THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2015-133

A BY-LAW TO AMEND THE CITY OF KAWARTHA LAKES OFFICIAL PLAN RESPECTING LANDS WITHIN THE CITY OF KAWARTHA LAKES


Recitals:

1. Sections 17, 21 and 22 of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an updated Community Secondary Plan for the Fenelon Falls settlement area.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt the Official Plan Amendment.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2015-133.

Article 1:00 Official Plan Amendment Details

1.01 **Property Affected:** The lands affected by this By-law are identified as the settlement area of Fenelon Falls.

1.02 **Amendment:** Amendment No. 015 to the City of Kawartha Lakes Official Plan attached hereto and forming a part of this By-law is hereby adopted.

Article 2:00 Effective Date

2.01 **Force and Effect:** This By-law shall come into force and take effect on the date it is finally passed by the City of Kawartha Lakes in accordance with the provisions of Sections 17 and 22 of the Planning Act, R. S. O. 1990, c. P.13.

By-law read a first, second and third time, and finally passed, this 7th day of July, 2015.

Andy Letham, Mayor

Judy Currie, Clerk

Official Plan Amendment No. 015 – Fenelon Falls Secondary Plan
CITY OF KAWARTHA LAKES
OFFICIAL PLAN AMENDMENT NO. 015

FENELON FALLS SECONDARY PLAN

June 30, 2015
# TABLE OF CONTENTS

## PART 1 – PREAMBLE

- 1.1 INTRODUCTION ................................................... FF-4
- 1.2 OVERALL PURPOSE OF THE AMENDMENT .................. FF-4
- 1.3 PROVINCIAL POLICY STATEMENT AND GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE .................................................. FF-5
- 1.4 CITY OF KAWARTHA LAKES OFFICIAL PLAN .................. FF-6
- 1.5 CENTRAL ISSUES AND OPPORTUNITIES FOR FENELON FALLS .................. FF-6

## PART 2 – THE AMENDMENT

- 31.4.1. VISION, GOALS, AND STRATEGIC DIRECTIONS .................. FF-9
  - 31.4.1.1. VISION ............................................... FF-9
  - 31.4.1.2. GOALS ............................................... FF-9
  - 31.4.1.3. STRATEGIC DIRECTIONS .......................... FF-10

## 31.4.2. GENERAL POLICIES

- 31.4.2.1. HOUSING ............................................... FF-10
- 31.4.2.2. ECONOMIC DEVELOPMENT .......................... FF-11
- 31.4.2.3. PARKS AND OPEN SPACES AND TRAIL SYSTEMS .... FF-11
- 31.4.2.4. DOWNTOWN DEVELOPMENT .................. FF-12
- 31.4.2.5. URBAN DESIGN .......................... FF-12
- 31.4.2.6. ENVIRONMENT AND NATURAL HERITAGE .......... FF-14
- 31.4.2.7. TRANSPORTATION .......................... FF-18
- 31.4.2.8. INFRASTRUCTURE AND SERVICES .......... FF-19
- 31.4.2.9. CULTURE AND HERITAGE .................. FF-19
- 31.4.2.10. LAND USE COMPATIBILITY .................. FF-20

## 31.4.3 LAND USE POLICIES

- 31.4.3.1. RESIDENTIAL .......................... FF-21
- 31.4.3.2 MIXED-USE RESIDENTIAL .......................... FF-24
- 31.4.3.3. CAMERON LAKE WATERFRONT POLICY AREA .... FF-24
- 31.4.3.4 CENTRAL BUSINESS DISTRICT .................. FF-26
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.4.3.5</td>
<td>COMMERCIAL</td>
<td>FF-29</td>
</tr>
<tr>
<td>31.4.3.6</td>
<td>EMPLOYMENT</td>
<td>FF-33</td>
</tr>
<tr>
<td>31.4.3.7</td>
<td>INSTITUTIONS AND COMMUNITY FACILITIES</td>
<td>FF-34</td>
</tr>
<tr>
<td>31.4.3.8</td>
<td>PARKS AND OPEN SPACE</td>
<td>FF-37</td>
</tr>
<tr>
<td>31.4.3.9</td>
<td>ENVIRONMENTAL PROTECTION</td>
<td>FF-38</td>
</tr>
<tr>
<td>31.4.3.10</td>
<td>DEVELOPMENT PLAN AREA SIX (DP-6)</td>
<td>FF-40</td>
</tr>
<tr>
<td>31.4.3.11</td>
<td>FUTURE DEVELOPMENT AREA</td>
<td>FF-41</td>
</tr>
</tbody>
</table>
PART 1 – PREAMBLE

Part 1 – Preamble is not part of the Official Plan Amendment.

Purpose of the Amendment

1.1 Introduction

In 2011, the City of Kawartha Lakes initiated the Secondary Plans for five settlement areas: Bobcaygeon, Fenelon Falls, Lindsay, Omemee and Woodville. The Secondary Plans identify effective and efficient development patterns and opportunities, and take into account current municipal conditions, reflect Provincial land use planning policy as outlined in the 2014 Provincial Policy Statement (PPS), and co-ordinate with and implement the policies of the City of Kawartha Lakes Official Plan (OP).

1.2 Overall Purpose of the Amendment

The purpose of this amendment is:

1. to include new Secondary Plan policies for the community of Fenelon Falls in the City of Kawartha Lakes Official Plan. The Secondary Plan includes both maps and policies for growth management, intensification and housing, economic development, community facilities, parks and open spaces and trail systems, downtown development, sustainable development, urban design, natural heritage, cultural heritage, transportation and parking, servicing, and land use. The overall purpose of the Secondary Plan is to provide a long term vision that will provide guidance and direction in the management of land and the environment within the settlement area of Woodville; and,

2. to update and introduce new land use designations within the urban settlement area of Fenelon Falls.

In addition to this, the secondary plan has been prepared to meet a number of key Provincial and local policies, including the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the City of Kawartha Lakes’ Official Plan.

Location

Fenelon Falls is located on the intersection of County Road 8 and County Road 121, approximately 25kms north of Lindsay. Its secondary plan boundary covers approximately 4 sq. km. It is located between Cameron Lake and Sturgeon Lake, which
are connected through the Fenelon (Otonabee) River. Fenelon Falls is located on the Trent-Severn Waterway and is home to Lock 34.

**Basis of the Amendment**

1.3 *Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe*

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It sets the policy foundation for regulating the development and use of land in Ontario. All decisions affecting land use planning matters shall be consistent with the PPS. The principles established in the PPS have been used as a guide when creating the Secondary Plans for Kawartha Lakes' five settlement areas.

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) has been prepared under the Places to Grow Act, 2005. It is a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in the Greater Golden Horseshoe to 2031. The Growth Plan guides decisions on a wide range of issues — transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

The Growth Plan builds on other key government initiatives including the PPS. It does not replace municipal official plans, but works within the existing planning framework to provide growth management policy direction for the GGH.

The City of Kawartha Lakes is one of a number of municipalities located within the "outer ring" of the Growth Plan's area. The Growth Plan includes a growth concept and identifies Lindsay with a built boundary and designated Greenfield area. The Ministry of Public Infrastructure and Renewal also established a built boundary for settlement areas within the City of Kawartha Lakes. The urban settlement areas identified include Lindsay, Fenelon Falls, Bobcaygeon, and Omemee. Woodville was identified as an undelineated built-up area. The Growth Plan's policies have guided the development of the secondary plan policies for the Kawartha Lakes' four settlement areas and one undelineated built-up area.
1.4 City of Kawartha Lakes Official Plan

The approved City of Kawartha Lakes Official Plan includes land use policies for urban settlement areas. Bobcaygeon, Fenelon Falls, Lindsay, Omemee and Woodville are all designated as urban settlement areas. The OP outlines that until secondary plans are adopted for these areas, policies included in the OP will apply in these areas. The OP policies are consistent with the provincial policies outlined in the section above.

The OP provides strategic directions, goals, objectives and policies for designated land use areas and establishes policies for physical infrastructure and human services. The Official Plan reflects the Community's Strategic Plan's vision for the City of Kawartha Lakes and recognizes that the City as a community of vibrant communities. The Official Plan's goals for the urban settlement designation is to manage growth through efficient land use and development that supports strong, liveable and healthy communities, protects the environment and public health and safety and facilitates economic growth.

The City of Kawartha Lakes Official Plan provides a policy framework and urban structure plan; however, area-specific guidance for growth, development, and conservation of resources remains key subject matter for the secondary plan. This amendment has been prepared in accordance with the policies of the Official Plan for the City of Kawartha Lakes.

1.5 Central Issues and Opportunities for Fenelon Falls

- Fenelon Falls is a village located at the mouth of Cameron Lake and Fenelon River. Initial feedback suggested that its Secondary Plan should not overlook its “Jewel of the Kawarthas” brand, thriving tourist economy, the need to expand services to support growth, and maintenance of its compact urban form, extensive recreational opportunities, and small town “feel”.
- Fenelon Falls is home to Lock 34 on the Trent-Severn Waterway between Sturgeon Lake and Cameron Lake.
- Fenelon Falls population significantly increases during the summer months due to tourism and cottagers. Its strong attractiveness for tourism and seasonal residents means that its downtown is especially busy during the summer season.
- Fenelon Falls has a fairly strong tourism and recreational boating role, providing development and growth opportunities for the community. However, tourism can also place strains on infrastructure, in particular the local roads. These seasonal pressures need to be factored into the infrastructure planning in Fenelon Falls.
Vacant areas in Fenelon Falls have more capacity than the projected demand for residential units. Most of the Greenfield areas are located east of Clifton Street. In addition, there is a number of intensification areas mostly located south of the downtown. While Fenelon Falls has access to full municipal water and sewer services, there are some servicing challenges. Residential and non-residential development will need to be coordinated with servicing upgrades. Most notably, lands in the southeast and southwest of the Fenelon Falls settlement area boundary need servicing in order for them to develop.

Fenelon Falls has a thriving historic downtown located on the Fenelon River shores. The downtown has many historic buildings and Victorian architecture, which serve as tourist attractors as well as providing a full range of goods and services for residents.

Waterfront land in Fenelon Falls is also under high demand for permanent and seasonal residences and for tourist resorts and facilities.

Fenelon Falls is located between Cameron Lake and Sturgeon Lake, which are connected through the Fenelon (Otonabee) River. This river crosses the settlement area in the middle section, with waterfalls located west of Lindsay/Colborne Street.

There is an Environmentally Sensitive Area extending from the Falls downstream for a distance of approximately 1,000 meters, which has been identified by the Ministry of Natural Resources and Forestry as a Provincial Fish Sanctuary and is intended to provide for a protected and high quality spawning habitat for yellow pickerel.

Other Environmental Constraint Areas include lands having 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.

Public space in this community is mostly aligned to the waterway, which has allowed for access to public amenities. These areas are well used during the summer and are relatively well maintained.

The Victoria Rail Trail Corridor, which crosses Fenelon Falls, becomes disconnected during the summer season when the swing bridge remains open. The Trails Master Plan recommended separating the corridor into two alternative routes across Fenelon Falls.

The City has recently constructed the Fenelon Falls Recreation Complex. This multipurpose facility replaces the old Fenelon Falls Arena and is home to the community’s first community centre.

Based on the Transportation Master Plan (February 2012), additional parking spaces will be required for Fenelon Falls either through on- or off-street parking areas. In view of the limited curb space in the downtown area of this community,
it is anticipated that much of the future parking spaces will be provided by surface parking in off-street areas.

- Prior to amalgamation, the Town of Fenelon Falls had its own Official Plan in place. The existing OP provides a number of opportunities for moving forward with its Secondary Plan.
PART 2 – THE AMENDMENT

Part 2 – The Amendment constitutes Amendment No. 015 to the City of Kawartha Lakes Official Plan – 2012.

The City of Kawartha Lakes Official Plan is amended by adding the following text together with the following maps/schedules:

1. Schedule F-3 - Fenelon Falls Land Use
2. Schedule G-3 - Fenelon Falls Environmental Constraints
3. Schedule H-3 - Fenelon Falls Transportation

SECTION 31.4: FENELON FALLS SECONDARY PLAN

31.4.1. VISION, GOALS, AND STRATEGIC DIRECTIONS

The Vision, Goals, and Strategic Directions of the Fenelon Falls Secondary Plan are as follows:

31.4.1.1. Vision

The Secondary Plan for Fenelon Falls is based upon, and future development should be guided by, the following vision developed based on the input from community consultation activities in Fenelon Falls:

"Over 20 years Fenelon Falls will grow as an inclusive community, preserve existing recreation areas, provide affordable housing for its residents and become a healthy and sustainable destination for people to live, work and play".

31.4.1.2. Goals

The following goals were identified for Fenelon Falls:

a) To outline a vision for Fenelon Falls' long-range physical development that reflects the aspirations of the community while managing the effects of such development on the social, economic, and environmental well-being of Fenelon Falls;

b) To provide strategies and specific implementing actions that will allow the vision to be accomplished;

City of Kawartha Lakes Official Plan, 2012
c) To provide a basis for reviewing specific development proposals and ensure that public projects and development conform with this Plan’s policies;
d) To provide guidance for the City, other public agencies, and property owners to coordinate and design projects that will enhance the character of the community;
e) To provide land use designations for the Fenelon Falls settlement area.

31.4.1.3. **Strategic Directions**

Strategic directions give specific purpose to the policies of the Plan. The following strategic directions were identified for Fenelon Falls:

a) Address land use in the downtown to facilitate growth;
b) Encourage commercial development;
c) Focus on economic development;
d) Become a more attractive community;
e) Allow people the chance to see and experience Fenelon Falls;
f) Create and solidify Fenelon Falls’ identity; and,
g) Encourage people to stay in Fenelon Falls.

31.4.2. **GENERAL POLICIES**

Growth in Fenelon Falls and this Secondary Plan is based on:

a) a 2006 population of 2,164 persons and a forecasted 2031 population of 3,640;
b) 866 residential dwelling units in 2006 and a forecasted 1,604 residential dwelling units in 2031; and,
c) a greenfield mix of 85% low density and 15% medium density residential development.

31.4.2.1. **Housing**

31.4.2.1.1. The priority areas for intensification in Fenelon Falls shall generally follow the recommendations of the City’s Growth Management Strategy (May 2011) and include the following:

- Infill sites within the downtown area and along Lindsay Street;
- Sites located along CKL Roads, major arterial, collectors and local roadways within the built-up area; and,
- Sites where there is sufficient capacity in the municipal servicing systems to support the proposed development.

Intensification development shall be in accordance with Section 10.4 of the Official Plan and section 2.2.3.7 of the Growth Plan.

31.4.2.1.2. The development of affordable housing will be in accordance with the relevant policies of Sections 5 and 18 of the Official Plan.

31.4.2.2. Economic Development

31.4.2.2.1. The City will support the creation of a pro-active economic development strategy for Fenelon Falls to attract the location of new businesses and the growth of current businesses.

31.4.2.2.2. The City will work with stakeholders and local residents to define a community improvement area for Fenelon Fall’s downtown and to develop a Downtown Community Improvement Plan in accordance with Section 9 of this Plan.

31.4.2.3. Parks and Open Spaces and Trail Systems

31.4.2.3.1. The City shall implement a strategy to enhance the parks and open space network in Fenelon Falls with an emphasis on improving the open space adjacent to the shoreline. The strategy should focus on strengthening the role of Cameron Lake, Sturgeon Lake, Fenelon River and the Trent-Severn Waterway for recreational purposes. There are two areas of improvement which can help reinforce the strength of this open space network:

a) Improved signage to direct residents and tourism to the parks and waterfront areas; and,

b) An operating washroom and/or comfort station for boaters in order to allow for boating visitors to stay and take advantage of the retail and entertainment within the downtown area.

31.4.2.3.2. The City will develop and implement a strategy to improve and expand the trail network along the waterfront and to maintain it for year round use. The trail shall be multi-use and improve access to the shoreline, parks, and open spaces, and help to advance active transportation opportunities in the community. Strategic links along
existing roads shall be established to provide connections to the shoreline and waterfront parks.

31.4.2.3.3. The City will develop a strategy to build a strong pedestrian and cycling trail network and enhance the pedestrian and cycling network in and around the downtown area, including the potential conversion of roadways, or portions thereof, to pedestrian pathways, as this area is highly used by both the City residents and visitors.

31.4.2.3.4. The City will work with Parks Canada to implement improvements to the Trent-Severn Waterway amenities to serve visitors and residents. Priority improvements include the provision of more links to the parks along the shoreline, construction of public washrooms or “comfort stations” and parking facilities, and, the provision of more docking and enhanced launching amenities for boaters, particularly in close proximity to downtown, in conjunction with the local working Committees.

31.4.2.3.5. The City will encourage the implementation of the recommendations of the Trails Master Plan for Fenelon Falls, in particular to improve the connectivity of the trail network by separating the existing Victoria Rail Trail Corridor into two alternative routes across Fenelon Falls, one for non-motorized users and another for motorized vehicles. This may include the development of staging areas for motorized vehicles on the edge of the settlement area.

31.4.2.4. Downtown Development

31.4.2.4.1 The historic downtown area presently exists along Colborne Street, between Water Street and Bond Street, extending approximately one block, to May Street and Market Street. The City will encourage the intensification of the downtown, particularly through infill, in order to complete these urban blocks and provide supportive organized parking in the centre.

31.4.2.4.2 New downtown development and infill building should be designed to take into account the policies in Section 18.11 and 18.13 of the Official Plan.

31.4.2.5. Urban Design

31.4.2.5.1. Waterfront development shall take advantage of views and frontage along the Fenelon River and Cameron Lake, with public connections to the open space system, residents, and visitors amenities, and other public uses. Buildings located along the river shall have entrances and windows facing the shoreline or facing streetscapes adjacent to open space along the shoreline.
31.4.2.5.2. The City will work on the enhancement of Fenelon Falls’ gateways in order for visitors to acknowledge their arrival, navigate, and provide sense of place. Four perimeter gateways are identified:

a) Southern approach – CKL Road 121 and West Street (highly visual on approach);

b) Bridge connection – Lindsay Street and Helen Street (modest signage and abutment features demarcating entry into the downtown);

c) Northern approach – Colborne Street and Princess Street (modest signage demarcating entry into Fenelon Falls).

d) Western approach – CKL Road 8 at the western community boundary.

In addition, wayfinding signage delineating Fenelon Falls will be located at the intersections of Hwy 35 and CKL Roads 8 and 121 in consultation with the Ministry of Transportation.

31.4.2.5.3. The City will develop a strategy to implement highly visual gateway treatments, which can include signage, vertical elements, public art and architectural pieces, which invoke cultural significance. Modest signage should be at a human scale and be made up of wayfinding treatments at the corners of the intersection.

31.4.2.5.4. The City will work on the location of Downtown gateways and entry demarcation on major intersections along Lindsay Street and Colborne Street. Urban design treatments in accordance with Section 18.3.8 should be further enhanced with the use of a crest or other identifiable symbol that is strongly associated with Fenelon Falls’ history.

31.4.2.5.5. The City will work on bridge improvements and on developing an urban design strategy in order to improve pedestrian access across the bridge and add architectural treatments including abutment features, trellis structures and lighting. Improvements should also include signage and the use of visually permeable barrier walls to create awareness of the Fenelon Falls bridge.

31.4.2.5.6. The City will work on streetscape improvements along the primary streets of the downtown, which are Colborne Street and Lindsay Street. Improvements may include landscaping, improvements and widening of sidewalks, street tree planting, use of decorative paving, street furniture, street lighting and signage, as required. Cycling lanes should also be considered within the right of way.

31.4.2.5.7. The City will study the need for streetscape improvements to secondary downtown streets which function as expansion zones for downtown streetscape...
treatment. Improvement to the secondary streets may include additional street lighting and the inclusion of an active transportation network in order to reinforce their role in the community as an extension of the downtown.

31.4.2.6. Environment and Natural Heritage

31.4.2.6.1. The Fenelon Falls Land Use Schedule “G-3” illustrates Environmental Constraint Areas and Environmental Sensitive Features that influence the ultimate form and structure of the settlement area of Fenelon Falls. The lands identified on Schedule “G-3” display known physical hazards, Environmentally Sensitive Features, and/or constraints. If development occurs without regard to these constraints, loss of life, property damage or degradation of the environment may occur. Delineation of these constraints has been derived, in a conceptual manner, from mapping provided by Kawartha Conservation and the Ministry of Natural Resources and Forestry. While these constraints must be given due consideration in the development and redevelopment of land within the areas identified on Schedule “G-3”, development proposals may be considered where appropriate studies have demonstrated that development or redevelopment could take place without negatively affecting the risk of loss of life, property damage or the degradation of the environment. The delineation of these constraints may be refined through the preparation of an Environmental Impact Study (EIS), as required by Sections 3.5.37 to 3.5.40 of this Plan, a flood plain analysis, or other appropriate study.

31.4.2.6.2. The City will protect, conserve, and promote Natural Heritage in accordance with the 2014 Provincial Policy Statement and Section 3.5 of the Official Plan.

31.4.2.6.3. No structures, including boathouses, shall be permitted in shorelines if the structure impedes the natural flow of water along the shoreline or in the stream, if the structure is intended to be used as a dwelling, or if the structure or its construction harmfully alters fish habitat. This policy does not prohibit drainage works such as those permitted under the Drainage Act, those required for infrastructure or those structures required for the purposes of stewardship, conservation, restoration or remediation undertakings.

31.4.2.6.4. The alteration of shorelines for the purpose of establishing or altering drainage works such as those works under the Drainage Act, infrastructure or for stabilization, erosion control or protection purposes shall only be permitted if it is demonstrated that natural shoreline treatments (e.g. planting of natural vegetation, bioengineering) that maintain the natural contour of the shoreline will be used where practical, and a vegetative riparian area will be established to the extent feasible.
31.4.2.6.5 Where a proposal for development or site alteration is permitted within 30 metres of a shoreline, in accordance with Section 3.5.38 of the Official Plan, the proposal for development or site alteration shall comply with the following where applicable:

- maintain, and where possible, increase or improve fish habitat in the lake, stream or wetland, and any adjacent riparian areas;
- to the extent possible, enhance the ecological features and functions associated with the lake, stream or wetland;
- minimize erosion, sedimentation, and the introduction of excessive nutrients or other pollutants and utilize planning, design, and construction practices that maintain and improve water quality; and
- integrate landscaping and habitat restoration into the design of the proposal to enhance the ability of native plants and animals to use the area as both wildlife habitat and a movement corridor.

Environmental Constraint Areas

31.4.2.6.6 Schedule “G-3” delineates as Environmental Constraint Areas those lands that are susceptible to flooding or erosion, have steep slopes or soil instability, contain Provincially Significant Wetlands, and/or contain Environmentally Sensitive Features. Development of the lands in accordance with the designation on Schedule “F-3” may be permitted provided that the development does not result in an increased risk of loss of life, property damage, or the degradation of the environment. An EIS prepared in accordance with Sections 3.5.37 to 3.5.40 of this Plan shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area.

31.4.2.6.7 Where Environmental Constraint Areas are identified through an EIS, flood plain analysis, or other appropriate study on lands subject to site plan control, the site plan shall implement the findings of the study. The site plan shall correctly and precisely delineate those lands impacted by the constraints and identify how the proposed development and/or redevelopment will ensure no negative affect on the risk of loss of life and property damage and no degradation of the environment.

31.4.2.6.8 The City will work with Kawartha Conservation in the delineation of areas susceptible to flooding and erosion. The City shall incorporate the results of any new flood plain mapping into the Secondary Plan, when available from Kawartha Conservation.
31.4.2.6.9. The City recognizes that a portion of existing development may be located within the flooding hazard identified through Special Policy Area #1, Special Policy Area #2, and Special Policy Area #3 and that existing development may continue under this policy (in accordance with Section 17.6 of this Plan). An existing building or structure located in a flooding hazard may be enlarged, expanded or altered subject to:

a) the determination that there will not be an unacceptable off-site impact due to the displacement of the flood water;

b) the enlargement to the building is appropriately flood proofed;

c) new or existing hazards are not created or aggravated;

d) the Conservation Authority has been satisfied;

e) the development is not a threat to public health and safety or property;

f) vehicles and people must have a way of safely entering and exiting the area during floods; and,

g) satisfactory water supply and subsurface sewage disposal servicing.

The construction or rehabilitation of a boathouse may be permitted provided it is designed in accordance with the floodproofing requirements of Kawartha Conservation.

Environmentally Sensitive Features

31.4.2.6.10 Schedule "G-3" delineates as Environmentally Sensitive Features those areas that are recognized by this Plan as comprising the Natural Heritage System (i.e., wetlands, fish habitat including significant spawning areas, and significant woodlands in Fenelon Falls). A Provincial Fish Sanctuary extends from the falls downstream for a distance of approximately 1,000 metres. This sanctuary is intended to provide for a protected and high quality spawning habitat for yellow pickerel and is considered to be an Environmentally Sensitive Feature. The following policies shall apply to the developments on lands adjacent to Environmentally Sensitive Features:

a) In accordance with the provisions and policies of this Plan, development may be permitted on lands adjacent to Environmentally Sensitive Features to the extent that the type or magnitude of development is compatible with the environmental conditions or that suitable measures have been undertaken to mitigate any resulting negative impact. The uses permitted shall be in accordance with Schedule "F-3".

b) In considering the approval of a development application or an application for an amendment to this Plan and/or the implementing Zoning By-law adjacent the area delineated as Environmentally Sensitive Features on Schedule "F-3" of this Plan, Council, in conjunction with Kawartha Conservation and Parks Canada (Trent-Severn Waterway), shall give consideration to the need for an analysis of the impact of development on the Environmentally Sensitive Area. An EIS in accordance with Sections 3.5.37 to 3.5.40 of this Plan shall be required for all development proposals on or abutting areas identified as Environmentally Sensitive Features.
c) Lands adjacent to Environmentally Sensitive Features, identified in this Plan, shall be developed and managed in a manner to protect and complement the nature of the adjacent sensitive area. Regard shall be had for the location, extent and nature of the environmentally sensitive area, the scale of the proposed development, the potential impact on Environmentally Sensitive Features and the proposed mitigating measures including the adequacy of spatial setbacks and buffers. Council shall consult with Kawartha Conservation and Parks Canada (Trent-Severn Waterway) in relation to the appropriateness of the proposed mitigating measures.

d) Where, due to the environmentally sensitive nature of the area, an analysis of the impact of development is considered necessary, no change may be made to the natural environment until such time as the Developer undertakes an assessment of the area in accordance with the requirements of paragraph (b) hereof. Such a report shall be prepared to the satisfaction of Council, Kawartha Conservation and Parks Canada (Trent-Severn Waterway).

e) Where an Environmental Assessment of a proposal is conducted in accordance with the provisions of The Environmental Assessment Act, that assessment shall be considered as having fulfilled the requirements of paragraph (b) of this Section.

f) Where Federal Lands are involved and the Federal Environmental Assessment and Review Process is required, that assessment shall be considered as having fulfilled the requirements of paragraph (b) of this Section.

Protection of Shorelines

31.4.2.6.11 No structures, including boathouses, shall be permitted in shorelines if the structure impedes the natural flow of water along the shoreline or in the stream, if the structure is intended to be used as a dwelling, or if the structure or its construction harmfully alters fish habitat. This policy does not prohibit drainage works such as those permitted under the Drainage Act, those required for infrastructure or those structures required for the purposes of stewardship, conservation, restoration or remediation undertakings.

31.4.2.6.12 The alteration of shorelines for the purpose of establishing or altering drainage works such as those works under the Drainage Act, infrastructure or for stabilization, erosion control or protection purposes shall only be permitted if it is demonstrated that natural shoreline treatments (e.g. planting of natural vegetation, bioengineering) that maintain the natural contour of the shoreline will be used where practical, and a vegetative riparian area will be established to the extent feasible.

31.4.2.6.13 Where a proposal for development or site alteration is permitted within 30 metres of a shoreline, in accordance with Section 3.5.38 of the Official Plan, the
proposal for development or site alteration shall comply with the following where applicable:

a) maintain, and where possible, increase or improve fish habitat in the lake, stream or wetland, and any adjacent riparian areas;

b) to the extent possible, enhance the ecological features and functions associated with the lake, stream or wetland;

c) minimize erosion, sedimentation, and the introduction of excessive nutrients or other pollutants and utilize planning, design, and construction practices that maintain and improve water quality; and,

d) integrate landscaping and habitat restoration into the design of the proposal to enhance the ability of native plants and animals to use the area as both wildlife habitat and a movement corridor.

**Trent-Severn Waterway**

31.3.2.6.14. Along the Trent-Severn Waterway, any in-water and shoreline works, including but not limited to docks, boathouses, boat ramps, and shoreline alterations require an approved work permit from Parks Canada before any work can commence. Work must also adhere to Parks Canada's *Policies for In-Water and Shoreline Works and Related Activities.*

**31.4.2.7. Transportation**

31.4.2.7.1. The City will work on the expansion of transportation opportunities for the population, particularly focusing on meeting the needs of the aging population. The strategy should also focus on improving and expanding on the existing trails and cycling network, expanding its parking supply to meet projected demands and creating a compact urban form.

31.4.2.7.2. The City will work on implementing a public parking strategy which will provide additional parking spaces in the downtown area, as estimated by the City of Kawartha Lakes Transportation Master Plan (February 2012).

31.4.2.7.3. Schedule "H-3" identifies the existing road pattern and future arterial and collector road network for Fenelon Falls. The following road classification applies in Fenelon Falls:

i. Local roads provide access to lots and serve low volumes of traffic and shall have a minimum right of way width of 20 metres.
ii. Collector roads provide for medium volumes of traffic and shall have a minimum right of way width of 26 metres.

iii. Arterial roads provide for medium to high volumes of traffic and shall have a minimum right-of-way width of 26 metres.

31.4.2.7.4. The potential future crossing of the Fenelon River as shown on Schedule "F-3" shall be determined through a Class Environmental Assessment and in accordance with the Transportation Master Plan (February 2012).

31.4.2.8. Infrastructure and Services

31.4.2.8.1. Infrastructure and services, such as sanitary sewers, water and storm water systems, shall be provided, maintained and upgraded as necessary to accommodate the needs of future development and redevelopment in Fenelon Falls.

31.4.2.8.2. In addition to the policies in Section 28 – Infrastructure and Service Policies, development within the Fenelon Falls settlement area shall be on full municipal services in accordance with the policies of the City.

31.4.2.8.3. The infrastructure and services provided for new developments and redevelopments in Fenelon Falls shall be sized, located and designed to the City’s engineering standards, guidelines and criteria to ensure that acceptable levels of service are maintained.

31.4.2.8.4. Before a subdivision, condominium, consent or rezoning is approved, it must be demonstrated that there is sufficient municipal servicing to serve the proposed use.

31.4.2.8.5 The planning and design of stormwater infrastructure, and the evaluation of development with respect to the management of stormwater, will be in accordance with the relevant policies of Section 3.3 of the Official Plan.

31.4.2.9. Culture and Heritage

31.4.2.9.1. The City shall protect, conserve, and promote culture and heritage in accordance with the 2014 Provincial Policy Statement and Section 10 of the Official Plan.
31.4.2.10. Land Use Compatibility

31.4.2.10.1. The development of any industrial use shall be in accordance with Section 3.8 of the Official Plan.

31.4.2.10.2. All development will comply with the minimum distance separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time.
31.4.3 LAND USE POLICIES

31.4.3.1 RESIDENTIAL

31.4.3.1.1. The predominant use of land in the Residential designation shall be a variety of dwelling types. The location of the Residential designation is shown on Schedule “F-3”.

In addition to these uses, the following uses shall be permitted:

a) Parks in accordance with Section 18.15 of this Plan,
b) Group homes or similar housing facilities shall be permitted and may be developed in accordance with the policies regulating the development of medium density residential uses as specified under Section 31.4.3.A3 of this Plan.
c) Neighbourhood commercial uses may also be permitted, in accordance with Section 31.4.3.1.11 of this Plan.
d) A home occupation may be permitted accessory to the principal residential use and occurring entirely within the dwelling unit.

31.4.3.1.2. Within the Residential designation there shall be two densities of residential development. In addition to the two densities, mixed density development may also occur. The appropriate density shall be based on the availability of services, compatibility with surrounding uses and locational factors, as set out below.

Low Density Residential Development

31.4.3.1.3. Low density residential uses shall include single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings not exceeding 2.5 storeys in height, and two (2) dwelling units per property.

31.4.3.1.4. Low density residential areas shall be developed from a minimum density of 15 dwelling units per net hectare of land to a maximum density of 25 dwelling units per net hectare of land.

31.4.3.1.5. Low density residential uses will be encouraged to have front porches or covered entrances. Attached garages on housing units should be designed so that the resulting streetscape is predominated by the front yard landscaping, front doors, and front windows of the housing units instead of garages. Low Density Residential uses will be encouraged to have a variety of facades and use a variety of building materials.
Medium Density Residential Development

31.4.3.1.6. Medium density residential uses shall include triplex dwellings, fourplex dwellings, row or block townhouse dwellings, stacked townhouse, converted dwellings containing more than two dwelling units, and mid-rise apartment housing not exceeding four storeys in height. Except in apartment units, home occupations may be permitted as long as it is accessory to the principal residential use and occurs entirely within the confines of the dwelling unit. Neighbourhood commercial uses may also be permitted.

31.4.3.1.7. The maximum density within medium density residential developments shall not exceed 60 dwelling units per net hectare.

31.4.3.1.8. Medium Density Residential uses will generally be located along, or close to, arterial or collector road, where possible and appropriate.

31.4.3.1.9. Medium Density Residential will be encouraged to have front porches or covered entrances. Attached garages on housing units should be designed so that the resulting streetscape is predominated by the front yard landscaping, front doors, and front windows of the housing units instead of garages.

31.4.3.1.10. New medium density residential developments shall meet the following criteria:

a) The density, height and character of the development is in keeping with adjacent uses;

b) The height and massing of the buildings at the edge of the medium density residential development shall have regard to the height and massing of the buildings in any adjacent low density residential area;

c) Medium density residential lots shall accommodate low-rise dwellings which do not cause significant issues with casting of shadows and obstructions of views for adjacent lots;

d) In developments incorporating walk-up apartments, block townhouse dwellings and similar medium-profile residential buildings, on-site recreational facilities or amenities such as playground equipment may be required to service the development;

e) Buildings should incorporate landscaping in all yards which provide a buffer between the building and adjacent sensitive land uses;

f) Parking areas should be located to minimize their negative visual impact on adjacent low density residential uses, such as in the side or rear yard, the interior of a site, and/or underground or structured parking. Where underground or above-grade structured parking is provided, an amendment to this Plan is not
required for increased density, provided the proposed built form is consistent with the design policies of this Plan. Parking for freehold townhouse development may be permitted in the front yard.

\[ g) \]
The site shall be designed to provide for collection and storage of recyclable and wastes on site.

**Neighbourhood Commercial Uses**

31.4.3.1.11. Small convenience retail facilities to serve the daily shopping needs of the residents of a neighbourhood, otherwise referred to as Neighbourhood Commercial Uses, may be permitted within the Residential land use designation. The following policies shall apply to Neighbourhood Commercial Uses:

\[ a) \]
No more than one commercial structure or building shall be permitted on any site, and the gross floor area of the commercial use shall not exceed 300 square metres;

\[ b) \]
Building height shall be limited to one storey unless residential apartments are located on the upper floor(s), in which case the maximum building height will be subject to the appropriate residential density provisions;

\[ c) \]
Required loading spaces shall be located at the rear of the structure;

\[ d) \]
Landscaping, fencing, berming and other screening shall be provided adjacent to residential land uses;

\[ e) \]
All required parking shall be provided on the site. Cash-in-lieu of required parking shall not be accepted by the City unless the neighbourhood commercial use is incorporated into a residential apartment building;

\[ f) \]
Driveway access shall be approved by the City as necessary and appropriate;

\[ g) \]
Standalone neighbourhood commercial sites shall be located at or in proximity to the intersection of arterial or collector roads and shall not be located mid-block within a residential area;

\[ h) \]
The development shall be subject to site plan control; and

\[ i) \]
The development shall be subject to a public review of the proposed site plan, comprising of official notification to landowners within 120 metres of the proposed facility.
Live/Work Opportunities

31.4.3.1.12 Medium density residential units designed for live/work may be permitted subject to Site Plan Approval and provision of sufficient parking. Live/work development is encouraged to locate on collector and arterial roads and/or in an area planned for intensification.

31.4.3.2 MIXED-USE RESIDENTIAL

31.4.3.2.1 The predominant use of land in the Mixed-Use Residential designation shall be a mix of low profile commercial and residential uses in the same building or in separate buildings. The location of the Mixed-Use Residential designation is shown on Schedule "F-3".

31.4.3.2.2 Single detached dwellings may be converted to multiple dwelling units or to commercial buildings provided the external design of the building does not change.

31.4.3.2.3 Commercial uses such as offices, eating establishments, service and convenience retail and similar types of uses are permitted. The residential character of the buildings should be retained. For the purposes of this Section, service retail shall be defined as those retail establishments that cater to the personal needs of individuals.

31.4.3.2.4 Multiple commercial uses on the same property shall not be permitted. Public garages and automobile service stations shall not be permitted.

31.4.3.2.5 The maximum residential density shall not exceed the maximums for Low or Medium residential development, as the case may be and as if the development was being proposed as standalone residential developments.

31.4.3.2.6 Residential development shall be required to provide off-street parking on the site.

31.4.3.3. CAMERON LAKE WATERFRONT POLICY AREA

31.4.3.3.1 The Cameron Lake Waterfront Policy Area is intended to protect and enhance the existing mixed uses of properties adjacent to the shoreline of Cameron Lake. These lands are a key component within the Fenelon Falls Urban Settlement Area and the focal point for residents and visitors alike.

31.4.3.3.2 The Cameron Lake Waterfront Policy Area includes residential, recreation-commercial and mixed use enclaves. While the major focus of the Cameron Lake
Waterfront is residential, these lands are directly linked to the Main Street Core/Downtown Community by public open space areas along the waterfront of Cameron Lake, as well as pedestrian walkways and sidewalks. The area offers opportunities for tourism-related employment and economic activity, residential intensification and public spaces which support human interaction and the cultivation of community spirit.

31.4.3.3. Redevelopment within the Cameron Lake Waterfront Policy Area will support and enhance the built form and function of existing neighbourhoods, linkages to the Main Street Core/Downtown Community and re-establish the importance of the Cameron Lake waterfront within the overall settlement area.

31.4.3.4. Built heritage and cultural landscapes shall be identified, protected and where possible enhanced.

31.4.3.5. New development shall be complementary to and respectful of existing buildings and features and the shoreline of Cameron Lake.

31.4.3.6. Streetscapes should support and encourage pedestrian traffic as well as other passive modes of transportation.

31.4.3.7. The use of consistent streetscape treatment (landscape materials such as trees, shrubs and ground covers, street and pedestrian lights, flags and banners, information kiosks, newspaper boxes, waste receptacles and benches) within the Cameron Lake Waterfront designation will be designed to enhance the visual cohesiveness of the waterfront community and maintain a distinct 'sense of place'.

31.4.3.8. Specialized commercial uses which contribute to and generate vitality and activity associated with the waterfront recreational residential focus of the community are encouraged.

31.4.3.9. Open space and public linkages between the Cameron Lake Waterfront Policy Area and the Main Street Core/Downtown Community, including the Victoria Rail Trail are to be maintained and enhanced.

31.4.3.10. Redevelopment and intensification shall be directed toward the infilling of existing vacant lots, the conversion of abandoned or under-utilized commercial or industrial buildings, and/or the second storey of commercial buildings.

31.4.3.11. Uses permitted within the Cameron Lake Waterfront Policy Area include those which are normally associated with waterfront-oriented residential neighbourhoods, together with limited recreation-based tourism commercial uses, such
as hotels and guest houses, restaurants and retail shops catering to visitors and residents alike.

31.4.3.3.12. Commercial uses permitted within the Cameron Lake Waterfront Policy Area include specialty retail uses, personal service shops, home occupations, including bed and breakfast establishments, eating establishments, hotels, and guest houses.

31.4.3.3.13. A wide range of residential uses and types are permitted, including single detached dwellings, semi-detached or duplex dwellings, multi-unit dwellings including triplexes, four-plexes, townhouses and low rise apartments, as well as bed and breakfast establishments and home occupations. Intensification within residential areas is encouraged, provided that the character of the neighbourhood is maintained.

31.4.3.4 CENTRAL BUSINESS DISTRICT

31.4.3.4.1. The Central Business District is Fenelon Falls' preeminent mixed use node and is intended to serve a variety of complementary functions. The Central Business District area should remain as compact as possible in order to serve the pedestrian most easily. New development should be planned as an extension of the existing downtown street-related business core or as an infilling process to the existing business area and should not be allowed to infiltrate into the adjoining residential areas.

31.4.3.4.2. The predominant use of land in the Central Business District land use designation shall be a full range of retail and commercial uses. In addition, residential uses are permitted on the upper storeys of a commercial building or in free standing residential buildings. The Central Business District is also the location for important institutional uses, niche shops and specialty retail uses, financial institutions, cultural and entertainment uses, professional services, businesses and offices, hospitality uses, transit and transportation uses, and parks and open spaces. Drive-through facilities and auto related uses such as auto body shops and repair shops are not permitted in this designation. The limits of the Central Business District area are shown on Schedule "F-3".

31.4.3.4.3. Central Business District development should contain buildings which have a maximum height of 3 stories.

31.4.3.4.4. The preferred form of development within the Central Business District is for retail and office uses at grade with residential uses locating on upper floors of buildings and/or behind the front portion of buildings, where appropriate.
31.4.3.4.5. The following policies shall apply to the Central Business District designation:

a) The traditional downtown area shall be revitalized and preserved to reinforce its character;

b) Development shall be in accordance with policies in Sections 18.11 Downtown Development and 18.13 Urban and Public Realm Design; and,

c) All utilities shall be provided underground, where feasible.

Adequate off-street parking and loading spaces, or cash-in-lieu of parking as provided for in Section 18.16.9, shall be provided. Requirements may be satisfied through off-street communal parking, and municipally or privately owned parking areas located in the Central Business District. The City encourages underground parking for mid and high rise developments within the Central Business District where possible. Parking should be located in the rear or centre of the urban blocks with little visibility to downtown streets. In the case where a parking lot does have street frontage, then a landscape set back should be used to help mitigate the transition between the lot and public realm.

31.4.3.4.6. Development or redevelopment, including intensification in designated Central Business District shall preserve, complement and enhance the historical and/or architectural character of these areas. Among the specific requirements are the following:

a) the sensitive location, limited extent and effective buffering of parking facilities so as not to detract from historic streetscapes and adjacent buildings and uses;

b) the consistency of street-related development for continuity of character, in order to maintain and restore pedestrian-oriented streetscapes and the encouragement of pedestrian activity by providing linkages between the downtowns and adjacent areas of residential or other development; and

c) compliance with the heritage policies of Sections 10 and 18.14 of this Plan.

31.4.3.4.7. In the Central Business District sidewalks should be wide enough to allow for pedestrian passage, retail displays, street furniture, landscaping, patios and outdoor dining.

31.4.3.4.8. The City may utilize Tax Incentives to promote private sector improvements to existing buildings and revitalize the Central Business District.
31.4.3.4.9. The City shall encourage coordination, by local business persons or owners, of such things as signs, building facades, lighting, street furniture, landscaping and general maintenance.

31.4.3.4.10. No open storage shall be permitted within the Central Business District.

31.4.3.4.11. The City encourages the upgrading, rehabilitation and redevelopment of buildings and/or facades in the Central Business District as set out in the City's guidelines, manuals or plans which may be in place from, time-to-time.

31.4.3.4.12. Buildings and structures of historic or architectural interest shall be conserved and incorporated, where appropriate, into any development or redevelopment project. The preservation of areas of historic significance shall also be encouraged.

31.4.3.4.13. The City shall encourage 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 Central Business District. The redevelopment of the lands should employ good civic design measures which increase the economic viability of the area as a whole.

31.4.3.4.14. A Community Improvement Plan shall be undertaken for Fenelon Falls' Central Business District (Downtown Area), in accordance with Section 9 of the Official Plan, with a view to enhancing and improving the district as a significant and unique mixed commercial, residential, cultural, social, and entertainment area.

31.4.3.4.15. The cooperation of individual property owners within the Central Business District is encouraged to undertake building improvements that encourage the rationalization of the overall downtown area to provide increased off-street parking and loading facilities which are conveniently located and readily accessible by both pedestrian and vehicular traffic.
31.4.3.5 COMMERCIAL

31.4.3.5.1. Areas identified as Commercial in Schedule "F-3" represent existing and future service commercial areas and retail stores and existing shopping centres outside of the Downtown area, but within the settlement area. Development within those areas designated Commercial should not undermine the viability of the Central Business District, but rather reinforce and complement the primary economic function of the Central Business District as the focal point and principal centre of commerce.

31.4.3.5.2. Commercial uses which primarily serve vehicular traffic, the travelling public and which rely heavily upon such traffic for their economic existence shall be located on CKL Roads or arterial roads. These uses include automobile service station, public garages, motel, hotel, auction barn, laundromat, restaurant, places of assembly, building supply outlets, drive-through facilities, recreational uses, retail establishments that carry basically one line of goods of a non-perishable nature that requires a large area for storage and delivery being uses such as home furnishings stores, motor vehicle and marine sales and service, and existing tourism commercial establishments.

31.4.3.5.3. Retail commercial development in the form of a large format retail centre or a shopping centre with a floor space greater than 3,000 square metres may also be permitted in the Commercial designation in accordance with Section 18.7 of the Official Plan and shall require a site specific Zoning By-law Amendment. These developments shall generally be directed to locations characterized by high visibility and accessibility.

31.4.3.5.4. Retail uses with a gross leasable floor space greater than 300 square metres may be permitted use in the Commercial designation.

31.4.3.5.5. Small scale service commercial uses, such as convenience retail stores and personal service shops, may be located within the Commercial designation provided that they are developed in conjunction with the permitted uses of this designation on the same site, and provided that the total gross leasable floor space of the small scale service commercial uses does not exceed 15% of the total gross leasable floor space that is to be developed. Service commercial establishments permitted in the Commercial designation shall have a minimum gross leasable floor space greater than 200 square metres.

31.4.3.5.6. The following policies apply to lands designated Commercial:

a) Commercial uses will be encouraged to consolidate in nodes and be developed in accordance with good urban design principles. It is the intent of this Plan to provide for the consolidation of Commercial uses and to avoid the indiscriminate development and/or extension of such uses into adjacent non-commercial areas;
b) Commercial areas shall be compatible with surrounding uses and shall be adequately buffered from adjacent residential and other sensitive land uses. Buffers shall include grassed areas and appropriate planting of trees and shrubs, and / or the provision of other suitable screening materials;

c) Building entrances and display windows should be oriented to street frontages, and a minimum of one major building entrance should front directly onto the main street frontage, when applicable;

d) Driveway access shall be approved by the City as considered to be necessary and appropriate;

e) Adequate off-street parking, service areas and loading spaces shall be provided. Service areas and loading spaces shall be located according to Section 18.16.10 of this Plan;

f) Buildings should be built to a minimum setback at intersections to help frame the streets;

g) The building identity at corner locations will be reinforced by taller building elements such as towers, entrance structures or roof elements (i.e. skylights and dormers);

h) Commercial garbage receptacles shall be adequately screened or in an enclosed storage area contiguous with the building;

i) Parking, loading areas and service should be designed as per policies 18.16.7, 18.16.9 and 18.16.10 of this Plan; and,

j) Commercial uses shall only locate on CKL Roads, arterial roads, or collector roads.

31.4.3.5.7. New and expanding Commercial uses are subject to:

a) Site Plan Control;

b) The submission of a Traffic Impact Assessment as outlined in Appendix "B" to identify traffic generated by the development, methods of mitigating the traffic, and any improvements to the required road network to accommodate the development;

c) The submission of a market study to demonstrate that the proposed commercial floor space is warranted; and,
d) The policies of Section 18.7 of the Official Plan, a site specific Official Plan Amendment, and a site-specific Zoning By-law Amendment if it is an enlargement of an existing or establishment of a new retail use in excess of 3,000 square metres.

31.4.3.5.8. Council will encourage the maintenance or improvement of the visual amenity and general attractiveness of the Commercial designated areas. Council will:

a) 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;

b) Encourage the relocation of non-commercial uses which interrupt the continuity of the commercial frontage; and,

c) Regulate building setbacks to maintain continuity and, where necessary, provide additional setbacks to permit wider sidewalks, landscaped open space and street furniture.

31.4.3.5.9. It is the intent of this Plan to permit the continuation of existing tourism commercial uses, where feasible and practical, within the Commercial designation. This area applies only to lands presently zoned and 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.

31.4.3.5.10 Tourism commercial uses shall consist of tourism 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 tourism 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 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.

31.4.3.5.11 The following policies apply to lands which are zoned for tourism commercial uses within the Commercial designation:

a) Regard shall be had for the layout and design of tourism 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.

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 30 metres of the high water mark.

c) It shall be the policy of this Plan to require a recreational amenity area for any tourism commercial use that includes accommodation. For the purposes of this policy, a recreational amenity area shall be a minimum of 10 percent of the gross floor area of the tourism commercial use and shall consist of a landscaped area for the use and enjoyment of the visitors or patrons.

d) The development, redevelopment and/or expansion of tourism 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 tourism 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.

f) 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.

g) In accordance with the requirements of Parks Canada, a waterlot license is required for the development of commercial uses on the Federal Crown Bed (Trent-Severn Waterway) of the Fenelon River and Cameron Lake.
h) It shall be the policy of this Plan that Tourism Commercial uses shall be zoned in a separate classification in the implementing Zoning By-law where under suitable provisions and regulations shall be prescribed to govern the development and use of such lands.

31.4.3.6 EMPLOYMENT

31.4.3.6.1. Within the Employment designation, the predominant use of land shall be a wide range of employment and office uses, including manufacturing and fabricating, assembling, processing, servicing and repairing, warehousing and storage, shipping and receiving, offices as an accessory or secondary use, commercial activities as an accessory use, accessory uses such as parking garages or a residence for a caretaker.

31.4.3.6.2. No outside storage of goods or materials shall be permitted in those Employment uses located adjacent to residential areas. For Employment uses located along collector roads, outside storage of goods or materials shall be limited to the interior side yard or rear of the building and screened from public view.

31.4.3.6.3 The following policies apply to lands designated Employment:

a) High urban design, landscaping and building standards shall be required. Buildings shall be designed so that all elevations facing a street present an appropriate front elevation.

b) To enhance building visibility and quality, built form and massing should emphasize key elements including building entrances and forecourts; in particular, variations in articulation of the building envelope are encouraged.

c) Office uses should be oriented to the front of the building and incorporate substantial glazing.

d) Vehicular access to lots shall be approved by the City.

e) Buffering is required between employment area uses and residential uses, including but not limited to, increased setbacks, a high degree of landscaping, screening, and fencing.

f) The provision of appropriate and adequate landscaping and/or other forms of buffering shall be provided to:

i. Enhance all parking lots, and outdoor loading, storage and service areas; and,
ii. Provide separation between the employment use and any adjacent use, where appropriate.

g) Service, loading and parking areas should be oriented to the interior side yard or rear of the building, away from public view.

h) Adequate off-street parking, service areas and loading facilities are required and will be designed for maximum safety. Parking, loading areas and service should be designed as per policies 18.16.7, 18.16.8 and 18.16.10 of this Plan.

i) Pedestrian and cycling access shall be accommodated in a manner that is distinguishable from the access provided to motorized vehicles, and is safe and convenient.

31.4.3.6.4. New employment development will be required to demonstrate compliance with the Ministry of Environment's Land Use Compatibility (D6) Guidelines.

31.4.3.6.5 Employment uses shall:

a) not include uses that may be obnoxious or noxious to the surrounding area; and,

b) have all manufacturing operations conducted entirely within an enclosed building.

31.4.3.6.6 The Comprehensive Zoning By-law shall establish development standards, permitted uses, and other measures required to support the Employment policies.

31.4.3.7 INSTITUTIONS and COMMUNITY FACILITIES

31.4.3.7.1. Institutions and Community Facilities uses are intended to serve the immediate neighbourhood or a collection of neighbourhoods, and provide social or cultural services for residents.

31.4.3.7.2. Within the Institutions and Community Facilities land use designation, the predominant use of land shall be for institutions and community facilities such as government offices, places of worship, nursing homes and assisted living, daycare centres, social housing, medical clinics, recreational, cultural and educational facilities, cemeteries, fairs or exhibition grounds, other public uses or community facilities, and uses accessory thereto.

31.4.3.7.3. Government buildings deemed to be redundant may continue to be used for office purposes without an amendment to this Plan.
31.4.3.7.4. The following policies shall apply to the Institutions and Community Facilities designation:

a) Adequate measures shall be taken to ensure that the permitted uses have no adverse effects on adjacent land uses. Adequate buffer planting shall be provided between any Institutions and Community Facilities use and any adjacent residential area where land use conflicts might be expected, and such buffer planting may include provisions for grass strips and appropriate planting of trees and shrubs, berms or fence screening.

b) Institutions and Community Facilities shall be planned to reflect the level of service for which they are intended to provide.

c) Institutions and Community Facilities shall be encouraged to have building massing, exterior building materials, and landscaping which help it integrate with the neighbourhood. The City encourages specific design elements which highlight the civic nature of institutional uses.

d) Institutions and Community Facilities are encouraged to develop on sites served by existing or planned transit routes.

e) Adequate off-street parking areas shall be provided and access to parking areas shall be limited and designed to provide maximum safety for pedestrian and vehicular traffic. Parking areas shall be located to the side or rear of the building and screened from view.

f) The design of new Institutional uses and Community Facilities shall be pedestrian friendly, barrier-free and accessible.

31.4.3.7.5. Elementary schools should be planned in coordination with growth of the community and located adjacent to public parks and open spaces, where possible. Generally, the school should be centrally located in regard to the area being served. The location should be selected and designed in consultation with the School Board and designed to minimize traffic conflicts with pedestrians. Sidewalks are considered to be an integral design aspect and will be required to link all school sites to adjacent neighbourhoods; bicycle lanes and bicycle parking will be incorporated wherever feasible.

31.4.3.7.6. Where possible, places of worship should be located on arterial or collector roads within walking distance of transit stops. Places of worship should provide on-site parking located at the rear or side of the building and adequately and
safely accommodate vehicular and pedestrian traffic entering on site. Parking should be located at the side or the rear of the building.

31.4.3.7.7 Major institutional uses are defined as those institutional uses where the property is intensely built and attracts high traffic volumes and shall include secondary schools. Major Institutional uses shall be located where:
   a) There is direct access to an arterial or collector road; and,
   b) Public transportation services can be provided to the property.

31.2.3.7.8 The following guidelines shall be considered when evaluating the proposed design of major institutional developments:
   a) The proposal should demonstrate how the general policies outlined in Section 7 of the Official Plan will be achieved;
   b) The scale of the development must consider surrounding uses result in a gradual transition in terms of the profile, height, scale, and placement of buildings, where applicable and appropriate;
   c) Vehicular access shall be located so that traffic related to the major institutional use will be discouraged from using local roads;
   d) The site shall be connected to municipal sidewalks to create a pedestrian-friendly, barrier-free and accessible development for all persons within the community, including the elderly and those persons with physical disabilities;
   e) On-site transit stops and bicycle parking shall be incorporated in the design, where feasible;
   f) Parking areas shall be screened from adjacent land uses and large parking areas shall incorporate internal landscaping islands; and,
   g) Appropriate landscaping and buffer areas shall be provided to enhance the physical separation between the use and adjacent sensitive uses, where applicable and appropriate.

31.4.3.7.9 Emergency service facilities, including fire, police and ambulance stations are permitted in all land use designations. Where appropriate, such facilities shall be located on an arterial or collector roads. The siting of new facilities shall also consider the potential impacts on adjacent users.

31.4.3.7.9 Special Provisions

31.4.3.7.9.1 Notwithstanding Section 31.4.2.8.2 of this Plan, lands designated for an institutional use with ancillary uses that may be severed from lands located at 765 CKL Road 121 shall be serviced with municipal water and may initially be serviced with a private sewage disposal system until such time as municipal sanitary facilities are available to the property. The development limits to which this policy applies are defined through the applicable zoning by-law
31.4.3.8 PARKS and OPEN SPACE

31.4.3.8.1. The Parks and Open Space designation includes lands used for active and passive leisure activities. In addition, open spaces are intended to contribute to the environment through the provision of green space and vegetation.

31.4.3.8.2. The predominant use of land shall be primarily for the preservation and conservation of land and/or environment, as well as for the provision of outdoor recreational and educational opportunities, and should be managed in such a fashion as to complement adjacent land uses and protect such uses from any physical hazards. Permitted uses include indoor and outdoor active and passive recreational uses including parks, trails, golf courses, arenas, curling rinks, sports fields and other similar uses as well as open space areas. Compatible uses, such as public and/or private utilities, environmental conservation, and community gardens may also be allowed.

31.4.3.8.3. The development of parks shall be subject to Sections 8, 18.15 and 34.13 of the Official Plan.

31.4.3.8.4. The following policies shall apply to the Parks and Open Space designation:

a) Community gardens, parks, and recreation operations on lands designated Parks and Open Space should maintain the unique natural characteristics of such lands, where possible and appropriate.

b) Lands designated Parks and Open Space shall not contribute to problems of erosion, flooding, pollution or the deterioration of the environment.

c) Buildings and structures shall be permitted in parks provided that they are related to the main permitted use. Structures such as those required for flood consideration, municipal services and/or utilities shall be permitted in areas designated Parks and Open Space, provided engineering studies acceptable to the City and Conservation Authority indicate that any hazard, natural or otherwise, can be overcome, or if the Conservation Authority determines that the isolated parcel of land is not hazardous. Where major physical alterations are necessary to overcome the hazards, an amendment to this Plan will be required. Where detailed investigation shows that an area is non-hazardous, and provided that the Conservation Authority confirms this in writing, then an alternative use consistent with the surrounding uses may be considered through a Zoning By-law Amendment.
d) Where Parks and Open Space lands are under private ownership, it shall not be construed that these lands shall be free and open to the general public, nor that they shall be acquired by the City or any other public agency.

31.4.3.8.5. The City will carry out programs to improve park facilities and provide public parks to meet the needs of the community, as well as augmenting the present park deficiencies. Park needs shall be considered in conjunction with future recommendations and/or improvements to the Trent-Severn Waterway and the lands adjacent to it.

31.4.3.8.6. The City will work on improving the open space adjacent to the shoreline. The City will implement a program to improve the facilities in the Garnet Graham Park, including the enhancement to its parking lots, boardwalks, supporting facilities and sand.

New Park

31.4.3.8.7. The general location of a new park in Fenelon Falls is denoted with the symbol "NP" on Schedule F-3. A park may be situated anywhere within the extent of the underlying land use designation denoted with the symbol "NP," and the City will determine the type of park and its final location prior to draft plan approval.

31.4.3.9 ENVIRONMENTAL PROTECTION

31.4.3.9.1 Permitted uses within this designation should maintain the unique natural characteristics of such lands and should not contribute to problems of erosion, flooding, pollution or the deterioration of the environment, and will be guided by the policies of Section 31.4.2.6.6 to 31.4.2.6.9 of this Plan. The following uses may be permitted within the Environmental Protection designation:

a) Agricultural, excluding buildings or structures;

b) Buildings or structures for erosion or flood control;

c) Conservation, excluding buildings or structures;

d) Forestry, excluding buildings or structures;

e) Nursery and market gardening, excluding buildings or structures;

f) Recreation or park purposes, excluding buildings or structures; and,

g) Wildlife management areas, excluding buildings or structures.
31.4.3.9.2 The creation of lots within the Environmental Protection designation will not be permitted for the purpose of development.

31.4.3.9.3 If a lot is to be created that is partially designated as Environmental Protection, sufficient lot area based on the abutting land use designation outside of the Environmental Protection designation must be maintained for the proposed use.

31.4.3.9.4 In some instances, the boundary of the Environmental Protection designation may be found not to reflect the true limit of the land subject to flooding or containing a natural hazard. To determine this, an evaluation shall be undertaken by the landowner to demonstrate that the land is not subject to flooding or other physical hazard. The evaluation shall be reviewed and approved by the City and Kawartha Conservation Authority. The City will consult with Kawartha Conservation or other expertise in the review of the evaluation. If it is found through the evaluation that the boundary is in error and the land is not subject to flooding or other physical hazard, then an alternate use permitted in the abutting land use designation may be considered and the land appropriately zoned. This provision applies where the designation boundary is found to be in error and the proposed use is minor and it is determined by the City that an amendment to the Plan is not required.

31.4.3.9.4 Where detailed flood plain or wetland mapping exists or becomes available, the boundaries of the Environmental Protection designation may be interpreted as corresponding to the limits of the flood plain or wetland.

31.4.3.9.5 Where regulations are in effect, no placing or removal of fill of any kind, whether originating on the site or elsewhere shall be permitted within this designation unless such is approved by the City, Kawartha Conservation or Ministry of Natural Resources and Forestry.

31.4.3.9.6 Where land within this designation is under private ownership, it shall not be construed that this land shall be free and open to the public, nor that it shall be acquired by the City or any other public agency.

31.4.3.9.7 Lands designated Environmental Protection shall generally not be accepted as parkland as part of a plan of subdivision. If the City does accept Environmental Protection lands as part or all of the parkland dedication in a subdivision, the lands shall be conveyed in a physical condition satisfactory to the municipality. When an open watercourse is part of an area to be dedicated, sufficient land adjacent to the watercourse should be provided for maintenance and operations.

31.4.3.9.8 An existing non-conforming building or structure located in a floodplain may be enlarged, expanded or altered subject to:
a) the determination that there will not be an unacceptable off-site impact due to the displacement of the flood water;
b) the enlargement to the building is appropriately flood proofed;
c) New or existing hazards are not created or aggravated;
d) Kawartha Conservation has been satisfied;
e) The development is not a threat to public health and safety or property;
f) Vehicles and people must have a way of safely entering and exiting the area during floods; and
g) Satisfactory water supply and subsurface sewage disposal servicing.

31.4.3.9.9 In determining the extent of flooding, the landowner may be required to have a qualified professional determine the flood level and appropriate flood-proofing measures that would be required. The City will consult with Kawartha Conservation, before allowing the expansion or enlargement.

31.4.3.10 DEVELOPMENT PLAN AREA SIX (DP-6)

31.4.3.10.1 The land within this designation may be developed for a mix of commercial and residential uses, including a shopping centre, townhomes, apartment/condominium buildings, and retirement residences.

31.4.3.10.2 All uses within this designation will be developed on full municipal services. Notwithstanding the preferred hierarchy of municipal sewage and water systems within Urban Settlement Areas, this development may be permitted while temporarily serviced by the acceptable installation of a sewage system in accordance with the Environmental Protection Act and Ontario Building Code and subject to the restrictions of and approval by the City and the District Health Unit, where applicable. All sanitary services shall be connected directly to the municipal sanitary sewer system immediately after the Public Works Department allocates the required servicing capacity. The approved temporary servicing shall be decommissioned at the expense of the owner and to the satisfaction of the City and District Health Unit.

31.4.3.10.3 The implementing Zoning By-law will establish separate and appropriate commercial and residential zone categories and respective development standards and requirements.

31.4.3.10.4 Prior to the preparation of the required Site Plan Agreement the City must be in receipt of the comprehensive Site Plan. Such Plan will include building and elevations plans; detailed site servicing, lot grading and drainage plans; all with sufficient detail to meet the requirements of the Building Code and the City's requirements.
31.4.3.10.5 All commercial uses within this designation may be permitted in one or more separate buildings, provided that the total gross floor area of all commercial buildings does not exceed 4,800 square metres.

31.4.3.10.6 All development within the DP-6 area shall be subject to site plan control. The site plan control requirements shall, among other matters, address stormwater management and road entrance requirements to the satisfaction of the City. As part of the approved stormwater management plan the use of roof top storage controls shall be permitted.

31.4.3.11 FUTURE DEVELOPMENT AREA

31.4.3.11.1 Lands shown as Future Development Area on Schedule “F-3” are intended for future development purposes beyond the planning horizon of this Plan. They will be given first consideration for redesignation to a variety of urban land uses to be developed on full municipal services if warranted through a comprehensive review of the Official Plan and Master Plans in accordance with Section 2.2.8 of the Growth Plan. Until such time, the lands shall continue to be subject to the policies contained in Section 16 of the Official Plan and subject to the following list of permitted uses:

- Limited, low density single detached dwellings on existing lots
- active and passive recreation uses and facilities
- agricultural uses without buildings
- farm markets
- public and private infrastructure
- public parks
- utilities
- nurseries
- greenhouses
- forestry management

Maps/Schedules

Schedule F-3 - Fenelon Falls Land Use

City of Kawartha Lakes Official Plan, 2012
Schedule G-3 - Fenelon Falls Environmental Constraints

Schedule H-3 - Fenelon Falls Transportation