint Area designation includes those lands having inherent environmental hazards such as flood or erosion susceptibility, poor drainage, organic soils, instability or any other similar physical characteristic or limitation which, if developed upon, could result in the deterioration or degradation of the environment and consequently cause property damage or loss of life. The boundaries of the Environmental Constraint Areas represent an interpreted line using topographic mapping, aerial photographs and other readily available information.

Where lands are designated as an Environmental Constraint Area such lands are intended primarily for preservation and conservation of the natural land and/or environment. Given the character of the Village, there is no need to develop or encroach upon lands with inherent physical hazards in the future.

Council shall, wherever possible, endeavour to retain those lands designated as Environmental Constraint Areas in a natural state. The use of such lands shall respect the physical constraints and limitations in order to not only protect life and property but also to minimize the alteration of the natural environment and, where appropriate, maintain the hydraulic capacity of the water courses and their related flood plains.

3.2.2 Permitted Uses

The predominant use of land within areas so designated shall be that of conservation and preservation of the natural environment and outdoor recreation. In addition, public or private parks or other similar forms of land use which generally provide for the maintenance of the natural environment shall also be permitted.

Uses and activities which could be adversely affected by or which could increase the inherent physical hazards associated with the Environmental Constraint Areas will be prohibited.

### 3.2.3 Policies

- a. The erection of buildings and structures or the placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be prohibited within an Environmental Constraint Area, except where buildings or structures are intended for flood or erosion control, landscape stabilization or essential utilities, provided further that such works are in accordance with regulations and the approval of the Kawartha Region Conservation Authority or the Ministry of Natural Resources. Where no Conservation Authority regulations exist, the Municipality may seek the technical assistance of the Conservation Authority or respective Provincial agency when assessing applications for development of such areas.
- b. The boundaries of the Environmental Constraint Areas are delineated in a conceptual manner on Schedule "A". The extent and exact location of the boundaries of the Environmental Constraint Areas shall be delineated in the implementing zoning By-law in accordance with detailed floodline mapping in consultation with the Kawartha Region Conservation Authority and the Ministry of Natural Resources. In the absence of such detailed mapping, Council will seek the technical assistance of the local Conservation Authority or the Ministry of Natural Resources and shall use the boundaries of the Environmental Constraint Areas delineated on Schedule "A" as a general guideline in the preparation of the zoning By-law and in the assessment of development proposals.

Minor alterations to the boundaries of the Environmental Constraint Areas resulting from more detailed mapping, which are implemented in the zoning By-law, will not require an amendment to this Plan provided the general intent of the Plan is maintained.

- c. Whenever any flood control or other similar works are undertaken which result in significant changes to the boundaries of an Environmental Constraint Area designation, such changes shall be incorporated on Schedule "A" by amendment.
- d. It shall be the policy of this Plan to impose building setbacks from the Environmental Constraint Areas in the implementing zoning By-law in relation to the extent and severity of the existing or potential hazard.

3.2.3 Policies (cont'd.)

- e. Environmental Constraint Areas shall be primarily for the preservation and conservation of the natural landscape and environment. Such areas shall be managed in such a manner as to complement adjacent land uses and to protect such uses from any physical hazards and their potential effects.
- f. Where recreation or conservation projects are designed for public or private use, adequate automobile parking areas shall be established, and, access points to such parking areas shall be designed in such a manner so as to minimize the danger to both pedestrian and vehicular traffic.
- g. Where any land designated as an Environmental Constraint Area is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public nor that the lands will be purchased by the Municipality or other public agency.
- h. It shall be the policy of this Plan that in considering an application for the redesignation of lands designated as an Environmental Constraint Area for other purposes, Council, in conjunction with the Kawartha Region Conservation Authority or the Ministry of Natural Resources, and, as may be necessary, the Trent Severn Waterway, shall have due regard for the following matters:
  - i. the existing environmental and/or physical hazards;
  - ii. the potential impacts of these hazards;
  - iii. the potential impact of any proposed development on the Environmental Constraint Area inclusive of any impacts on existing development located upstream or downstream of the site; and
  - iv. the proposed methods by which these impacts may be mitigated in a manner consistent with accepted engineering techniques and resource management practices.

### 3.2.3 Policies (cont'd.)

There is no public obligation, however, either to redesignate or to purchase any land if there is an existing or potential hazard that would be difficult or costly to overcome.

- i. Where new development is proposed on a site, part of which has physical or environmental hazards, then such Environmental Constraint Areas shall not necessarily be acceptable as part of the five per cent dedication for park purposes under The Planning Act.

All lands dedicated to the Village shall be conveyed in a physical condition satisfactory to the Municipality. Where the land dedication involves lands adjacent a watercourse, adequate space shall be provided to ensure access for maintenance operations.

- j. No dredging or filling of any kind is permitted within or adjacent the bed of either the Fenelon River or Cameron Lake without the prior written approval of the Trent Severn Waterway.
- k. It shall be the policy of this Plan that Environmental Constraint Areas shall be zoned in a separate classification in the implementing zoning By-law.

### 3.2.4 Development Constraint Area

It should be recognized that significant development has occurred on those lands to the south of Princes' Street and north of Francis Street, adjacent the open watercourse known as the Fenelon Creek. Under certain storm conditions such lands may be susceptible to flooding. It is the intent of this Plan to recognize the development of the lands as permitted in the underlying designation provided that the erection, alteration or extension or enlargement of any permitted building or structure does not detrimentally affect the hydraulic characteristics of the watercourse and that, wherever feasible and practical, measures are employed to mitigate the potential risks associated with flooding. Prior to the issuance of any building permit in this area, Council shall consult with the Kawartha Region Conservation Authority.

### 3.3 Recreational - Open Space

#### 3.3.1 General Principles

It is the intent of this Plan to ensure that adequate public parks, open space and recreational facilities are available to provide for a range of leisure opportunities for all age groups. Lands designated as recreational-open space are primarily intended for both public and private parks and open space conservation uses. In developing recreational-open space areas regard shall be had for the attributes and characteristics of the natural landscape to provide for both active and passive recreational pursuits.

It should be recognized that while it is the long term intent of this Plan to provide sufficient parks and open space areas to meet the needs of the community as a whole, there are certain areas, particularly in the older established areas of the Village, where deficiencies exist. In this regard it is the intent of this Plan to not only provide sufficient parkland and open space areas in relation to new development, but also to increase, wherever feasible, the recreational-open space areas within the older developed areas of the community.

#### 3.3.2 Permitted Uses

The Recreational-Open Space designation shall mean that the predominant form of land use in the areas so designated shall be for active and passive recreational and conservation uses. The uses permitted shall include public parks; pedestrian walkways and bicycle pathways; public access areas for such activities as cross-country skiing, angling and bathing; and, other similar public or private open space recreational uses.

#### 3.3.3 Policies

- a. Regard shall be had for the compatibility of recreational and open space uses with adjacent land uses and, where necessary, such facilities shall be designed in such a manner so as to provide adequate spatial separation, buffer planting, landscaping and fencing so as to ensure that any adverse effects associated with such uses are minimized.

## 3.3.3 Policies (cont'd.)

- b. Where recreational or conservation projects are designed for either public or private use, adequate automobile parking areas shall be established and access points to such recreational areas and associated parking areas shall be designed in such a manner that the road pattern provides for the safe movement of vehicular and pedestrian traffic.
- c. Where any lands designated as Recreational-Open Space are held under private ownership, it is not intended that such lands are necessarily free and open to the public nor that there is unrestricted public access to the area. Control of access is at the discretion of the owners and only where the land is acquired by a public authority will general access be permitted, and only then, in accordance with the policies of the respective authority.
- d. Lands designated as Recreational-Open Space will not necessarily be acquired by the Municipality or other public authority. Where a proposal is made to develop lands held under private ownership for an alternative use not permitted under this designation, and the Municipality or other public agency does not wish to purchase such lands to retain them for recreational purposes, an application for the redesignation of the lands will be given due consideration by the Municipality after taking into consideration the intent and policies of this Plan.
- e. Council will encourage the overall development and use of the waterfront open space areas in a manner which is complementary to and compatible with adjacent land uses and, where feasible and practical, which increases public accessibility.
- f. When reviewing an application for an amendment to this Plan or the implementing Zoning By-law or in approving or commenting on plans of subdivision, Council may give consideration to the acquisition of lands for public open space purposes.
- g. Only those buildings and structures incidental to the principal permitted recreational-open space uses defined in this Plan shall be allowed in areas designated as Recreational-Open Space.

3.3.3 Policies (cont'd.)

- h. It shall be the policy of this Plan to encourage the provision of community and neighbourhood parkland areas in accordance with the following standards, namely:

Community Parks	2.5 ha per 1000 persons
Neighbourhood Parks	1.5 ha per 1000 persons
Total Parkland Requirements	4.0 ha per 1000 persons

It is recognized that, within the older developed areas of the Municipality, it may not be possible to attain such standards. In this regard the standards are intended as a guide and Council shall, wherever possible, attempt to provide additional parkland in the form of neighbourhood parks where deficiencies exist. Council may require land dedication for public parkland purposes in the review and consideration of development or redevelopment proposals or may consider direct acquisition in order to provide additional parkland in such areas of the community.

- i. It shall generally be the policy of this Plan that one or more neighbourhood parks will be developed within each neighbourhood which provide for a range of recreational facilities, including passive outdoor areas, for all age groups. Neighbourhood parkland areas will generally vary in size from 1.6 to 3.2 hectares and wherever possible be centrally located within the neighbourhood depending on population density within each area.
- j. It shall generally be the policy of this Plan to provide community parkland as multi-purpose recreational areas which include such recreational facilities as athletic fields, for individual and team sports, together with relatively large areas available for passive open space purposes. Community parkland areas will generally vary in size from 3.2 to 6.4 hectares depending upon the needs of the community as a whole.
- k. Deleted by Official Plan Amendment Number One.
- l. The establishment of future parkland areas will, wherever feasible and practicable, be co-ordinated with the School Board in order to achieve the integration of facilities and to maximize the recreational opportunities and utilization of such facilities.

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### 3.3.3 Policies (cont'd.)

- m. Where a neighbourhood or community parkland area is integrated with an educational or major indoor recreational facility, the following criteria shall apply, namely:
  - i. no physical barriers will be introduced to separate those facilities which fulfill a joint function;
  - ii. a separate identity will be maintained for the park and school components by means of signage and landscaping;
  - iii. the facilities will be designed to be complementary; and,
  - iv. the standards for the provision of parkland shall not be reduced.
- n. Council shall investigate the feasibility of establishing a continuous "link-node" open space system which focuses on such destination points as parks, the Heritage Canal and related facilities, recreational, educational, community facilities and the main central area of this community.
- o. It shall be the policy of this Plan that Recreational-Open Space areas may be zoned in a separate classification in the implementing By-law whereunder suitable regulations and provisions are established to govern the use and development of such lands.
- p. Notwithstanding any other provision of this plan to the contrary, on those lands designated within the Recreational-Open Space land use classification, located adjacent the north-westerly limits of North Street, south of Helen Street, the uses permitted shall include an off-street parking area owned and maintained by the Victoria County Board of Education as may be required in association with the Fenelon Falls Secondary School located on those lands adjacent the north-east corner of the intersection of North and Green Streets. Access points to and from this area shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic. In addition, adequate buffer planting and appropriate fencing shall be provided between the off-street parking facilities and adjacent residential properties to provide for a reasonable degree of privacy and compatibility and to minimize the disturbance to adjacent property owners.

3.3.3 Policies (cont'd)

Council may, in a by-law passed pursuant to the provisions of Sections 34 and 35 of the *Planning Act, S.O., 1983*, as amended, impose a Holding Provision on the subject lands. No development or change in use of the lands shall be permitted and Council shall not remove the Holding Symbol until such time as a development agreement has been entered into with the Victoria County Board of Education and such agreement has been registered on the title to the lands to which it applies. (O.P.A. No. 3)

### 3.4 Residential

#### 3.4.1 General Principles

It is the intent of this Plan to provide areas for residential development or redevelopment as part of an orderly and desirable land use pattern which ensures that residential uses are suitably located in areas where the residential use is compatible with adjacent land uses. Sufficient land shall be designated for residential purposes to accommodate the anticipated population growth and to provide for a choice of life-styles consistent with changing demands.

#### 3.4.2 Housing Strategy

A housing strategy will be developed in consultation with, the Minister of Municipal Affairs and Housing and other appropriate stakeholders. The housing strategy will set out a plan, including policies to meet the needs of all residents, including the need for affordable housing – both home ownership and rental housing. A minimum affordable housing target will be established and implemented through the Official Plan. The housing strategy will include the planning and development of a range of housing types and densities to support the achievement of the intensification target and density targets

#### 3.4.3 General Policies Applicable To All Residential Designations

- a. Council shall endeavour to maintain and/or improve the quality of existing residential development in those areas which are designated for continued residential use.
- b. It shall be the policy of this Plan to give priority to the infilling of areas presently developed for residential purposes. All new residential development shall, wherever possible and economically feasible, be fully serviced by municipal water supply and sanitary sewerage systems.
- c. It is the intent of this Plan that a variety of low and medium density housing styles, types and densities be available throughout the residential areas of the Village. Regard shall be had for the design and massing of the various forms of housing so as to ensure that medium density housing

#### 3.4.3 General Policies Applicable To All Residential Designations (cont'd.)

*Village of Fenelon Falls*

is not intermixed indiscriminately with low density housing. Housing types will be arranged in a gradation so that higher density developments will complement those of lower density, with sufficient spacing to maintain privacy, amenity and value.

- d. Wherever possible sidewalks and separate pedestrian walkways will be encouraged to facilitate access to elementary schools and parks and thereby provide for the physical separation of pedestrian and vehicular traffic.
- e. The ultimate average population density of the undeveloped and developing areas within the Village of Fenelon Falls shall not exceed 60 persons per gross hectare of land designated for residential purposes on Schedule "A" of this Plan.
- f. In reviewing plans which provide for either the redevelopment or the infilling and intensification of residential uses within areas primarily developed for residential purposes, Council shall ensure that the residential character of the area will be maintained or enhanced and that such redevelopment will not burden existing facilities and services.
- g. Where a home occupation is a permitted use it is the intent of this Plan that it will be carried on within the dwelling unit by the owner of the dwelling, that only members of the immediate family who occupy the dwelling will be employed, that the home occupation use occupy less than 25 per cent of the floor area of the dwelling, that it does not involve the retail sale of merchandise directly from the property, and, that the home occupation use shall not detract from the residential character of the area.
- h. It shall be the intent of this Plan to prevent an undue concentration of group homes within the Residential areas of the Municipality so as to minimize the impact on any one area of the community. Standards requiring a minimum distance between such facilities shall be incorporated in the implementing zoning By-law.
- i. Adequate off-street parking shall be provided for all permitted uses within the Residential designations.

#### 3.4.4 Low Density Residential Areas

The general principles to be considered in the development and use of lands designated as Low Density Residential are as follows:

- a. The uses permitted shall be limited to single-family detached dwellings, two-family dwellings such as semi-detached and duplex dwellings, home occupation uses, and, public and institutional uses which are complementary to and compatible with the basic residential function of the area.

In addition, a limited number of conversions of older dwelling houses to create a maximum of three dwelling units shall also be permitted provided the relevant policies and provisions of this Plan are complied with.

- b. It is the policy of this Plan that the predominant form of housing within a low density residential designation shall be single-family detached dwellings. Two-family dwellings shall also be permitted provided that the overall density of development within the low density designated area does not exceed 18 units per gross hectare.
- c. It shall generally be the policy of this Plan that low density residential development proceed by means of registered plans of subdivision. Regard shall be had for the design and layout of the subdivision and the ability of the Municipality to provide services. Individual lots within the subdivision shall be of reasonable proportion in terms of lot area and frontage having regard for the type of housing proposed and the general character and nature of the community.
- d. Access to individual lots within a plan of subdivision shall generally be from internal subdivision roads, the construction of which shall be in accordance with the standards of the Municipality and the responsibility of the Developer. It is further intended that such roads shall be maintained by the developer for such period as specified in the subdivision agreement and subsequently assumed by the Municipality at no cost.

It shall further be the policy of this Plan that the road pattern providing access to and within a plan of subdivision shall be designed in such a manner so as to minimize the danger to pedestrian and vehicular traffic.

#### 3.4.4 Low Density Residential Areas (cont'd.)

- e. The conversion of a single-family dwelling to create a dwelling house containing two or three dwelling units shall require an amendment to the implementing zoning by-law. In order to ensure that the character of the residential area is not adversely affected, Council shall have regard for the following matters in assessing an application for an amendment to the zoning by-law to provide for the conversion of a residential structure, namely:
  - i. the nature of any exterior renovations to the structure with specific regard for the extent and design of such renovations and the relationship of the building to adjacent lands, buildings and streets;
  - ii. the provision of adequate off-street parking facilities and access driveways;
  - iii. the need for landscaping, inclusive of buffer planting and screening, to provide for a reasonable degree of compatibility with adjacent low density residential uses; and,
  - iv. the need to alter the lot grading of the property and the effects of such alterations on adjacent lands.
- f. It shall be the policy of this Plan that single-family detached dwellings, two-family dwellings, and, the permitted public and institutional uses may be zoned in separate zoning classifications in the implementing By-law.

#### 3.4.5 Medium Density Residential Areas

The general principles to be considered in the development and use of lands designated as Medium Density Residential are as follows:

- a. The uses permitted shall be limited to those uses permitted in the Low Density Residential areas and various forms of medium density residential uses such as street front townhouses, row or cluster housing, quadraplexes, low rise apartments, or other similar multiple-family forms of housing, home occupation uses and public and institutional uses which are complementary to

and compatible with the basic residential function of the area.

#### 3.4.5 Medium Density Residential Areas (cont'd.)

- b. The maximum density of development within a medium density residential area shall not exceed 37 units per gross hectare.
- c. Notwithstanding the provisions of paragraph (b) hereof to the contrary, the maximum height and density of a low rise apartment dwelling house permitted within the Medium Density Residential designation shall be three storeys and 50 dwelling units per net hectare respectively, provided that, where adjoining lands are designated as Medium Density Residential, the overall density of development within the Medium Density Residential area as a whole does not exceed 37 units per gross hectare.
- d. The development of new multiple-family dwelling units within the Medium Density Residential designation shall be designed and sited in such a manner as to minimize their effect on adjacent land uses, particularly low density residential uses.

Adequate buffer planting and screening shall be provided between medium and low density residential areas in order to provide for a reasonable degree of compatibility and effective spatial separation.

- e. It shall be the policy of this Plan that Council, in considering an application for an amendment to this plan to designate additional lands as Medium Density Residential, shall have regard for the following matters, namely:
  - i. the location of the subject lands relative to existing and proposed arterial and collector roads,
  - ii. the availability and adequacy of municipal services, public parkland and schools;
  - iii. the nature of adjoining land uses and the potential impact on adjacent residential areas, particularly low density areas; and

- iv. the availability of lands for development or redevelopment of medium density residential purposes and that the designation of such additional lands is warranted.

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### 3.4.5 Medium Density Residential Areas (cont'd.)

- f. The development of new low density residential uses on lands designated Medium Density Residential shall generally be discouraged particularly if the effect of such development is to fragment a block of land in a manner which would preclude the development of medium density forms of housing.
- g. It shall be the policy of this plan that the low and medium density residential uses permitted in the Medium Density Residential designation may be zoned in separate zoning classifications in the implementing zoning By-law. New development of a medium density residential nature shall require an amendment to the implementing By-law.
- h. It shall be the policy of this Plan that, in addition to the development of a 50 unit independent care, senior citizen housing complex on those lands designated as Medium Density Residential, located west of Murray Street and east of Lindsay Street; and legally described as part of Lots 88, 89, 90, 117, 118, 119, and 120, Registered Plan No. 100, the uses permitted shall include community care offices and a seniors day care centre.

For legal purposes it may be necessary to have the above property divided into two parcels with the dividing line between the existing building and the addition so that each building contains 25 units.

Regard shall further be had for the use of the adjoining lands and the need to effectively integrate the uses in a manner which encourages the shared use of common facilities inclusive of parking areas, landscaped areas and other open space amenities such as rest areas, provision of outdoor furniture, and adequate lighting. (O.P.A. No. 4 replaced by O.P.A. No. 10 on August 28, 2007 – By-Law 2007-183)

- i. The redevelopment of those lands designated as Medium Density Residential and legally described as forming part of Lots 1 and 2, north of Louisa Street, west of Colborne Street, and, all of Lots 3 and 4 and part of Lot 2, south of Queen Street, west of Colborne Street, of Plan No. 100, (formerly Plan No. 17) shall provide for a maximum of 42 dwelling units in accordance with a comprehensive site development plan which encourages the effective integration of the multiple family housing units within the existing community structure. Landscaped open space areas, buffer planting and screening, and, off-street parking and loading facilities shall be located and designed to ensure a reasonable and appropriate measure of compatibility with adjacent, low density residential uses. Redevelopment of the subject lands for medium density housing forms shall not occur until such time as the Ministry of the Environment and Energy has allocated the necessary sewage treatment capacity to service the proposed residential development.

It shall further be the policy of this Plan that, in zoning the lands for the purposes of medium density housing, Council shall implement a Holding Provision in accordance with the provisions of Section 36

#### 3.4.5 Medium Density Residential Areas (cont'd.)

of the *Planning Act*, R.S.O. 1990, c. P.13, as amended. In addition to the normal requirements, as set forth under Section 8.3.4 of this Plan, Council shall not remove the Holding Provision until such time as the Ministry of the Environment and Energy has confirmed the allocation of adequate sewage treatment capacity to service the proposed residential development. Council may provide for the removal of the Holding Provision on all or a portion of the subject lands, as may be appropriate to provide for the phasing of development, subject to the approval of the Ministry of the Environment and Energy.

(O.P.A. No. 5)

- j Notwithstanding the policies of this Plan to the contrary, on those lands designated Medium Density Residential and legally described as forming Part One of Plan 57R-7889, located adjacent the north-easterly limits of Francis Street, west of Concession Street, the maximum density of development shall not exceed 70 units per hectare consisting of a maximum of 180 assisted living units, and, 40 freehold townhomes geared to an adult lifestyle and developed in association with a common elements condominium corporation.

The housing project shall be developed in accordance with a comprehensive site development plan, to be approved by Council, where the spatial elements promote a reasonable measure of compatibility with adjacent land uses and a well defined streetscape through the effective use of landscaped open space areas, buffer planting, screening and architectural fencing and other similar elements, and, the massing, design and siting of residential structures in a manner which ensures the integration of the housing elements with the established low density residential areas to the north and south-west. Where Council has implemented a Holding Provision in accordance with Section 36 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, Council may provide for removal of the Holding Provision on all or a portion of the subject lands to facilitate the phasing of development subject to the approval of the Ministry of the Environment and the registration of a site plan agreement on the title of the lands. (O.P.A. No. 7)

- k. Notwithstanding the policies in this Plan to the contrary, on those lands designated Medium Density Residential and legally described as Lots 23 & 24, Concession 10, 57R-4657, identified as 94 Francis Street West, the maximum density of development shall not exceed 51 units per gross hectare. (O.P.A. No. 16)

### 3.5 Institutional - Community Facility

#### 3.5.1 General Principles

It is the intent of this Plan to ensure that adequate lands are available for institutional, educational and cultural facilities in keeping with the needs of the community. For the purposes of this Plan institutional and community facility uses include health, welfare and educational establishments, government offices and similar uses and activities.

In view of the difficulty of predicting the advent of new institutional or community facility uses, no attempt has been made in this Plan to identify the future location of such uses. Rather, general policy direction is provided in this Section to guide Council, local boards and public and private agencies in the consideration of proposals for the development of new community facility and institutional land uses, the major expansion of present facilities, and, the assessment and identification of potential sites for the development of new facilities.

#### 3.5.2 Permitted Uses

The Institutional-Community Facility classification of land shall mean that the predominant use of the lands so designated shall be for health, welfare and educational uses such as hospitals and schools, public libraries, places of worship, daycare facilities, fraternal association halls and other similar places of assembly; arenas and similar public recreational facilities; governmental offices; police stations or fire halls; and, related uses and activities.

#### 3.5.3 Policies

- a. In considering the establishment of new institutional or community facility uses, Council shall have regard for the following matters in assessing the appropriateness of the location, namely:
  - i. that the proposal is of a scale which may be integrated with the established character of the area and that the use is compatible with adjacent land uses and designations contained in this Plan; and,
  - ii. that the proposed site is adjacent an arterial or collector road and that an adequate level

of access is available.

### 3.5.3 Policies (cont'd.)

- b. Wherever possible, new institutional or community facility uses shall be encouraged to locate where they will function as a focal point for the neighbourhood or community and on sites adjacent to other institutional or community facility uses.
- c. Institutional uses, except schools, may be permitted to locate in the Main Central Area of the community where there is a demonstrated need and where the location and integration of the proposed use will not have a negative impact on either established or proposed commercial development. Regard shall be had for those policies set forth under Section 3.6 hereof.
- d. Prior to amending this Plan to provide for the development of a new school site, Council shall consult with The Victoria County Board of Education and The Peterborough-Victoria-Northumberland and Newcastle Roman Catholic Separate School Board to ensure the location is appropriate relative to the needs of the area.
- e. Adequate buffer planting, screening and/or fencing shall be provided between institutional and/or community facility uses and adjacent residential uses.
- f. Adequate parking and loading areas shall be provided in accordance with the specific needs of the institutional or community facility use and access points to such areas shall be limited in number and designed in a manner which will minimize the danger to vehicular and pedestrian traffic.
- g. It shall be the policy of this Plan that institutional and/or community facility uses shall be zoned in a separate category in the implementing zoning By-law.
- h. That the future development and use of those lands designated as Institutional-Community Facility, located east of Lindsay Street and west of Murray Street and legally described as forming part of Lots 88, 89, 118, 119 and 120 of Registered Plan No. 100, incorporate a significant linear open space recreational component which employs a desirable civic design so as to ensure a reasonable measure of compatibility with the residential and community facility type uses on adjacent lands. The linear open space system should provide for a well defined system

of public walkways which is integrated with the walkways, off-street parking areas and facilities oriented to the general public on the adjoining lands. Design considerations should include the

3.5.3 Policies (cont'd.)

provision of a significant landscaped open space element and other amenities such as rest areas, outdoor furniture and equipment for all age groups, adequate lighting to ensure public safety, and, the nature of the adjacent lands uses.

Notwithstanding the foregoing, the future development of this area for recreational open space purposes shall not disrupt the continuity of the former railway corridor nor preclude the future development and use of the lands for such purposes as the County of Victoria may propose as part of an overall land use concept for the corridor. Prior to redevelopment of the lands to be retained under public ownership, the County of Victoria will consult with the Village of Fenelon Falls. (O.P.A. No. 4)

### 3.6 Main Central Area

#### 3.6.1 General Principles

It is the intent of this Plan to maintain the Main Central Area as the focal point of activity and as the principle retail and personal service centre within the community. The Main Central Area should provide for a full range of goods and services. Institutional and community facility uses and recreational-open space areas may also be permitted in order to promote the multi-use function of this area and the creation of an attractive environment in which to live, work, conduct business, shop or visit.

#### 3.6.2 Permitted Uses

The uses permitted within the Main Central Area will include a full array of retail, office, financial, personal service, institutional, cultural and recreational-open space facilities. Commercial uses shall include, but not be limited to retail department stores; food, specialty and general merchandising establishments; and, business and professional offices. Other uses permitted shall include civic administration facilities, inclusive of a public library, police stations and firehalls; hotels and places of entertainment, provincial and federal government buildings; and, eating establishments.

Automotive sales and service establishments and service stations shall not be permitted within the Main Central Area.

Residential uses shall also be permitted in the form of apartments forming part of a commercial building within the Main Central Area subject to the policies set forth herein.

#### 3.6.3 Policies

- a. It shall be the policy of this Plan to maintain and strengthen the Main Central Area as the primary commercial area within the community.
- b. The in-depth expansion of the Main Central Area shall be encouraged rather than providing for linear extensions which are not conducive to the development of a compact central business district. New commercial development should be planned as an extension of the existing central business district and should not be allowed to infiltrate unnecessarily into adjoining areas

intended for residential uses.

### 3.6.3 Policies (cont'd.)

- c. The maximum height of any new building or structure developed within the Main Central Area shall not exceed three storeys. The massing and design of new buildings and structures within the Main Central Area shall be in keeping with the nature of the area and further provide for the integration of the building in a manner which is sensitive to scale and character of adjacent structures.
- d. It is the intent of this Plan to provide for the intensification of retail and personal service uses and the redevelopment of those lands in the vicinity of Water, Francis and Bond Streets, west of Colborne Street in a manner which serves to reinforce the Main Central Area. The redevelopment of the lands should employ good civic design measures which increase the economic viability of the area as a whole.
- e. Council will promote and co-operate with individual property owners within the Main Central Area who undertake facade improvements. In addition, Council will encourage the rationalization of those areas and uses to the rear of commercial buildings so as to provide increased off-street parking and loading facilities which are conveniently located and readily accessible by both pedestrian and vehicular traffic.
- f. Innovative building design and layout and the rehabilitation and preservation of buildings and areas of historic and/or architectural value shall be encouraged wherever feasible.
- g. Council in conjunction with the owners and/or operators of businesses within the Main Central Area shall endeavour to improve the streetscape of the Main Central Area by undertaking improvements to the lighting of pedestrian walkways and other public areas, the provision of street furniture and rest areas, the identification of pedestrian crossings, the provision of open space amenity areas including the planting of trees, and the regulation of signage.
- h. Council shall, in conjunction with the owners/operators of business within the Main Central Area, undertake such measures as may be necessary to ensure the provision of suitable and conveniently located public parking facilities. Council shall, from time to time, review the means of regulating the usage of parking facilities and shall implement such measures as may be

necessary to ensure that such facilities are effectively serving the needs of the Main Central Area.

### 3.6.3 Policies (cont'd.)

- i. In accordance with the provisions of Section 39 of The *Planning Act*, S.O., 1983, Council may enter into an agreement with the owner or operator of a building within the Main Central Area to exempt the owner and/or occupant, to the extent specified in the agreement, from the requirement of providing and/or maintaining parking facilities. All monies received by the Municipality under such an agreement shall be paid into a special account in accordance with Section 39(3) of The *Planning Act*, S.O., 1983, and may be used by the Municipality to acquire lands for and/or to develop off-street parking facilities.
- j. In considering an application for the development or redevelopment of buildings or structures within the Main Central Area, Council shall ensure that adequate buffer planting, screening and/or fencing is provided, particularly with respect to parking and service areas, so as to provide for a reasonable degree of compatibility with and to minimize any adverse effects on adjacent residential areas.
- k. It shall be the policy of this Plan that the commercial floor space index for new development or the redevelopment of existing buildings within the Main Central Area shall not exceed one. For the purposes of this Plan the floor space index shall mean the ratio of total floor area above ground, as measured from the exterior walls of the building to the total lot area.

Notwithstanding the foregoing existing buildings and structures which exceed the maximum floor space index shall not be altered or reconstructed if the effect is to increase the floor space index.

- l. Where residential uses are developed in conjunction with the permitted commercial uses within the Main Central Area, regard shall be had for the location, scale and design of the residential component so as to ensure that the function of the Main Central Area is maintained and reinforced. Residential uses and related accessory facilities shall preferably be located above the commercial use and shall, wherever possible, be designed to ensure a functional separation from areas associated with the commercial component.

- m. Adequate off-street parking, loading and service areas shall be provided for all uses within the Main Central Area. Access points to such areas shall be limited in number and designed in such a manner as to minimize the danger to and interference with vehicular and pedestrian traffic.

3.6.3 Policies (cont'd.)

- n. It shall be the policy of this Plan that those uses permitted within the Main Central Area may be zoned in separate zoning classifications in the implementing zoning By-law whereunder suitable provisions and regulations shall be prescribed to govern the development and use of such lands.

### 3.7 District Commercial

#### 3.7.1 General Principles

It is the intent of this Plan that commercial development outside the Main Central Area will occur in an orderly manner, consistent with the needs of the community as a whole. Development within those areas designated District Commercial should not undermine the viability of the Main Central Area, but rather reinforce and complement the primary economic function of the Main Central Area as the focal point and principal centre of commerce.

The District Commercial designation is primarily oriented to those commercial areas and uses which rely heavily upon vehicular traffic for their economic existence and which require direct access from and the exposure afforded by locations adjacent to major arterial and collector roads. District Commercial areas should be physically separated from the Main Central Area rather than forming a linear extension of the central business district and associated uses.

#### 3.7.2 Permitted Uses

The uses permitted within the District Commercial designation will primarily include those commercial uses which rely heavily upon vehicular traffic for their economic existence and may include but not necessarily be limited to motels, motor hotels, eating establishments inclusive of drive-in and take-out restaurants, motor vehicle service stations and car washes, automotive dealerships, specialized automotive repair and sales and recreational vehicle sales and service establishments.

Limited specialized retail commercial establishments, such as major furniture and appliance sales, warehouse outlets, building supply outlets or other similar retail uses requiring large enclosed areas or whose special nature or requirements in terms of size, site and/or buildings are not conducive to a location within the Main Central Area shall also be permitted within the District Commercial designation.

### 3.7.3 Policies

- a. District Commercial uses will be encouraged to consolidate in nodes in accordance with good urban design principles. Development within the District Commercial areas will primarily occur in the form of infilling and through the relocation and sequential redevelopment of non-conforming uses and activities. It is the intent of this Plan to provide for the consolidation of District Commercial uses and to avoid the indiscriminate development and/or extension of such uses into adjacent non-commercial areas.
- b. All outdoor storage areas will be fenced or suitably screened from adjacent residential areas. Council may permit the temporary storage of materials without screening for display or promotional purposes only, provided vehicular movement is not endangered and that all parking requirements can be complied with.
- c. It shall be the policy of this Plan to encourage specialized retail commercial uses to locate within areas of similar District Commercial uses wherever possible.
- d. Adequate off-street parking facilities shall be provided for all permitted uses and access points to and from such parking areas shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.
- e. The provision and maintenance of off-street parking, service and loading areas will be the responsibility of the owners/developers and occupants within the District Commercial Areas. Council shall not, except in extraordinary situations, consider the provision of municipal parking facilities within the District Commercial Areas.
- f. Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas. Such buffer planting may include provision for grass strips and appropriate planting of trees and shrubs.
- g. Council will endeavour to maintain or improve the visual amenity and general attractiveness of the District Commercial areas. In so doing Council will:
  - i. encourage the restoration, repair and rehabilitation of existing store fronts and facades to complement the scale, design and character of other commercial development in the

area;

3.7.3 Policies (cont'd.)

- ii. encourage the relocation of non-commercial uses which interrupt the continuity of the commercial frontage; and,
  - iii. regulate building setbacks to maintain continuity and, where necessary, provide additional setbacks to permit wider sidewalks, landscaped open space and street furniture.
- h. In considering applications for the development or redevelopment of commercial uses which involve the outside storage of goods and materials, Council shall have regard for the following matters, namely:
- i. the location and nature of the outside storage facility and the effect on adjacent properties; and,
  - ii. the location and number of off-street parking spaces and their location relative to the areas proposed for outside storage.
- i. Council will encourage the redevelopment of those lands located to the south of the Fenelon River, east of Lindsay Street, for District Commercial purposes in keeping with the overall intent of this Plan. In addition to those uses permitted within the District Commercial designation, as specified under Section 3.7.2 hereof, a retail food store, financial establishments, business and professional offices and personnel service uses may be permitted provided such uses do not result in undue economic decline in the main central area. Redevelopment of the area shall occur in association with improvements to the intersection of Lindsay and Helen Streets which promote save pedestrian and traffic movements and a civic design which provides for well defined pedestrian linkages between the Main Central area and the commercial and residential areas to the south of Helen Street and to the east of Lindsay Street. (Amend. No. 8)
- j. It shall be the policy of this Plan that District Commercial uses be included in a separate zoning classification in the implementing zoning By-law whereunder suitable provisions and regulations are prescribed to govern the future development and use of such lands. (Amend. No. 9)



3.7.3 Policies (cont'd.)

- i. Council will encourage the redevelopment of those lands located to the south of the Fenelon River, east of Lindsay Street, for District Commercial purposes in keeping with the overall intent of this Plan. In addition to those uses permitted within the District Commercial designation, as specified under Section 3.7.2 hereof, a retail food store, financial establishments, business and professional offices and personnel service uses may be permitted provided such uses do not result in undue economic decline in the main central area. Redevelopment of the area shall occur in association with improvements to the intersection of Lindsay and Helen Streets which promote safe pedestrian and traffic movements and a civic design which provides for well defined pedestrian linkages between the Main Central Area and the commercial and residential areas to the south of Helen Street and to the east of Lindsay Street.
  
- j. It shall be the policy of this Plan that District Commercial uses be included in a separate zoning classification in the implementing zoning By-law whereunder suitable provisions and regulations are prescribed to govern the future development and use of such lands.

### 3.8 Recreational Commercial

#### 3.8.1 General Principles

It is the intent of this Plan to provide for the continuation and maintenance of existing tourist establishments, where feasible and practical, within the urban context. This designation has been applied on a limited basis only to areas presently developed for such purposes having regard for the importance of tourism in the context of the area's economic base, the potential for expansion and intensification of the area associated with such uses, the nature of, and compatibility with adjacent land uses and the potential sequential land uses within the context of an urban community and the intent of this Plan.

#### 3.8.2 Permitted Uses

The uses permitted in the Recreational Commercial designation shall be limited to tourist establishments and resorts or other similar uses and facilities which are privately owned and operated to provide accommodation on a temporary basis, exclusive of recreational trailer parks, marinas or other similar recreational commercial uses. Ancillary uses and activities such as indoor and outdoor recreational facilities, retail commercial uses of a convenience nature or eating establishments which primarily serve the needs of persons using the recreational commercial use shall also be permitted.

A single-family detached dwelling or residence in a portion of a non-residential building shall also be permitted for the accommodation of the owner or caretaker or other similar person and family members.

#### 3.8.3 Policies

- a. Regard shall be had for the layout and design of recreational commercial areas such that the internal road pattern provides for the adequate movement of vehicular traffic. Access points to and from public roads shall be limited in number and designed in such a manner that will minimize the danger to both vehicular and pedestrian traffic.

## 3.8.3 Policies (cont'd.)

- b. It is the intent of this Plan to encourage the setback of development from the shoreline areas. Only buildings, structures and uses requiring proximity to the water such as docks, boat houses, marina service facilities and water pumping equipment shall be located within 15 metres of the high water mark.
- c. It shall be the policy of this Plan to require a minimum of 10 per cent of the gross floor area associated with those recreational commercial uses which provide accommodation for improved outdoor recreational purposes. For the purposes of this Plan, improved outdoor recreational areas shall mean lands which have been graded and levelled and, as may be necessary, sodded or seeded or otherwise enhanced so as to provide suitable recreational areas and facilities for the use and enjoyment of visitors or patrons.
- d. The development, redevelopment and/or expansion of recreational commercial uses may be serviced by private water supply and sewage treatment systems where it is neither practical nor feasible to extend municipal services. An application for development, redevelopment or expansion which either requires an amendment to this Plan or an amendment to the implementing by-law shall be accompanied by a detailed hydrogeological report with respect to the adequacy of ground water supplies and the ability of the soils to sustain development on the basis of private services. All private water supply and effluent treatment systems shall be installed in accordance with the authority responsible for their approval.
- e. In considering an application for an amendment to this Plan to permit the development of a recreational commercial use, Council shall have regard for the physical suitability of the site and the adequacy of vegetative cover, the location of the proposed site relative to the land use policies and designations contained in this Plan.

Specific regard shall also be had for such matters as the provision of adequate setbacks, buffer planting and landscaped open space, the design and location of off-street parking facilities and access points, and, the location of signs and outdoor lighting so as to provide for a reasonable degree of compatibility with adjacent land uses.

3.8.3 Policies (cont'd.)

- f. In accordance with the requirements of the Trent Severn Waterway, a waterlot license is required from the Trent Severn Waterway for the development of commercial uses on the Federal Crown Bed of the Fenelon River and Cameron Lake.
  
- g. It shall be the policy of this Plan that Recreational Commercial uses shall be zoned in a separate classification in the implementing zoning By-law whereunder suitable provisions and regulations shall be prescribed to govern the development and use of such lands.

### 3.9 Industrial

#### 3.9.1 General Principles

It is the intent of this Plan to provide for the maintenance and reinforcement of the Municipality's industrial base through the retention and expansion of existing industry and, further, to encourage the diversification and expansion of the industrial base wherever possible through the development of new industries and related ancillary service type facilities.

This Plan designates lands as Industrial where industry presently exists or where the development of industry represents a logical extension of existing industrial development and thereby provides for the orderly growth of the Municipality. In designating lands for industrial purposes, regard has been had for such matters as the potential for expansion of industrial opportunities and the absence of land use conflicts, the physical characteristics of the land, and, the ability to provide for intensification of industrial uses through the rationalization of the land use pattern. Regard has also been had for the integrity of adjacent land uses and the compatibility of industry with the other forms of land use present. In this manner the Plan provides for the development, redevelopment, relocation and expansion of industrial concerns with a sufficient reserve of Industrial lands to accommodate a range of industrial opportunities.

#### 3.9.2 Permitted Uses

The Industrial classification of land use shall mean that the predominant use of the lands so designated shall be for light and general industrial uses and activities. The types of industrial uses permitted in each location shall be such that there are no adverse effects on adjacent land uses.

Light industrial uses shall mean those industries which are substantially enclosed in buildings and which exhibit reasonably high performance standards in that their operations are not considered offensive because of heat, smoke, noise, dust, odours and other facilities usually associated with general industrial concerns. For the purposes of this Plan such uses shall include, but not necessarily be limited to, workshops, service shops, warehousing, light manufacturing and assembly, laboratory and research facilities, communication facilities, printing and publishing establishments, transportation depots, building supply yards or other similar uses.

### 3.9.2 Permitted Uses (cont'd.)

General industrial uses shall mean those industries whose operations may be offensive by virtue of heat, smoke, noise, odour, dust and heavy transportation requirements and shall include large scale operations not enclosed within buildings. Such uses may include, but not necessarily be limited to, the manufacture and processing of primary metal products, wood and paper products, rubber, plastic and adhesive products, chemical products; tanneries; bulk storage of petroleum products; a motor vehicle body shop independent of motor vehicle sales and service, contractor yards; maintenance yards; utility functions; and, public works depots or other similar industrial uses and activities.

The uses permitted within the Industrial classification shall also include ancillary service related uses and office, whole sale and retail functions directly related to and contained within the industrial building. In addition, community and recreational facilities, clubs and fraternal organizations or other similar uses may be permitted provided the use is compatible with the industrial uses in the area and in no way will contribute to the detracting of the area for industrial development.

### 3.9.3 Policies

- a. Council shall encourage the development of an industrial area of sufficient size to realize long term economies of scale in terms of the provision of municipal services, transportation facilities and other infrastructure required to service industry.
- b. Industrial development shall be encouraged in those areas which are easily accessible from existing and proposed arterial and collector roads. Industrial areas shall be designed so as to discourage the penetration of traffic generated by industry onto local roads and through Residential areas.
- c. It shall be the policy of this Plan that Industrial areas shall be planned and developed in such a manner that light, non-noxious, prestigious industries are located at the interface of the industrial area with other forms of land use.
- d. New industrial development or the redevelopment of existing industrial sites in close proximity to Residential areas, shall generally be restricted to light industrial uses and related activities which

exhibit reasonably high performance standards in order to provide for a degree of compatibility

### 3.9.3 Policies (cont'd.)

between the residential area and industrial uses. In considering the development or redevelopment of an industrial site, Council shall have regard for such matters as noise, heat, smoke, vibration, odours, fire and explosive hazards, electromagnetic interference or any other inherent characteristic with potential adverse effects for adjacent land uses.

- e. The degree to which industrial uses are to be separated from adjacent land uses and the requirements for buffer planting, screening and fencing will be in accordance with the nature of the industrial use relative to adjacent industrial, commercial or residential uses. In addition to those matters identified in paragraph (d) hereof, regard shall also be had for the height, bulk, layout and design of the buildings and the nature of any site improvements as may be proposed in assessing the need for and adequacy of buffer planting, screening and fencing.

Such buffer planting may include the provision of grass strips, the appropriate planting of trees and shrubs, and berms or screen fencing.

- f. Council shall, wherever feasible, encourage the relocation of non-conforming industrial uses to areas designated for industrial purposes having regard for the relevant policies of this Plan.
- g. No industrial use shall be permitted which, from its nature of operation or materials used therein, is declared to be noxious under the provisions of The Health Protection and Promotion Act, S.O., 1983, as amended, and regulations thereunder.
- h. Industrial development shall, wherever possible, be fully serviced by the municipal water supply and sewage systems. Notwithstanding the foregoing and in the absence of such services, limited industrial development shall be permitted in the areas so designated provided the industrial use is of a 'dry' nature. For the purposes of this Plan, industries of a dry nature shall mean those where water is not necessary in the manufacturing, processing and/or fabrication of goods and materials and which industries have no demands for water supply and sewage disposal beyond those requirements normally associated with the needs of employees.

It shall further be the policy of this Plan that Council may require the submission of an

engineering hydrogeological report with respect to the adequacy of ground water supplies and the ability of the soils to sustain development on the basis of private services. All private water

3.9.3 Policies (cont'd.)

supply and effluent treatment systems shall be installed in accordance with standards and regulations of the authority responsible for their approval.

- i. Adequate off-street parking and loading facilities shall be provided, inclusive of parking for visitors and employees, in relation to all development or redevelopment within Industrial areas. Ingress and egress points to such areas shall be limited in number and designed in a manner which will minimize the danger to both vehicular and pedestrian traffic.
  
- j. It shall be the policy of this Plan that those uses permitted in the Industrial designation, shall be zoned in separate zoning classifications in the implementing By-law. Regard shall be had for, among other matters, setbacks from property lines, appropriate off-street parking and loading area requirements, landscaped open space and buffer planting, and, control over the outside storage of goods and materials.

3.10 Public Uses and Utilities

3.10.1 General Principles

It is the intent of this Plan to ensure the provision of a level of services which is necessary to support both the existing community and the anticipated growth and development. Public uses and utilities will be permitted in all land use designations provided such uses are developed in an orderly manner having regard for their compatibility with adjacent land uses. The general policies and principles to be considered in the development of public uses and utilities are set forth in the following section.

3.10.2 Policies

- a. It shall be the policy of this Plan that public utilities and uses shall be permitted in all land use designations provided:
  - i. that such use is necessary in the proposed location;
  - ii. that due consideration has been given to alternative locations; and,
  - iii. that the public use or utility will be designed and developed in such a manner that it will be as compatible as practical with surrounding land uses.

For the purposes of this Plan a public use or utility shall mean those services and facilities normally provided by the Village of Fenelon Falls or any other public authority or utility including any department or ministry of The Government of Canada or Ontario, the County of Victoria, the Kawartha Region Conservation Authority, Ontario Hydro, the Fenelon Falls Board of Water, Light and Power, any telephone or communication facility, inclusive of cable television distribution facilities, and, a natural gas distribution system.

- b. Regard shall be had for the nature of existing uses on adjacent lands and the massing and design of public uses relative thereto. Wherever necessary, measures shall be taken to ensure compatibility with adjacent land uses which may include the provision of adequate buffer planting and landscaping, fencing and screening.

3.10.2 Policies (cont'd.)

- c. The development of new electric power facilities including transmission lines, transformer stations and distributing stations shall be permitted in accordance with the provisions of this Plan or the provisions of The Environmental Assessment Act, including regulations made under that Act, and any other relevant Statutes.
  
- d. Notwithstanding any other provision of this Section to the contrary, it shall be the policy of this Plan that such public uses and utilities as maintenance yards and public works depots, cable television or communication reception and transmission facilities, sewage treatment works or other similar uses only be developed within an Industrial designation and zoned in an appropriate zone in the implementing zoning By-law.