

THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. ####-24

Official Plan Amendment No. 92

Former Rand Estate and John Street East Character Area

144-210 John St East, 580 & 588 Charlotte, 1-9 Christopher St and 2-50
Weatherstone Court

**A BY-LAW PURSUANT TO SECTION 17 OF THE ONTARIO PLANNING
ACT TO AMEND THE TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL
PLAN**

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 17 of the *Planning Act, R.S.O. 1990, c.P.13, as amended*;

The Council of The Corporation of the Town of Niagara-on-the-Lake, in accordance with the provisions of Section 17 of the Planning Act hereby enacts as follows:

1. Amendment No. 92 to the Official Plan for the Town of Niagara-on-the-Lake consisting of the attached explanatory text and schedule is hereby adopted.
2. Amendment No. 92 to the Official Plan for the Town of Niagara-on-the-Lake is exempt from the approval of the Regional Municipality of Niagara and will come into force and take effect on the day of the final passing thereof.

Enacted and passed this 26th day of March, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

**Amendment No. 92 to the Official Plan
for the Town of Niagara-on-the-Lake**

PART A – THE PREAMBLE	Part A does not constitute part of this amendment. Part A describes the purpose and basis for this amendment.
PART B – THE AMENDMENT	Part B constitutes Amendment No. 92 to the Official Plan for the Town of Niagara-on-the-Lake.
PART C – ADDITIONAL INFORMATION	Part C does not constitute part of this amendment but outlines additional information available upon request.

PART A - THE PREAMBLE

The preamble does not constitute part of this amendment.

PURPOSE

The purpose of this amendment is to establish policies to guide development and other changes in the Former Rand Estate and John Street East Character Area.

BASIS

The basis of the amendment is as follows:

1. The subject lands, comprising the former Rand Estate and former Brunswick Place Estate, include several designated or listed heritage properties.
2. The former Rand Estate lands have been the subject of extensive historical research and analysis, and Designation By-laws were approved for 580 Charlotte Street (1971), 144 and 176 John Street East (2020) and 200 John Street and 588 Charlotte Street (2022).
3. In 2019, Council adopted a policy in the Town's new Official Plan stating that the Former Rand Estate and John Street East Character Area "not be developed until such time as a study has been completed by the Town and released for public review and comment which determines the appropriate land use designation for this Special Study Area. Following completion of the study, the Official Plan shall be amended to apply the appropriate designation and the subject lands may develop in accordance with the applicable land use policies of that designation."
4. The Former Rand Estate and John Street East Character Study was initiated in the fall of 2022. Following research, analysis, and engagement with stakeholders and the public, the study concluded that a "heritage and development framework" and detailed policies in the Official Plan are needed to guide future development and conservation measures.
5. Building on the Designation Bylaws, the recommended framework and policies will help ensure future commercial and residential development protects significant natural features and cultural heritage attributes, is compatible with surrounding uses and generally maintains the area's historic character.
6. The amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2020 Consolidation), the Niagara Official Plan (2022), the general intent of the Town's in-force Official Plan (2017) and the Town's adopted Official Plan (2019).

PART B - THE AMENDMENT

Part B – The Amendment, consisting of the following text and Schedule, constitutes Amendment No. 92 to the Official Plan for the Town of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

1. Schedule B: Land Use Plan – Niagara/Old Town to the Official Plan be amended by adding an outline around the subject area and a reference to OPA 92 as shown on ‘Schedule 1’ attached hereto.
2. Section 10.3.6 General Commercial (Randwood Estate) is deleted.
3. Section 15.3.2 Open Space (Randwood Estate) is deleted.
4. Reference to OPA 51 is deleted from the table in Appendix 11: Amendments.
5. That the following is added to Section 6.32 Special Study Areas and Special Policy Areas:

“6.32.8 Special Study Area A-9 (Former Rand Estate and John Street East Character Study Area)

The lands identified in Schedule B9: Land Use Plan and Development Framework – Former Rand Estate and John Street East Character Area shall be subject to the following:

Principle 1: Conserve, integrate and maintain significant cultural heritage features.

Policies:

- i. Development applications for all listed and designated heritage properties, including 144, 176, 200 and 210 John Street East and 588 Charlotte Street, excluding minor variance applications, shall include a conservation plan and a landscape management and design plan. The conservation plan, which will supplement a heritage impact assessment, shall identify measures required to repair, stabilize and conserve heritage features as well as long-term conservation, monitoring and maintenance measures. Landscape management and design plans shall identify work proposed to conserve and enhance landscape features and systems over time, including natural and cultural features; they shall also include

detailed drawings of proposed new landscape features. Conservation plans and landscape management and design plans may also supplement and shall not replace submission materials required for a heritage permit application.

- ii. The Town shall ensure local Indigenous communities are consulted.
- iii. Conservation plans, and heritage conservation measures generally, shall be consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.
- iv. The adaptive re-use of heritage buildings and other structures with uses that complement existing and planned uses in the area shall be strongly encouraged.
- v. The restoration or interpretation of significant but lost heritage landscape features shall be strongly encouraged.
- vi. The Town shall explore and consider financial incentives, including but not limited to programs under a Community Improvement Plan, to support heritage conservation in the area.

Principle 2: Protect, enhance and maintain significant natural features and functions.

Policies:

- i. Environmental impact studies (EISs) submitted with development applications shall include detailed studies of environmental features, including but not limited to the Conservation areas generally identified in Schedule B, and shall identify the limits of all such features. EISs shall be supplemented by landscape management and design plans, as generally described in Policy 6.32.8 (Principle 1.i).
- ii. All relevant environmental policies of the Town's Official Plan shall apply to the area, including but not limited to Highly Vulnerable Aquifer and Natural Environment System policies. In addition, Niagara Peninsula Conservation Authority regulations shall apply to all Environmental Protection Areas (EPAs).
- iii. New streets and other infrastructure shall minimize adverse impacts on existing natural features and functions. Streets and pathways shall be aligned and designed to integrate existing natural features wherever possible. The consolidation of vehicular entrances and sharing of streets among neighbouring uses shall be strongly encouraged.
- iv. Further to Policy 6.32.8 (Principle 1.i), landscape management and design plans shall include:

- A tree preservation and planting plan that has regard for the area's historic estate lot landscapes; and,
 - Measures to enhance riparian zones with plantings in keeping with the cultural heritage landscape.
- v. Landscape management and design plans shall support a minimum tree canopy goal of 30% for the character area as a whole and for each property where new development is proposed. A qualified landscape architect or arborist shall provide an opinion on how the tree preservation and planting plan for a site can achieve the goal over time.
- vi. Stormwater management facilities shall be located outside Conservation areas, integrated with the larger network of open spaces, and designed as a naturalized landscape.

Principle 3: Ensure cultural and natural heritage features are visible to the public.

Policies:

- i. Public views to 144, 176 and 210 John Street East, 580 Charlotte Street and 9 Weatherstone Court from adjacent public roads shall be maintained. Conservation plans and landscape management and design plans for 200 John Street East and 588 Charlotte Street shall show how existing views of the former Rand Estate over the historic stone wall from the Heritage Trail and through the gate at the whistle stop will be maintained or enhanced.
- ii. New streets, driveways and pathways in the area should be aligned to conserve and provide public exposure to cultural heritage features where feasible.
- iii. The common open spaces identified in Figure 1: Former Rand Estate and John Street East Character Area Land Use Plan and Development Framework shall be designed to provide public views and access to natural and cultural heritage features. The designs of these spaces shall include elements that interpret the history of the Rand Estate. Modifications to the size and shape of each common open space shall not require an amendment to the Official Plan.
- iv. The axial walkway and circular mound between the whistle stop and the main house shall be reflected and interpreted in the design of a future street and pathway network.
- v. Site plans and landscape design plans shall include pedestrian connections and wayfinding measures between cultural heritage features.

- vi. New streets, pathways and common open spaces shall have appropriate lighting for comfort and safety.
- vii. Designated heritage structures shall stand apart from new development, generally by at least 5.0 metres, to reinforce their cultural significance. Landscaping that recalls their historic setting shall be encouraged.
- viii. The Town, in consultation with property owners, shall develop a plan to interpret and promote the area's cultural heritage, including values attributed to the area by Indigenous communities.

Principle 4: Accommodate active transportation connections through and to the area as part of a system of connected natural and cultural heritage features.

Policies:

- i. A future street and pathway network in the area shall include a continuous public connection for pedestrians and cyclists from the Heritage Trail to John Street East, via the whistle stop, to be built by the developer. Additional public active transportation connections through 144 and 176 John Street East shall be encouraged.
- ii. Future access to development on 588 Charlotte Street shall include public access for pedestrians and cyclists.
- iii. Subject to heritage and structural impact assessments to the Town's satisfaction, an additional gate or other opening in the stone wall along the Heritage Trail may be permitted to facilitate access for pedestrians and cyclists.
- iv. The Town shall develop and implement a plan to widen the sidewalk on the south side of John Street East or replace it with a multi-use path. In addition, the Town shall work with Parks Canada to develop a multi-use path connection between a public access to future development at 144, 176 or 200 John Street East and the path network on The Commons.
- v. The intersection of John Street East and Charlotte Street shall be improved with stop signs, crosswalks and wayfinding signage for the comfort, safety and convenience of pedestrians and cyclists.

Principle 5: Maintain compatibility and cohesion between distinct places.

Policies:

- i. Future development and landscaping shall maintain, reinforce and extend the area's natural features to establish over time the network of green

spaces identified in Figure 1: Former Rand Estate and John Street East Character Area Land Use Plan and Development Framework, including Conservation areas, common open spaces, pathways and landscape buffers.

- ii. Existing mature trees and hedges at the edges of existing residential properties shall be maintained and enhanced.
- iii. On 144 and 176 John Street East, sufficient landscaping, buffers and setbacks shall be provided to minimize the impact of commercial uses on abutting residential uses. In addition, landscape buffers in keeping with the area's historic natural heritage and containing hedges and trees shall be provided between commercial uses and new residential development on 200 John Street East and 588 Charlotte Street.
- iv. The following policies shall also apply to future commercial development on 144 and 176 John Street East to minimize adverse impacts on neighbouring properties:
 - No terraces or balconies above the second storey shall be oriented toward abutting properties. Any terraces or balconies shall be oriented toward the interior of the property.
 - All parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.
 - There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreational and amenity spaces or accessory buildings or structures.
- v. Private rear yards adjacent to agricultural lands outside the urban boundary, in the Greenbelt, shall be planted with trees and other vegetation to provide an appropriate landscape transition.
- vi. Parking lots, where required and appropriate, shall be minimized and located at the rear of buildings, screened from public view.

Principle 6: Accommodate a mix of housing types and sizes and compatible commercial uses.

Policies:

- i. Section 9.3.3 shall apply to the properties on Christopher Street and Weatherstone Court, except townhouses shall also be permitted.
- ii. Detached and semi-detached houses, townhouses, duplexes and triplexes shall be permitted in the Residential area.

- iii. Notwithstanding Policy 6.32.8 (Principle 6.ii), multiple unit residential uses shall be permitted within conserved heritage buildings in the Residential area, subject to heritage impact assessments submitted with a rezoning and heritage permit applications, to the satisfaction of the Town.
- iv. The following land uses shall be permitted on the properties at 144 and 176 John Street East: hotel; spa; arts and learning centre; conference centre; restaurant. Accessory buildings and structures shall be permitted as secondary uses.
- v. Detached dwellings and multiple unit residential buildings also shall be permitted at the rear of properties in the Commercial area and within the Established Residential area at the rear of 210 John Street East, notwithstanding Policy 9.3.3(1) of the Official Plan, provided they conserve cultural heritage features and are in keeping with the scale, massing and character of the existing historic houses. Secondary and other uses, as identified in Policy 9.3.3(1) shall also be permitted.
- vi. Secondary residential units within a detached or semi-detached house or townhouse, or as an accessory building, such as carriage house, shall be permitted in the Established Residential and Residential areas.
- vii. All new housing shall minimize adverse impacts on cultural heritage features.

Principle 7: Respect the scale and character of existing development in the area and in adjacent neighbourhoods.

Policies:

- i. The massing of new development shall be in keeping with the scale and height of existing development within the area and in adjacent neighbourhoods. Residential buildings shall not exceed three storeys and blocks of attached townhouses should generally not contain more than 6 primary dwelling units, but may contain up to 8 primary units with sufficient justification and design considerations, subject to Town requirements.
- ii. A variety of architectural styles shall be encouraged that reflect the varied character of homes in the adjacent neighbourhoods and Old Town generally, including Colonial Revival, Neo-Classical, Georgian, Italianate and Craftsman. The incorporation of architectural elements found on heritage buildings in the area and the homes of Christopher Street and Weatherstone Court shall be encouraged.
- iii. The use of traditional building materials commonly used in Old Town's historic buildings shall be strongly encouraged. Building materials and

finishes should reflect a consistently high level of quality and craftsmanship.

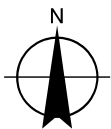
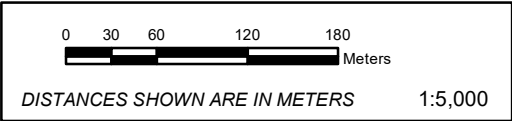
- iv. Future development on Christopher Street and Weatherstone Court shall maintain the existing general character in terms of building massing, setbacks and landscaping.
- v. The visual impact of front garages and driveways shall be minimized. Garages at the rear of houses, accessed by a laneway or a driveway at the side of the house, shall be encouraged. Where garages are located at the front of dwelling units, they shall be located behind the front wall of the house and have a maximum width no greater than half the width of the house.
- vi. Accessory buildings containing secondary residential units shall have a maximum height of 7.0 metres or the height of the main dwelling, whichever is less.
- vii. Front yard setbacks for new development shall be a minimum of 3.0 metres from the sidewalk and consistent along each street.
- viii. At least 50% of the front yards of new development shall be comprised of soft landscaping, including trees.



PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. Former Rand Estate and John Street East Character Study Final Report dated March 15, 2024.
2. Community and Development Services Report CDS-24-045.
3. Council Meeting Minutes dated March 26, 2024.



***SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT #92
BEING AN AMENDMENT TO SCHEDULE "B" OF THE OFFICIAL
PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE***

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL