

Planning Legislation and Policies

Planning Act, R.S.O. 1990, c. P.13

Provincial interest

2 *The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,*

- (a) *the protection of ecological systems, including natural areas, features and functions;*
- (b) *the protection of the agricultural resources of the Province;*
- (c) *the conservation and management of natural resources and the mineral resource base;*
- (d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- (e) *the supply, efficient use and conservation of energy and water;*
- (f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (g) *the minimization of waste;*
- (h) *the orderly development of safe and healthy communities;*
- (h.1) *the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- (i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- (j) *the adequate provision of a full range of housing, including affordable housing;*
- (k) *the adequate provision of employment opportunities;*
- (l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- (m) *the co-ordination of planning activities of public bodies;*
- (n) *the resolution of planning conflicts involving public and private interests;*
- (o) *the protection of public health and safety;*
- (p) *the appropriate location of growth and development;*
- (q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) *the promotion of built form that,*
 - (i) *is well-designed,*
 - (ii) *encourages a sense of place, and*
 - (iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- (s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

Policy statements

Policy statements and provincial plans

3 (5) *A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government,*

including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and*
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.*

Official plan

Mandatory adoption

17 (13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of a prescribed municipality.

22 Request for amendment

(11) Subsections 17 (44) to (44.7), (45), (45.1), (46), (46.1), (49), (50) and (50.1) apply with necessary modifications to a requested official plan amendment under this section, except that subsections 17 (44.1) to (44.7) and (45.1) do not apply to an appeal under subsection (7) of this section, brought in accordance with paragraph 1 or 2 of subsection (7.0.2). 2019, c. 9, Sched. 12, s. 4 (5).

24 Public works and by-laws to conform with plan

(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

Zoning by-laws

34 (1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

- 1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.*

Restricting erecting, locating or using of buildings

- 2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.*

Construction of buildings or structures

- 4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.*

Area, density and height

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).

Provincial Policy Statement, 2020

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 *Healthy, livable and safe communities are sustained by:*

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns; ...*
- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; ...*
- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) *promoting development and land use patterns that conserve biodiversity; and*
- i) *preparing for the regional and local impacts of a changing climate.*

1.1.2 *Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years...*

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

1.1.3 **Settlement Areas**

1.1.3.1 *Settlement areas shall be the focus of growth and development.*

1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;...*

1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

1.2 Coordination

1.2.1 *A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including: ...*

- a) managing and/or promoting growth and development that is integrated with infrastructure planning;*
- b) economic development strategies;*

1.3 Employment

1.3.1 *Planning authorities shall promote economic development and competitiveness by:*

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
- e) ensuring the necessary infrastructure is provided to support current and projected needs.*

1.7 Long-Term Economic Prosperity

1.7.1 *Long-term economic prosperity should be supported by: ...*

- a) *promoting opportunities for economic development and community investment-readiness;...*
- c) *optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- d) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- f) *promoting the redevelopment of brownfield sites;...*
- h) *providing opportunities for sustainable tourism development;...*

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 *Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:*

- b) *promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; ...*
- e) *encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*
- f) *promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; ...*

2.6 Cultural Heritage and Archaeology

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

2.6.3 *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Office Consolidation 2020

1.2.1 Guiding Principles

... The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.*

- *Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.*
- *Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.*
- *Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.*
- *Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.*

2.2.1 Managing Growth

1. *Population and employment forecasts contained in Schedule 3 or such higher forecasts as established by the applicable upper- or single-tier municipality through its municipal comprehensive review will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.*
2. *Forecasted growth to the horizon of this Plan will be allocated based on the following: ...*
 - a) *the vast majority of growth will be directed to settlement areas that:*
 - i. *have a delineated built boundary;*
 - ii. *have existing or planned municipal water and wastewater systems; and*
 - iii. *can support the achievement of complete communities;*
 - b) *growth will be limited in settlement areas that:*
 - iii. *are in the Greenbelt Area;*
 - c) *within settlement areas, growth will be focused in:*
 - i. *delineated built-up areas;*
 - iv. *areas with existing or planned public service facilities;*
 - d) *development will be directed to settlement areas, except where the policies of this Plan permit otherwise; ...*
3. *Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:*
 - c) *provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;*
4. *Applying the policies of this Plan will support the achievement of complete communities that:*
 - a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*

- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;...*
- d) *expand convenient access to:*
 - i. *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
 - ii. *public service facilities, co-located and integrated in community hubs;*
 - iii. *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
 - iv. *healthy, local, and affordable food options, including through urban agriculture;*
- e) *provide for a more compact built form and a vibrant public realm, including public open spaces;*
- g) *integrate green infrastructure and appropriate low impact development.*

2.2.2 Delineated Built-up Areas

- 3. *All municipalities will develop a strategy to achieve... intensification throughout delineated built-up areas, which will:*
 - c) *encourage intensification generally throughout the delineated builtup area;*
 - d) *ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*
 - e) *prioritize planning and investment in infrastructure and public service facilities that will support intensification; and*
 - f) *be implemented through official plan policies and designations, updated zoning and other supporting documents.*

2.2.5 Employment

- 1. *Economic development and competitiveness in the GGH will be promoted by:*
 - a) *making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
 - b) *ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;*
 - c) *planning to better connect areas with high employment densities to transit; and*
 - d) *integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.*
- 4. *In planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.*

4.2.7 Cultural Heritage Resources

- 1. *Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*
- 2. *Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.*

4.2.10 Climate Change

1. *Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:*
 - a) *supporting the achievement of complete communities...*
 - b) *reducing dependence on the automobile and supporting existing and planned transit and active transportation;...*

Niagara Official Plan, 2022

2.1 Forecasted Growth

The objective of this section is as follows:

- a) *coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.*

2.1.1 Regional Growth Forecasts

2.1.1.1 *Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.*

2.1.1.3 *Forecasts in Table 2-1 are used to determine the location and capacity of infrastructure, public service facilities, and the delivery of related programs and services required to meet the needs of Niagara's current and future residents.*

2.1.1.4 *Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051...*

Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality

Municipality	Population	Employment
Niagara-on-the-Lake	28,900	17,610

2.2 Regional Structure

The objectives of this section are as follows:

- a) *manage growth within urban areas;*
- b) *accommodate growth through strategic intensification and higher densities; ...*
- d) *plan for the orderly implementation of infrastructure and public service facilities; ...and*
- e) *promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

2.2.1 Managing Urban Growth

- 2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities; ...*
 - d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:
 - i. a range of transportation options, including public transit and active transportation;*
 - ii. affordable, locally grown food and other sources of urban agriculture;*
 - iii. co-located public service facilities; and*
 - iv. the public realm, including open spaces, parks, trails, and other recreational facilities;**
 - e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
 - f) opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;*
 - g) opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
 - j) conservation or reuse of cultural heritage resources pursuant to Section 6.5;*
 - k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
 - l) mitigation and adaptation to the impacts of climate change by: ...
 - ii. where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and*
 - iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.**

2.2.2 Strategic Intensification and Higher Densities

2.2.2.2 Within urban areas, forecasted employment growth will be primarily accommodated within the employment areas shown on Schedule B and Schedule G, and subject to the policies of Section 4.2.

2.2.2.10 Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:

- a) development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety;*
- c) other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites;*

4.2 Planning for Employment

The objectives of this section are as follows:

- d) *plan employment lands to enhance economic resilience through a diversified economy;*
- e) *guide future redevelopment of employment lands;*

4.2.4 Employment Lands

4.2.4.1 *The Region will support Locally identified employment lands by:*

- a) *improving connectivity with transit and active transportation networks;*
- b) *providing for an appropriate mix of amenities and open space to serve the workforce;*
- c) *planning for the intensification of employment uses;*
- e) *encouraging approaches to transportation demand management that reduce reliance on single-occupancy vehicle use.*

4.5 Economic Prosperity

The objectives of this section are as follows:

- b) *facilitate economic prosperity through land use planning.*

4.5.1 Land Use and Economic Goals

4.5.1.1 *The Region will maintain an Economic Development Strategy that will inform alignment between Regional land use planning and economic development goals and strategies.*

4.5.2 Economic Prosperity through Land Use Planning

4.5.2.1 *This section consolidates policy direction integrated throughout this Plan that supports economic prosperity.*

The Region will endeavour to: ...

- e) *support opportunities for nature and culture-based tourism by: ...*
 - iv. *promoting excellence in urban design and requiring conservation of significant cultural heritage resources to foster a sense of place;*
 - vi. *promoting revitalization and redevelopment within downtown and community cores to enhance their existing character.*

5.2 Infrastructure

5.2.1.1 *Infrastructure planning, development, and asset management shall be undertaken in support of the growth management policies of this Plan to promote sustainability and the achievement of complete communities.*

5.2.2.1 *Adequate water supply and sewage collection shall be provided to meet the existing and future development needs in alignment with the growth management policies of this Plan, the Water and Wastewater Master Servicing Plan and the Region's capital budget process.*

5.2.2.2 *Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*

5.2.2.4 *Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

5.2.5.3 *Local Area Municipalities shall implement sustainable stormwater management plans and strategies as part of development and redevelopment.*

6.2 Urban Design

The objectives of this section are as follows:

- a) *commit to excellence in urban design;*
- b) *enhance the public realm and promote active transportation;...*

6.2.1 Excellence in Urban Design

6.2.1.1 *Excellence and innovation shall be promoted in architecture, landscape architecture, site planning, streetscape design, and overall community design to ensure built environments are attractive, walkable, accessible, diverse, and functional.*

6.2.1.2 *The collaboration and co-ordination of related disciplines, including land use planning, urban design, transportation planning, architecture, engineering, environmental planning, and landscape architecture shall be encouraged.*

6.2.1.4 *Revitalization and redevelopment within downtowns and community cores shall be promoted to enhance their existing character*

6.2.1.6 *Active transportation shall be promoted through the cohesive and collaborative design of streets, building interfaces and public spaces.*

6.2.1.8 *The Region shall promote:*

- a) *the creation of liveable and vibrant urban areas and streets;*
- b) *community design that:*
 - i. *offers a range of transportation options, including public transit and active transportation;*
 - ii. *respects the complete streets approach by creating safe and attractive interconnected streets; and,*
 - iii. *encourages a mix of land uses, a vibrant public realm and compact built form;*
- d) *well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;*
- e) *the integration of views of built and cultural heritage features, landmarks, and significant natural heritage features to enhance a sense of place;*

6.4 Archaeology

6.4.2.1 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.*

6.4.2.7 *When an archaeological assessment is required, the assessment will follow the applicable guidelines and processes as dictated by the Province, such as the Standards and Guidelines for Consulting Archaeologists, and an acknowledgement letter from the Province verifying this shall be required prior to any final approvals.*

6.5 Cultural Heritage

6.5.1.1 *Significant cultural heritage resources shall be conserved in order to foster a sense of place and benefit communities, including First Nations and Métis communities.*

6.5.1.5 *Development and site alteration on protected heritage property or adjacent lands shall not be permitted, except where the proposed development and site alteration has been evaluated through a heritage impact assessment and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

SECTION 6: GENERAL DEVELOPMENT POLICIES

6.4 BUILDING HEIGHT RESTRICTIONS

The Town of Niagara-on-the-Lake consists of low-rise structures in a small town setting with a large number of historic buildings. Generally, the building height has not exceeded 11 metres (36 feet). For the most part this low-rise character should be maintained and the implementing zoning by-law should limit building height accordingly. Special provisions may also be included in the implementing zoning by-law limiting the building height to less than 11 metres (36 feet) in low density residential, and established residential areas where the majority of the buildings are one or 1 1/2 storeys in height.

6.6 COST OF SERVICING DEVELOPMENT

In order to minimize the cost of services provided by all public agencies, no new development in the Town will be permitted in any location where it would contribute to a demand for public services which are not economically feasible to provide, improve or maintain. Instead, development should be permitted only in locations where demands on public services will be minimized, urban areas, or where it can most effectively utilize existing services.

6.7 DEVELOPMENT OF NON-RESIDENTIAL USES

As conditions of approval for development or redevelopment of any non-residential use of an urban nature, the municipality may require the following along any side or rear lot line which adjoins a residential or other non-compatible use:

- a) Yards greater than the minimum normally required;*
- b) Planting strips, screening, fencing and/or berms;*
- c) Deflected lighting; and*
- d) Prohibitions on parking, loading and/or open storage.*

- e) *Where a non-residential use is an industrial use an adequate separation distance shall be required by the Town in consultation with the authority having jurisdiction.*

6.21 PARKING AND LOADING FACILITIES

Off-street parking areas and loading facilities shall be provided for the applicable uses as required by the implementing Zoning By-law. Access points to parking areas and loading areas shall be limited in number and designed in a manner which will minimize the danger to pedestrian and vehicular traffic in the immediate area and compatible with abutting properties.

6.22 PARKS AND DEDICATION

Whenever development or redevelopment of lands is proposed for commercial or industrial purposes up to a maximum of two per cent of such lands shall be conveyed to the municipality for park or other public recreational purposes...

The municipality, in the alternative, may require the developer to convey cash-in-lieu of parklands. The cash value of such lands shall be equal to the required amount of land dedication and will be determined by an appraisal authorized by the municipality. The value of the lands shall be determined as of the day before the day of the issuance of the building permit...

6.28 REQUIREMENTS FOR DEVELOPMENT

Before any development is approved, the municipality shall be satisfied that necessary utilities, fire protection and police protection are adequate. In all cases approval will be given only in locations where such services are economically feasible to provide and maintain without creating an undue financial burden on the municipality or existing residents.

6.29 ROAD SETBACKS

To comply with right-of-way widths established by the appropriate road authority, setbacks from roads shall be provided as required by the implementing Zoning By-law. Such setbacks shall be sufficient to allow space for landscaping and off-street parking, loading and movement of vehicles clear of any road allowances.

6.30 SERVICING POLICIES

(1) GENERAL POLICIES

- a) *New development will be limited by the available capacities of services. Where within any Urban Boundary full municipal services are not available it is a policy of this Plan that development may be restricted.*

6.33 TREE PRESERVATION AND REFORESTATION

It is a policy of this Plan that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed the following policies shall apply.

- (1) *As a condition of any development or redevelopment where it is unavoidable that trees must be removed, the proponent shall plant trees of a similar or comparable*

species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arborist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.

SECTION 6A: GROWTH MANAGEMENT POLICIES

1. VISION FOR GROWTH

In 2006 the Province of Ontario released its vision for how growth and development should occur between now and 2031 in the Greater Golden Horseshoe (GGH) within which Niagara-on-the-Lake is located, to ensure the development of sustainable, healthy, safe and balanced communities...

The vision speaks to making careful choices about where and how growth occurs, making better use of land and infrastructure by directing growth to existing urban areas and providing for intensification of the built-up areas.

The Growth Plan is about building complete communities that are well-designed, offer transportation choices, and accommodate people at all stages of life, and have the right mix of housing, a good range of jobs, and easy access to stores and services to meet daily needs...

The guiding principles of the Growth Plan and Regional Policy Amendment 2-2009 are to:

- Build compact, vibrant, sustainable, integrated and complete communities.*
- Plan and manage growth to support a strong, competitive and diverse economy.*
- Protect, conserve, enhance and wisely use the valuable natural resources of land, air, energy and water for current and future generations.*
- Maximize the use of existing and planned infrastructure to support growth in a compact and efficient manner.*
- Provide flexibility to manage growth in a manner that recognizes the diversity of communities...*

3. GROWTH MANAGEMENT

3.2 Growth Management Objectives

Growth Strategy Objectives

The objectives of the Town's growth strategy are to:

- a) To accommodate all future urban growth within the present-day urban boundary;*
- b) Maintain the current delineation of the urban area boundary for the foreseeable future;*
- c) Provide a framework for revitalizing the Town's commercial areas and directing growth to appropriate locations in the Town's urban communities.*
- d) Direct urban growth and development to the Town's existing Urban Areas...*
- f) Direct appropriate intensification to Designated Intensification Areas.*
- g) Optimize existing infrastructure to provide for efficient use of infrastructure.*
- h) Coordinate land use planning with infrastructure planning; and,*

- i) *Protect, conserve and manage our natural resources and prime agricultural lands for current and future generations...*
- l) *Develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile and active transportation and provide active transportation-friendly structures and amenities.*

3.5 Employment Forecast

The forecasted employment growth for the Municipality is shown in Table 3. The figures in Table 3 are the basis for planning the Town's long term employment land needs and the land use policies of this Plan.

Table 3

Town of Niagara-on-the-Lake Employment Forecast, 2006-2031	
Forecast Period	Jobs
2006	11,350
2011	12,070
2016	12,820
2021	13,700
2026	14,570
2031	15,100
2006 -2031 Growth	3,750

Source: Schedule B, Region of Niagara Sustainable Community Policies Policy Plan Amendment 2-2009

The projected employment for the Town by the year 2031 is 15,100 jobs. In order to achieve the employment objective of one job for every three residents, an employment target of 3, 750 jobs will need to be achieved by 2031. A proportion of those jobs are to occur within the Employment Area designation through Greenfield development and the intensification of existing development. The remainder of employment will be located in the living areas through local services, commercial, institutional, home occupations, and government related jobs and in the Countryside through agricultural and rural related jobs.

4.4 Intensification Objectives

Objectives

The objectives of the intensification policies of this Plan are to: ...

- a) *Support the Built-up Areas by strategically directing the majority of intensification to Intensification Areas;*
- b) *Provide land use policy directions for accommodating additional growth within the Built-up Areas;*
- c) *Provide a policy framework that supports intensification and infilling throughout the Town's Built-up Area; and,*
- e) *Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area.*

Built-Up Area Intensification Policies

The Town will support appropriate infilling and intensification within the limits of the Built-Up Area. The following policies apply:

- b) *The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low rise apartment buildings subject to the relevant development and compatibility policies of this plan.*
- d) *Mixed use development is also encouraged within the commercial areas of the Built-Up Area. The preferred built form for mixed use development is a minimum of 2 storeys with commercial and office uses on the ground floor, with residential units or office uses located above. The 2-storey height will ensure mix use developments are not underdeveloped.*
- e) *The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment...*
- f) *Parking for all new residential, commercial and mixed use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building.*
- g) *The Region and the Town will ensure that an adequate supply of sanitary and water services are made available to accommodate the unit target for the Built-up Area and for the existing potential developable lands within the urban area and that the infrastructure for the distribution of water collection of wastewater can support the increased load.*
- h) *The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area...*
- i) *During the development approval process that consideration will be given with respect to capacity of existing infrastructure including utilities and type of improvements, if any, which may be necessary to serve the Built-up Area.*
- m) *Intensification Areas will be planned to provide a diverse mix of land uses that complement and support the overall residential intensification objective. This includes providing for employment, commercial, recreation, institutional and other compatible land uses.*

Urban Design

...the following urban design guidelines apply to intensification proposals in Virgil and the Old Town...

- a) *Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face...*
- b) *Parking for commercial, mixed use and apartment buildings should be located at the rear of the building, with a secondary entrance at the side or back of the building. The main entrance to the building should front onto the street.*
- c) *Where appropriate, the design of the commercial, mixed use and apartment buildings development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*
- d) *Bulk, mass and scale of new development shall fit the context within which it is located...*
- f) *The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.*

4.6 Land Use Compatibility Policies Residential Neighbourhoods

Neighbourhoods are stable but not static. There is a degree of change that occurs within neighbourhoods over time and the policies of this provide that this change will be appropriate and compatible within the Town's neighbourhoods and throughout the entire Built-Up Area.

Compatible and Appropriate Infrastructure

... intensification development within the Built-up Area should be compatible with surrounding existing and planned land uses as shown in the Land Use Schedules of this Plan. Intensification and/or redevelopment should be consistent with:

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) The existing and/or planned densities of the surrounding neighbourhood; and,*
- d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*
- f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to: ...*
 - Street and block patterns*
 - Lot frontages lot area, depth*
 - Building Setbacks*
 - Privacy and overview*
 - Lot grading and drainage*
 - Parking*
 - Servicing*

Conflicts Between Built Form and the Target

In circumstances where a proposed development supports the Town's intensification target but does not support the compatibility policies of the Plan, the compatibility policies shall prevail.

6.5 Commercial Land

The Town has a sufficient supply of land designated for commercial purposes; however, a review of commercial land will evaluate commercial policies and the supply of commercial space to insure long-term availability of commercial space to meet projected needs. A review of the commercial land supply will identify opportunities for greyfield redevelopment into mixed used areas.

A retail market impact study shall be undertaken by the proponent of any new or expanded Commercial designation. The Town will retain a peer reviewer at the applicant's expense. This study shall address the following:

- a) *The impact of the planned function of existing and designated commercial areas and particularly the Downtown.*
- b) *The need for the proposed use.*
- c) *The location, size and scale of the proposed development*
- d) *The potential for compatibility issues.*
- e) *The potential market impacts on existing and planned commercial areas, including downtowns and other shopping nodes.*
- f) *The potential for negative Impacts on the natural environment.*
- g) *The adequacy of the existing transportation Infrastructure including pedestrian and cycling Infrastructure, serving the proposed use.*
- h) *The adequacy of the existing water and wastewater infrastructure and other municipal services.*
- i) *The intent of the policies of this Plan.*
- j) *Where the trade area for a market study extends beyond the boundary of the Town, the Town will consult with the other municipalities within the trade area.*

SECTION 10: COMMERCIAL

10.1 BACKGROUND

Commercial areas are shown on the Schedules to this Plan and are predominately located within the five communities of the municipality.

The Old Town of Niagara currently has the most extensive commercial area consisting of the downtown core along Queen Street from Gate Street to Wellington Street. This area serves primarily tourist needs with some local serving commercial uses. A second commercial area is identified along Mary Street from Nassau Street to Mississagua Street. This area is dominated by local serving commercial uses. A third commercial area is identified along Regional Road 55 (Niagara Stone Road) at the intersection of Niven Road. This land is currently vacant but is intended as a commercial area serving primarily local needs. A fourth commercial area is primarily devoted to serving the needs of boaters and tourists and is located south of Byron Street, along part of Melville Street and Ricardo Street. There is also within the community existing hotels (Pillar & Post, Oban Inn and Kiley House) that do not form part of any commercial district but have been separately identified in the Plan.

All of the aforementioned commercial areas form integral parts of the communities in which they exist as such this Plan supports the protection of these commercial areas as major components of the municipality and to this end policies in this Section are directed towards that protection.

10.2 GOALS AND OBJECTIVES

- (1) *To provide for an orderly distribution of commercial areas within the Urban Boundaries of the Town to meet the shopping and service needs of residents and tourists.*
- (2) *To adequately provide for local-serving commercial areas and, where necessary, to prevent their use for tourist serving uses.*
- (3) *To maintain in tourist-serving commercial areas, a character which is consistent with the historical importance of these areas and their surroundings.*

- (4) *To recognize the Queen-Picton Street area as the focus of tourist serving commercial uses in the Old Town of Niagara.*
- (5) *To encourage controlled and orderly growth within designated commercial areas.*
- (6) *To minimize the impact of commercial development on adjacent land uses.*
- (7) *To minimize the impact of commercial development on the traffic carrying capacity of adjacent roads.*
- (8) *To prevent the intrusion of commercial uses into residential areas.*
- (9) *To promote compact forms of commercial development, and to discourage scattered forms of development.*
- (10) *To recognize the existing commercial structure of the Town as an important part of the municipality that should be protected from any significant impact from future proposals for major commercial development.*

10.3 LAND USE DESIGNATIONS

10.3.1 GENERAL COMMERCIAL

- (1) *Within the General Commercial designation shown on the Land Use Schedules the following uses shall be permitted:*

Main Uses:

- Retail Commercial Uses
- Business Offices

Secondary Use:

Uses permitted with a Main Use:

- accessory buildings and structures
- dwelling units

Uses permitted independent of a Main Use:

- Service Shops

- (2) *The implementing Zoning By-law may exclude specific uses or categories of uses which are considered to be incompatible with the goals, objectives and policies of the Plan, particularly in the Queen-Picton Heritage Conservation Area where the focus is on pedestrian-oriented shopping.*
- (3) *Certain existing large tourist-serving commercial establishments within Niagara/Old Town such as the Pillar and Post, Kiely House and Oban Inn have been designated General Commercial in this Plan even though they do not form part of a contiguous commercial area. These commercial uses may be zoned to allow hotels, restaurants and a small component of retail sales associated with a hotel, and may be allowed to expand within their present sites. However, it is not intended that these uses form nodes for expanded General Commercial activity.*
- (4) *To provide for a balance of commercial uses, Tourist commercial uses may be restricted in the implementing Zoning to specific locations, leaving other commercial areas devoted to serving other needs.*

10.4 COMMERCIAL POLICIES

The following policies apply to all commercial designations shown on the Land Use Schedules:

- (1) The Commercial designation of land shall mean that the predominant use shall be the buying and selling of goods and services.*
- (2) To provide for differing ranges of commercial use and differing forms of development, there are five Commercial designations:*

General Commercial: *intended to provide the residents of the municipality with a wide range of goods and services. Tourist uses are also permitted but may be restricted in the implementing zoning by-law to specific locations so as not to detract from providing for the needs of local residents.*

Service Commercial: *intended to provide goods and services to the residents of the municipality and the travelling public. Such uses are more land extensive and require locations in peripheral areas of the community.*

Marina: *intended to serve the boating public and tourists and permits uses of a marine nature.*

Marine Commercial: *intended to provide support services to Marina locations. Typical uses include hotels, restaurants and marine supplies.*

Niagara-on-the-Green Commercial: *intended to specifically apply to lands south of the Queen Elizabeth Highway within the “Niagara-on-the-Green” development.*

- (3) The character of each individual commercial area, and the character of its surrounding uses, shall be considered in determining the zoning regulations to apply to that area, so that a cohesive character may be promoted which will be in keeping with adjoining areas. Zoning regulations will also take into consideration limiting the use of land at the fringe of a commercial area designation.*
- (4) Adequate off-street parking shall be provided for all new commercial development...*
- (5) It is recognized that the downtown core in Old Town/Niagara lacks adequate parking arrangements. While there may be a sufficient supply of parking spaces their location and number in a particular area may not be appropriate or effective. The Council shall undertake to prepare a Municipal parking strategy for the Old Town.*
- (6) Off-street parking areas for commercial uses will be designed to facilitate the efficient off-street movement of vehicles and not to negatively impact on abutting or near-by residential uses.*
- (7) Vehicular accesses for new commercial developments will be restricted, as necessary, to minimize the effect of turning movements on adjoining roadways.*

Wherever possible, joint accesses will be designed to serve multiple commercial uses.

- (8) Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the "greening" of commercial areas and to protect adjoining residential areas from the effects of commercial activity shall be applied in all new commercial development or redevelopment.*
- (9) Every effort shall be made to preserve heritage resources if they are affected by an application for commercial development or redevelopment and an inventory of heritage features deemed by Town Council to be impacted by a development application shall be made before changes are undertaken and the conservation of such features shall be encouraged.*
- (11) In keeping with the desire to maintain the small town, small-scale character of Niagara/Old Town the intensification of commercial businesses in the "Queen and Picton Street" and "Dock Area" commercial district will be closely monitored and should such monitoring indicate a negative impact in this regard the Council will consider imposing restrictions through the implementing zoning by-law.*
- (12) In considering an application to amend the Zoning By-law for new or expanded retail developments having a commercial floor area greater than 900 sq.m., the municipality shall require a market/impact study demonstrating that the proposed development is warranted, and that the planned function of the commercial structure of the Town and its communities will not be prejudiced over the lifetime of the Plan.*
- (13) Proposals to amend this Plan to permit major new or expanded retail developments outside the existing commercial designations shall be required to undergo market /impact studies in order to:*
 - a) identify the type and size of retail facilities that are warranted or will be warranted by a certain year;*
 - b) provide updated information on the performance of the Town's retail sector and identify the impact of the proposed development on other retail locations in the Town;*
 - c) satisfy Council the proposed development is warranted and appropriate from both the market and impact perspectives, and in particular that the planned function of the commercial areas within the municipality will not be prejudiced; and*
 - d) enable Council to identify the specific requirements and limitations, if any, which should be included in the amendment or otherwise made a condition of approval.*

The cost of market/impact studies and any other required supporting documentation shall be borne by the proponent. Cost incurred by the Municipality in engaging in peer review market, traffic and /or planning consultants to evaluate the proposal and supporting submissions shall be reimbursed by the proponent.

SECTION 15: OPEN SPACE AND COMMUNITY FACILITIES

15.1 BACKGROUND

The Open Space and Community Facilities designation is intended for minor uses such as neighborhood parks, elementary schools, healthcare facilities, churches, day care centers, and similar community serving uses which are a necessary and an important part of the fabric of each community.

From the difficulty of predicting the advent of new establishments of this nature it is a policy of the Plan that an amendment of the Official Plan is not required to establish a new open space use or community facility within any urban area of the Plan. Instead the Plan provides for locational criteria for new facilities and these facilities will be identified in this Plan as part of the five year review.

To recognize the changing needs of the community re-development of community facilities for other compatible uses is permitted in the Plan.

15.2 GOALS AND OBJECTIVES

- (1) To provide for appropriately located neighborhood parks, institutions and community facilities that are accessible to the people they serve, while not having an adverse effect on abutting land uses.*
- (2) To encourage the location of community facilities at strategic locations with convenient access for all residents of the community.*
- (3) To accommodate the changing needs of the community by allowing for re-development that is timely and appropriate.*

15.3 LAND USE DESIGNATIONS

15.3.1 OPEN SPACE AND COMMUNITY FACILITIES

- (1) In the Open Space and Community Facilities designation shown on the Land Use Schedules the following uses are permitted:*

Main Uses:

Active and passive neighborhood parks, elementary schools, health care facilities, churches, day care centers, cemeteries, museums, historic sites and similar community servicing uses.

Secondary Uses:

Uses permitted with a Main Use:

- minor sports fields, playground equipment, associated parking areas and small concession stands.*
- accessory buildings and structures*

- (2) *All lands designated open space and community facilities except for municipally owned parkland within an Urban Boundary as shown on the schedules to this Plan may be redeveloped for Low Density Residential Use subject to a site specific zoning by-law amendment. This policy recognizes that institutions and community facilities may cease operation, redevelop or reduce in size.*

SECTION 18: HERITAGE CONSERVATION

18.2 GOALS AND OBJECTIVES

- (1) *To protect, preserve and encourage the restoration of the original architectural detail wherever feasible on all buildings having architectural and historical merit within the context of the Town of Niagara-on-the-Lake, as well as on all buildings contributing towards the heritage value of the Town of Niagara-on-the-Lake.*
- (2) *To encourage good contemporary building design by using sympathetic forms while avoiding simply copying historic architecture. To restrict building design that is not compatible with existing structures or unsympathetic alterations to buildings that would detract from the character of a Heritage Resource. Where lands or buildings have been designated pursuant to the Ontario Heritage Act the provisions of that Act regarding buildings and additions shall apply.*
- (3) *To prevent the demolition, destruction or inappropriate alteration or use of heritage resources.*
- (5) *To develop and encourage creative, appropriate and economically viable uses of heritage resources.*
- (6) *To support and encourage the voluntary designation of historic buildings and structures.*
- (7) *To recognize the importance of archaeological sites within the municipality that represent the physical remains of a lengthy settlement history and a fragile non-renewable cultural legacy.*

18.3 HERITAGE POLICIES

(3) Criteria for Individual Buildings

Council and LACAC shall consider the following criteria when evaluating individual buildings for designation under The Ontario Heritage Act. The buildings so designated should interpret the Town's heritage through architectural merit and/or historical association.

- a) *Has the building been associated with the life of an historic personage or has it played a role in an important historic event.*
- b) *Does the building embody the distinguishing characteristics of an architectural type recognized for its style or period of construction, or is it a notable example of workmanship by an early master builder, designer or significant architect.*

- c) Does the building or building type have special significance in that it forms an integral component of a particular neighborhood character within the community.
- d) The potential for illustrating the heritage value should be such that it will be possible for visitors to gain from the building an appreciation for the architecture or history with which it is associated.
- e) In considering the designation of a building, the extent of the original materials and workmanship remaining should be important to that designation.
- f) Intangible elements such as feeling, association and aesthetics shall be considered as well as the physical appearance of buildings or structures.
- g) Architectural character should be considered on the basis of style, plan and sequence of spaces, uses of materials and surface treatment and other details including windows, doors, lights, signs and other fixtures of such buildings and the relation of such factors to similar features of the buildings in the immediate surroundings.

(4) Criteria for Assessing New Development

Where a planning application has been received that proposes new development in the municipality, the Planning & Development Services Department for the Town shall include LACAC as a commenting agency to be given an opportunity to review the application and provide comments. The comments from all circulated agencies shall form part of the required planning report prepared by the Town. The review by LACAC shall address the following:

- a) The impact of the development on existing heritage resources
- b) The proposed building design and its effect on the historic character of abutting properties and the streetscape.

18.4 GENERAL HERITAGE CONSERVATION POLICIES

- (2) *It shall be the policy of Council to encourage the preservation of buildings and sites having historical and/or architectural values.*
- (3) *Council shall identify and maintain a list of possible heritage properties. This list will be the basis for preservation, restoration and utilization of heritage resources.*
- (4) *Council shall designate and regulate heritage resources under appropriate legislation, including The Ontario Heritage Act, the Planning Act and The Municipal Act, whenever deemed feasible.*
- (5) *Council shall exercise its legislative authority to control the alteration or demolition of heritage. Where Council has through by-laws designated individual buildings or districts under The Ontario Heritage Act, and established an area of Demolition Control under Section 33 of the Planning Act, 1983, no person shall demolish the whole or any part of the designated property or property in a designated area, or alter or make additional to a designated property or property in a designated area, without first receiving a permit issued by Council.*

- (6) *Council, with the advice of LACAC, will regulate and guide alterations and additions to heritage resources...*
- (8) *If necessary, Council will acquire, restore and appropriately manage heritage property on a selective basis.*
- (9) *It shall be the policy of Council to seek the acquisition of easements on properties of architectural or historical significance in order to assure the preservation of these properties.*

18.5 ARCHAEOLOGICAL PLANNING

- (1) *An archaeological resource assessment may be required by the Regional Municipality of Niagara as the delegated authority (Planning and Development Department) in consultation with Town of Niagara-on-the-Lake as a result of a planning application should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule "H" to this Official Plan or where an archaeological site has been previously registered on the property.*
- (2) *An archeological assessment will be required for the entire property. For lands located outside an urban area boundary where the entire property will not be developed consideration may be given on a site specific basis by the Ministry of Tourism, Culture, and Sport in consultation with the Town to exempt the areas that will not be developed from requiring an archaeological assessment.*

Town of Niagara-on-the-Lake Proposed Official Plan, 2019

SECTION 2 – A Framework for a Sustainable Community

2.1 Community Vision

2.1.3 *The Community Vision process identified eight (8) strategic pillars and a number of associated goals to ensure the community vision is fulfilled over the next 20 years. The eight strategic pillars are:*

- (1) *A prosperous and diverse economy;*
- (2) *Strong environmental stewardship;*
- (3) *An inclusive, integrated, healthy town;*
- (4) *A centre for culture, heritage and recreation;*
- (5) *Mobility choices;*
- (6) *A well-planned built environment;*
- (7) *A prosperous and sustainable agriculture sector; and*
- (8) *Well-managed municipal finances.*

The Official Plan is a significant tool to implement the Community Vision, strategic pillars and goals.

2.3 Economic Strategy

2.3.1 *This Plan promotes the need for a prosperous and diverse economy that offers attractive employment opportunities where people want to live, work and conduct business. The vision for compact, complete communities with*

adequate public transportation that can attract and retain youth and families relies on a vibrant, competitive economy.

- 2.3.3 *As key components of the Town's economic development strategy, the Town:*
- a) supports using a systems approach to planning comprehensively for agriculture;*
 - b) supports the expansion of the Town's agricultural system, to capitalize on food production, agriculture related businesses, processing and tourism opportunities;*
 - c) will implement flexible environmental policies to support tender fruit and grape production;*
 - d) recognizes that the Niagara District Airport is a key asset supporting economic development and employment growth in the Town;*
 - e) supports initiatives to expand a regional employment role at the Queen Elizabeth Way (QEW) in Glendale;*
 - f) will maintain and enhance its role as a centre for culture, heritage, education and recreation;*
 - g) will promote new economic development and tourism opportunities;*
 - h) will support adaptive re-use of underused or derelict commercial and industrial facilities to alternate employment uses and community facilities.*
- 2.3.4 *In order to achieve strong economic diversity, it is recognized that the Town's natural and cultural assets, including the specialty crop area, agricultural system, cultural heritage resources, and working landscapes are important economic drivers that will be leveraged responsibly and promoted to attract a range of innovative and diverse businesses and attract and retain youth and families.*
- 2.3.5 *Future employment, population and housing growth in the Town will be influenced by a number of regional and local factors, including:*
- a) location within the Greater Golden Horseshoe (GGH), which will continue to experience strong population and employment growth;*
 - b) a high quality of life that is expected to drive net migration to the Town from a broad range of demographic groups, including the working age population and baby boomers;*
 - c) diminishing supply of employment lands within portions of the GGH and the local and regional area;*
 - d) opportunities associated with the Niagara District Airport;*
 - e) tourism/recreation industry growth, that is expected to continue to expand and develop in the Town;*
 - f) growth opportunities in the agriculture sector, based on the unique productivity of the land and the size and diversity of agricultural activity in the Town; and*
 - g) opportunities related to agri-business and value-added processing.*
- 2.3.6 *The Town supports local food producers by encouraging farmers' markets, urban agricultural projects and community vegetable gardens in appropriate locations.*

2.3.7 *The Town will work with the Region and other levels of government to identify, enhance and implement its economic development strategies.*

2.4 Growth Management

2.4.2 Growth Strategy Objectives

2.4.2.1 *The objectives of the Town's growth strategy are to:*

- a) *direct the vast majority of future urban growth to lands within the existing settlement area boundaries;*
- b) *enhance opportunities for the expansion and intensification of the agricultural system;*
- c) *provide a framework for revitalizing the Town's commercial areas and directing commercial development to appropriate locations in the Town's settlement areas;*
- d) *direct appropriate intensification to Designated Intensification Areas;*
- e) *optimize use of existing infrastructure including the Niagara-on-the-Lake Agricultural Infrastructure System;*
- f) *coordinate land use planning with infrastructure planning;*
- g) *protect, conserve and manage the agricultural system, the Town's natural heritage system, working landscapes and cultural heritage resources for current and future generations;*
- h) *protect key aspects of existing stable neighbourhoods;*
- i) *develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile, transit and active transportation;*
- j) *promote healthy, active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity in appropriate areas that do not negatively impact farming; and*
- k) *provide active transportation-friendly structures and amenities.*

2.4.3.3 Employment Forecast

- a) *The forecasted employment growth for the Town is shown in Table 5. The figures in Table 5 will be updated upon finalization of the Regional Municipal Comprehensive Review. In the interim, they form the basis for planning the Town's employment land needs and the land use policies of this Plan.*

Table 5 - Town of Niagara-on-the-Lake Employment Forecast, 2006-2031	
Forecast Period	Jobs
2006	11,000
2011	11,370
2016	11,620
2021	11,910
2026	12,340
2031	12,690
2006 -2031 Growth	1,340
Source: Niagara Regional Official Plan, Table 4-1, Niagara Region, Population, Household and Employment Forecast by Local Municipality, 2006-2031	

- b) *The projected employment for the Town by the year 2031 is 12,690 jobs. An employment target of 1,340 new jobs is anticipated by 2031. A proportion of those jobs are to occur within the Employment Area designation through greenfield development and the intensification of existing development. The remainder of jobs will be located throughout the Town, including in commercial and community facilities areas, in residential areas as home-based businesses and service commercial uses, in the Protected Countryside through agricultural, agriculture-related, and on-farm diversified jobs, and at the Niagara District Airport.*
- c) *The majority of employment growth is anticipated to be concentrated in the Protected Countryside specialty crop area, Glendale, Virgil and the Old Town. Glendale is expected to accommodate the vast majority of the Town's non-agriculture-related employment growth. Employment growth in Virgil, Old Town and St. Davids is expected to be predominantly in the commercial sector and accommodated largely through intensification. The Niagara District Airport is expected to accommodate a moderate share of industrial and commercial employment growth; but much of this is anticipated over the longer term. Employment growth in Queenston is anticipated to be relatively limited.*

2.4.3.4 *As provided in the Regional Official Plan, forecasts will be reviewed every five years, taking into account updated data from Statistics Canada and other sources, and any revisions to the forecasts will be made by amendment to this Plan.*

2.6 Complete Communities

2.6.1 Sustainability

2.6.1.1 *The concept of a sustainable community is one that directs growth to well-planned built-up areas and protects the integrity of the agricultural sector. Compact development within settlement areas is key to growth management in the Town. In managing growth for the next 20 to 30 years, the Town will continue to direct growth to the settlement areas and maintain a balance of residential and employment opportunities.*

- 2.6.1.2 *A sustainable community balances social well-being, agricultural production, resource protection, economic opportunities and environmental responsibility to meet the needs of the present without compromising the quality of life for future generations.*
- 2.6.1.3 *Sustainability is achieved through a variety of initiatives that can include: ...*
- c) conserving working landscapes, and cultural heritage resources;*
 - d) providing choices and opportunities for housing, employment, transportation, social, recreational and cultural amenities;*
 - e) building on the existing employment strengths within the Town to generate economic prosperity;*
 - g) making efficient use of public infrastructure by focusing on a compact, mixed use, walkable, and connected community, and support for active transportation alternatives;*
 - h) having vibrant downtowns and attractive public spaces;*
 - i) maintaining a commitment to low profile development;*
 - j) promoting the adaptive re-use of existing buildings and structures and the redevelopment of brownfields and greyfields.*
- 2.6.2 *Healthy Neighbourhoods*
- 2.6.2.1 *Healthy neighbourhoods and communities are essential to the quality of everyday life in Niagara-on-the-Lake from housing to community services, arts and culture and heritage. Components of healthy communities in the Town include:*
- a) Vibrant, walkable, complete settlement areas with a mix of housing, jobs, parks, shops and services in close proximity to each other; ...*
 - b) retention of schools and family supportive institutions including pre-schools, elementary schools and post-secondary schools;*
 - c) a range of quality housing choices to meet the needs of people in all stages of life; ...*
 - g) measures to protect the Town's scenic beauty, tree cover and landscaping;*
 - h) support for education, arts and culture; and*
 - i) investment in the public realm, including enhanced public access to the waterfront.*
- 2.6.2.2 *Development applications will be required to identify how the development will contribute to the health of the community.*

SECTION 4 – Settlement Areas

4.5 Intensification Strategy

- 4.5.1 *Intensification and infilling within appropriate areas throughout the Built-Up Area will be supported in accordance with Community Design and other applicable land use compatibility criteria of this Plan. The Town supports forms of infilling that use the existing built form, including garden suites and second dwelling units, where the proposed development is consistent with the policies of this Plan.*

4.5.2 Objectives

4.5.2.1 *The objectives of the intensification policies of this Plan are to:*

- a) *Support the Built-up Areas by strategically directing most intensification to Intensification Areas identified on Schedule B7;*
- b) *Provide policy for accommodating additional growth within the Built-up Areas;*
- c) *Provide a framework that supports intensification and infilling throughout the Town's Built-up Area; ...*
- e) *Ensure any proposal for intensification conserves cultural heritage resources; Intensification will be directed to the Built-up Areas where development will not impact cultural heritage resources; and*
- f) *Ensure that intensification and infilling are consistent with the character of the surrounding neighbourhood.*

4.5.3 Policies

4.5.3.4 *The Town will ensure that intensification and redevelopment conserves cultural heritage resources. Community Design Guidelines will be prepared and used as a tool to achieve compatible built form with intensification and redevelopment. Adaptive reuse of cultural heritage resources will be strongly encouraged.*

4.5.3.5 *The Town will locate and maintain important amenities and services, which serve the residents, such as parks, schools, recreational facilities, government offices and libraries within the Built-up Areas.*

4.7 Land Use Compatibility

4.7.1 Residential Neighbourhoods

4.7.1.1. *Neighbourhoods are stable but not static. There is a degree of change that occurs within neighbourhoods over time. This change will be appropriate and compatible with the Town's existing neighbourhoods and with the entire Built-up Area.*

4.7.2 Compatibility

4.7.2.1. *Intensification within the Built-up Areas should be compatible with surrounding existing and planned land uses. Intensification and/or redevelopment should be compatible with the property and the surrounding neighbourhood, having regard to:*

- a) *Conserving natural heritage and cultural heritage resources;*
- b) *Existing and/or planned densities;*
- c) *Lot frontages, area and depth;*
- d) *Building setbacks;*
- e) *Privacy;*
- f) *Parking;*
- g) *Servicing, lot grading and drainage; and,*
- h) *The existing and/or planned height and massing of buildings.*

4.7.2.2. *Development proposals shall demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*

4.7.3 *Conflicts between Built Form and Intensification*

4.7.3.1. *In circumstances where a proposed development satisfies the Town's intensification target but does not support the compatibility policies of the Plan, the compatibility policies shall prevail.*

4.8 Community Design

4.8.1 Design Policies

4.8.1.1. *The character of the Town is reflected in its cultural heritage resources, including, but not limited to, its heritage character areas, rural landscapes, tree-lined urban and semi-urban streetscapes, low profile development, walkable communities, and variety of architectural and design features.*

4.8.1.8. *In addition to meeting other design related policies of this Plan, the following Community Design Guidelines apply to Greenfield proposals in... Old Town until more detailed Community Design standards or guidelines are approved by the Town.*

- e) *Lots adjacent to neighbourhood centres and parks should be planned for medium density development;*
- f) *Pedestrian connections from public road rights-of-way to adjacent public open spaces and natural areas should be provided;*
- g) *Mixed land uses should be concentrated in central and accessible locations;*
- h) *Sidewalks will be provided in accordance with approved Town policy but may exceed those minimum standards where there is a clearly defined benefit or purpose served for existing and future residents;...*

4.8.1.9. *In addition to meeting other design related policies of this Plan, the following design guidelines apply to intensification proposals in Virgil and Old Town until more detailed Community Design Guidelines are approved by the Town:*

- a) *Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face;*
- b) *Parking for commercial, mixed use and apartment buildings should be located at the rear of the buildings, with a secondary entrance at the side or back of the building. The main entrance to the building will front onto the street;*
- c) *Where appropriate, the design of the commercial, mixed use and multi-unit residential development should provide linkages and connections to existing and proposed pedestrian and bicycle networks;*
- d) *Height, mass and scale of new development will fit the context within which it is located;*

- e) *Garages for single, semi and townhouse units will not exceed 50% of the building facade and will be setback from the front face of these units; and*
- f) *The design of infill and intensification development will be consistent with the Land Use Compatibility criteria of this Plan.*

4.8.2 Building Height Restrictions

4.8.2.1 *With the exception of Glendale, the Town consists of low-rise structures in a small town setting with a large number of cultural heritage resources. Generally, building heights in Old Town... do not exceed ten (10) metres. This low-rise character will be maintained, and the implementing zoning by-law will limit building height accordingly. Special provisions may be included in the zoning by-law limiting the building height to less than ten (10) metres in residential areas where the majority of the buildings are 1 or 1.5 storeys in height...*

4.11 Commercial Areas

4.11.1 Background and Identification

4.11.1.1 *The commercial structure of the Town consists of uses that serve the needs of local residents, tourists, the surrounding agricultural area and a recently approved location for Regional Commercial Use in Glendale. Commercial areas are shown on the Schedules to this Plan and are predominately located within the five (5) settlement areas.*

4.11.1.2 *The Commercial designation of land will mean that the predominant use will be the buying and selling of goods and services.*

4.11.1.3 *Secondary plans and the zoning by-law may establish separate commercial zones that permit or restrict particular uses to specific areas of the Town. These zones may recognize different ranges of permitted uses and lot development standards that reflect the character of the areas in which they are located.*

4.11.2 Objectives

4.11.2.1 *Objectives for commercial development areas are as follows:*

- a) *To provide for an orderly distribution of commercial areas within the settlement areas of the Town to meet the shopping and service needs of residents and tourists.*
- b) *To adequately provide for local-serving commercial areas and, where necessary, to prevent their use for tourist serving uses.*
- c) *To ensure in commercial areas that cultural heritage resources are conserved.*
- d) *To recognize the Queen-Picton Street area as the focus of tourist-serving commercial uses in the Old Town.*
- e) *To minimize the impact of commercial development on adjacent land uses and prevent the intrusion of commercial uses into residential areas unless it is demonstrated that there are no land-use conflicts.*
- f) *To minimize the impact of commercial development on the traffic carrying capacity of adjacent roads.*

- g) To promote compact forms of commercial development, and to discourage scattered forms of development.*

4.11.3 Character

- 4.11.3.1 The character of each individual commercial area and the character of its surrounding uses will be considered in determining the zoning regulations to apply to that area, so that a cohesive character is promoted which is in keeping with adjoining areas. Zoning regulations will also take into consideration limiting the use of land at the fringe of a commercial area designation.*

4.11.4 Permitted Uses

- 4.11.4.1 Commercial uses include a full range of retail commercial uses, business offices, service shops, community facilities, hotels, wineries, breweries and restaurants. Along arterial or collector roads, additional commercial uses that require extensive parking areas and that cater to travelers that rely heavily upon vehicular traffic for their business, would include such uses as automotive services, nursery or garden centres, or wholesale building supplies.*

- 4.11.4.2 Commercial lands located along the shore of the Niagara River may be limited to marine commercial and tourist related uses. New commercial development will be of a design that is in harmony within the historic and residential character of the area. The Zoning By-law may limit the size and bulk of new buildings in this regard.*

4.11.5 Policies

- 4.11.5.1 Adequate off-street parking shall be provided for all new commercial development...*

- 4.11.5.2 It is recognized that the downtown core in Old Town lacks adequate parking arrangements. While there may be a sufficient supply of parking spaces, their location and number in a particular area may not be appropriate or effective. The Town will undertake to prepare an updated Municipal Parking Strategy for the Old Town.*

- 4.11.5.3 Off-street parking areas for commercial uses will be designed to facilitate the efficient off-street movement of vehicles and not to negatively impact on abutting or nearby residential uses.*

- 4.11.5.4 Vehicular accesses for new commercial developments will be restricted, as necessary, to minimize the effect of turning movements on adjoining roadways. Wherever possible, joint accesses will be designed to serve multiple commercial uses.*

- 4.11.5.5 Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the greening of commercial areas and to protect*

adjoining residential areas from the effects of commercial activity will be applied in all new commercial development or redevelopment.

- 4.11.5.6 Cultural heritage resources will be conserved where they may be affected by an application for commercial development or redevelopment. A heritage impact assessment and/or an archaeological assessment will be required, and appropriate mitigation measures will be taken to the satisfaction of the Town...*
- 4.11.5.9 In keeping with the desire to maintain the small Town, small scale character of Old Town, the intensification of commercial businesses in the Queen and Picton Street and Dock Area commercial district will be closely monitored. Should such monitoring indicate a negative impact in this regard the Town will consider imposing restrictions through the implementing zoning by-law.*
- 4.11.5.10 Proposals to amend this Plan to permit major new or expanded retail developments outside the existing commercial designations will be required to undergo market impact studies in order to:*
- a) Identify the type and size of retail facilities that are warranted or will be warranted by a certain year;*
 - b) Provide updated information on the performance of the Town's retail sector and identify the impact of the proposed development on other retail locations in the Town;*
 - c) Justify that the proposed development is warranted and appropriate from both the market and impact perspectives, and in particular that the planned function of the commercial areas within the municipality will not be prejudiced; and*
 - d) Identify the specific requirements and limitations, if any, which should be included in the amendment or otherwise made a condition of approval.*

4.14 Community Facilities

4.14.1 Background and Identification

- 4.14.1.1 Community facilities are intended to provide for the culture, education, health and welfare of the existing and future residents of the Town.*
- 4.14.1.2 The Community Facilities designation recognizes the larger-scale community facilities currently in existence in the Town and provides policies for the ongoing operation of such facilities.*
- 4.14.1.3 Smaller-scale community facilities may be permitted in appropriate locations in Residential designations.*
- 4.14.1.4 Community facilities may be permitted in Commercial and Employment designations.*
- 4.14.2 Objectives**
- 4.14.2.1 The objectives for the Community Facilities designation are as follows:*

- a) *To provide for appropriately-located parks and community facilities that are accessible to the people they serve, while not having an adverse effect on abutting land uses.*
- b) *To encourage the location of community facilities at strategic locations with convenient access for residents.*
- c) *To recognize the changing needs of the community and the subsequent need for redevelopment of community facilities.*
- d) *To ensure the conservation of cultural heritage resources through the process of change.*

4.14.3 Permitted Uses

4.14.3.1 Community facilities include a full range of uses such as private and public schools, day care facilities, treatments centres and clinics, health care facilities, community centres, places of worship, government offices, libraries, emergency service facilities, public and private cemeteries, parks, trails, and specialized housing (e.g. nursing homes/retirement homes).

4.14.4 Policies

4.14.4.1 All lands designated Community Facilities except for municipally-owned parkland will only be re-developed for residential use subject to an official plan amendment and zoning by-law amendment, and provided that it has been determined that other community facilities are not able to be established on the site. This policy recognizes that community facilities may cease operation, redevelop or reduce in size.

4.14.4.2 In considering an application for the conversion of lands designated Community Facilities, Council shall ensure that the development respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a heritage conservation district plan:

- a) *The lot frontage(s) and lot area(s) of any proposed new lot(s) (including any retained lot(s)) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;*
- b) *The proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;*
- c) *Front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;*
- d) *The setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
- e) *The new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;*
- f) *Existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*
- g) *The width of any garage(s) at the front of new building(s) and width of driveway(s) on the property shall be limited to ensure that the streetscape is not dominated by garages and driveways;*

- h) *New driveways and service connections shall be sited to minimize tree loss;*
- i) *Impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and micro-climatic conditions such as shadowing;*
- j) *The orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;*
- k) *Proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists;*
- l) *Road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection; and*
- m) *The development conforms with any provisions applicable to any heritage character area in which the property is located.*

SECTION 7 - Heritage, Archaeology and Culture

7.1 Cultural Heritage Resources

7.1.1 Protection of Cultural Heritage Resources

7.1.1.1 *Conservation and recognition of the Town's cultural heritage resources are important for protecting its cultural legacy and for developing a strategy for protecting these resources. Conserving cultural heritage resources forms an integral part of the Town's planning and decision-making. The Town will use the power and tools provided by legislation, policies and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Municipal Act in implementing and enforcing the policies of this section.*

7.1.1.2 *Cultural heritage resources are not renewable resources. Once lost, they are gone forever. These resources can be formally recognized either individually or as cultural heritage landscapes, through designation under the Ontario Heritage Act or through identification within this Plan. They can also be recognized by Parks Canada or other approval or government bodies.*

7.1.2 Identification and Documentation

7.1.2.1 *The Town, through a variety of initiatives, will identify, conserve and protect cultural heritage resources, including those shown on Schedules D1 to D3, and:*

- a) *Will consult with the Municipal Heritage Committee (MHC) on all matters related to the Town's cultural heritage resources;*
- b) *Identify cultural heritage resources using recognized methods such as those identified by the Ministry of Tourism, Culture and Sport; ...*
- e) *Ensure consistency in identification and evaluation of cultural heritage resources for inclusion on the Register of Property of Cultural Heritage Value by using criteria established by Regulation 9/06 under the Ontario Heritage Act or in accordance with any other provincially recognized*

approach. When designating properties under Section 29, Part IV of the Ontario Heritage Act Regulation 9/06 must be used.

7.1.3 Protection of Cultural Heritage Resources

7.1.3.1 *Protection, maintenance, adaptive reuse and stabilization of existing cultural heritage attributes and features, as opposed to removal or replacement, will be the core principle for all conservation projects and for all developments that have the potential to impact cultural heritage resources.*

7.1.3.2 *In order to protect heritage resources, the Town will establish policies and procedures to:*

- a) Protect and conserve cultural heritage resources in accordance with the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Protection Act, the Funeral, Burial and Cremations Act, the Municipal Act, the Standards and Guidelines for the Conservation of Historic Places in Canada, the Venice Charter, the Appleton Charter for the Protection and Enhancement of the Built Environment, and other recognized heritage protocols and standards as applicable. Conservation, maintenance and stabilization of existing cultural heritage resources must be the first consideration for all properties on or adjacent to cultural heritage resources.*
- b) Listing and/or designating real property under Part IV (Section 27 and/or 29) of the Ontario Heritage Act; designating a heritage conservation district under Part V of the Ontario Heritage Act, and/or encouraging the Province to designate real property under Part IV and/or VI of the Ontario Heritage Act.*
- c) Use secondary plans, zoning by-laws, subdivision agreements, site plan control agreements, a community planning permit by-law, the sign by-law and other municipal controls, to ensure that development on and/or within cultural heritage resources or adjacent to cultural heritage resources is designed, sited or regulated to protect and mitigate any impact or potential impact on the heritage attributes of the resource. This includes but is not limited to:
 - impacts such as scale, massing, height, building orientation, materials and location relative to the cultural heritage resource;*
 - destruction of any part of any significant heritage attribute or features;*
 - alteration that is not sympathetic or is incompatible with the historic fabric and appearance;*
 - shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or planting, such as a garden;*
 - isolation of a heritage attribute from its surrounding environment, context, or a significant relationship;*
 - direct or indirect obstruction of significant views or vistas within or from built and natural features;**

- *a change in land use such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly opens spaces; and*
 - *land disturbances such as a change in grade that alters soils, drainage patterns that adversely affect an archaeological resource.*
- d) *Impose conditions of approval where cultural heritage resources are to be affected to ensure the continued protection of the resource.*
- e) *Require preparation of a heritage impact assessment or heritage conservation plan for any proposed alteration, construction or development involving, adjacent to, or in the immediate vicinity of, a cultural heritage resource.*
- f) *Require provision of a heritage conservation easement, pursuant to the Ontario Heritage Act, as a condition of certain development approvals or as a condition of financial assistance for the purpose of:*
- i. *conservation, restoration and maintenance of the heritage attributes of the property in perpetuity;*
 - ii. *prevention of demolition, construction and alterations which would adversely affect the heritage attributes of the property; and*
 - iii. *establishment of criteria for approval of any development affecting the property.*
- g) *Require a heritage permit for any work to a cultural heritage resource protected under the Ontario Heritage Act.*
- h) *Require where development or site alteration is proposed on or adjacent to a Section 29, Part IV Ontario Heritage Act Designated property, and where the designation by-law predates 2005, that any application or heritage impact assessment include an updated Statement of Cultural Heritage Value or Interest with a list of heritage attributes that is satisfactory to the Town. The potential impacts of any such development or site alteration must be evaluated against any identified heritage values or heritage attributes.*
- i) *Review applications for development and site alteration on lands containing and adjacent to cultural heritage resources and require mitigative measures and/or alternative development approaches to conserve the heritage attributes impacted by the development. A Heritage Impact Assessment and/or an Archaeological Assessment may be required to demonstrate that the cultural heritage resources will be conserved. Development of lands adjacent to protected heritage properties shall be required to demonstrate that the heritage attributes of the adjacent protected heritage property are conserved through such approaches as appropriate siting of new development, setbacks, urban design and intensity and types of uses.*

- j) *Require, as a default, as a condition of any approval, the retention of any Built Heritage Resources. All options for on-site retention of Built Heritage Resources must be exhausted before resorting to relocation. Demolition will only be considered in exceptional circumstances, such as following a natural disaster. Demolition by neglect will not be considered an exceptional circumstance. The following alternatives must be given due consideration in order of priority:*
 - (i) *on-site retention in the original use and integration with the surrounding or new development;*
 - (ii) *on-site retention in an adaptive re-use;*
 - (iii) *relocation to another site within the same development;*
 - (iv) *relocation to another sympathetic site within the Town; and*
 - (v) *demolition.*

- k) *Require a Heritage Impact Assessment as part of a proposal to relocate or demolish a Built Heritage Resource. In addition, when a Built Heritage Resource will be unavoidably demolished, that the proponent undertake, where appropriate, one or more of the following mitigation measures, at their own expense, prior to demolition:*
 - (i) *documentation of the cultural heritage resource in the form of a photographic record and measured drawings;*
 - (ii) *advertising the resource for salvage or relocation; and*
 - (iii) *plaquing or displaying graphic and textural descriptions of the property's history and former use, buildings and structures.*

- l) *Prior to approval of a proposal to demolish a cultural heritage resource, require that the proponent provide Building Permit ready drawings of the proposed replacement building or buildings on the property.*

- m) *Use the powers available to the Town under the Ontario Heritage Act, the Municipal Act, Building Code, and/or other legislation and/or by-law to investigate and/or prosecute illegal works on or adjacent to any cultural heritage resources. 7.1.3.3 The Town may adopt a by-law, if necessary, under the authority of Section 40.1(1) of the Ontario Heritage Act to designate a heritage conservation study area to ensure the conservation of cultural heritage resources.*

7.1.3.4 *Severances and minor variances will not be permitted if such permissions would negatively impact the identified heritage attributes of cultural heritage resources.*

7.1.3.5 *Each severance and variance proposal affecting cultural heritage resources must be evaluated for its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable heritage conservation district plan. It must also be evaluated against any identified heritage attributes. If located within a cultural heritage landscape, the evaluation must consider not only the individual property, but also the cultural heritage landscape as a whole.*

7.2 Cultural Heritage Landscapes and Heritage Conservation Districts

7.2.1 *The Town contains significant cultural heritage landscapes including identified landscapes such as the Queen-Picton Heritage Conservation District and the National Historic District in Old Town as shown on Schedules D1 to D3. The Town also contains other significant cultural heritage landscapes such as heritage character areas, parks, neighbourhoods, villages, public and private cemeteries, battlefields and natural areas. Cultural heritage landscapes are understood as existing at different scales, including an individual property, or a large neighbourhood. Identification and evaluation of the heritage attributes of these landscapes, while acknowledging that they will change and adapt over time, are important component of this Official Plan. 7.2.2 The Town will use all tools available to it to protect cultural heritage landscapes including, but not limited to, individual property designation under Part IV of the Ontario Heritage Act, identifying heritage character areas, preparing a Heritage Master Plan or separate Cultural Heritage Landscape Study(ies), identifying key views, and creating area specific design and/or development guidelines. For National Historic Sites or District, the Town will also use any Federally Commemorative Integrity Statement, Management Plan, or “Statement of Significance” and list of “Character Defining Elements” to guide its decision making.*

7.2.3.6 Downtown Heritage Character Area

(a) Statement of Cultural Heritage Value or Interest: This character area contains a large portion of the cultural heritage resources in Old Town and forms the core of the National Historic District. For design/physical significance it has the square block pattern established from the earliest days of settlement and contains evidence of all periods of development from the Loyalist occupation to the present. There are many well-conserved examples of pre-1850 building types, architectural styles and materials representing the largest collection of pre-Confederation buildings in Canada. Conservation of more recent properties is also evident. One Mile Creek is visible throughout the area, on private as well as public property. The early street grid and widened main thoroughfares remain, as do some grassed verges with open gutters. Mature trees are a feature of the public realm as well as in private properties. Varied front and sideyard setbacks characterize the residential streets. The area has historical/associative value for its evidence of all phases of Old Town’s evolution. Key properties and landscapes provide contextual significance. There are many landmarks within the area: it is also where the key cultural, public institutional and commercial properties are found.

(b) Heritage Attributes

(i) Design/Physical

- Churches and associated cemeteries (significant open spaces)*
- Mix of uses (residential, commercial, institutional, ecclesiastical)*

- *(In pre-1850s buildings) predominance of styles within the British Classical tradition*
- *Evidence of previous uses (commercial shops and offices, railway)*
- *Wide right-of-way (99 feet) with street trees and grassed boulevard*
- *Square blocks in a military grid pattern extending at right-angles to the river shoreline*
- *Varied lot frontages*
- *Mature street trees and private gardens*
- *Open gutters and grassed boulevards on residential streets*
- *One Mile Creek watercourse*
- *Varied built form (massing, age)*
- *Limited range of building materials used on pre-1850 buildings (frame, brick, roughcast)*
- *Tightly packed building frontages in the commercial core (minimal/no sideyard setbacks)*
- *Varied, but often generous side yard setbacks in the residential areas*
- *Varied front yard setbacks*
- *Many examples of infill buildings that harmonize with the early buildings in terms of materials and massing*

(ii) Historical/Associative

- *Associations with significant events (Loyalist settlement, military survey, War of 1812, burning and rebuilding of Newark, designation of heritage conservation districts)*

(iii) Contextual

- *Views down streets of river and between buildings*
- *Topography (slight rise away from river)*
- *Significant concentrations of pre-1850 buildings*
- *Shaw Festival Theatre (sympathetic new development)*
- *Prince of Wales Hotel (original and additions)*
- *Apothecary (conserved building and museum)*
- *Court House (current and historic uses)*
- *Landmarks (Clock Tower)*

(c) In addition to other policies of the Official Plan and any heritage conservation district plan, the following policies will also apply to the Downtown Heritage Character Area:

- (i) The Town may request, as part of any site alteration or development, a commemoration plan;*
- (ii) Any proposed site alteration or development must demonstrate how it will conserve the specific heritage values and attributes of the area as a cultural heritage landscape;*

- (iii) *Any mid-block infill development must not be taller than any surrounding structures on the same block;*
- (iv) *The Town will update the existing Queen-Picton Heritage Conservation District Plan;*
- (v) *The Town will complete a Heritage Conservation District Plan for the area covered by the National Historic District;*
- (vi) *In the event of any conflict between the Official Plan and any other plan, document, or statement that applies to this area, the highest standard for heritage conservation would apply; and*
- (vii) *The Town will continue to designate individual properties under Section 29, Part IV of the Ontario Heritage Act in this area.*

7.2.3 Heritage Character Areas

7.2.3.1 The Town has identified the following Heritage Character Areas as Cultural Heritage Landscapes based on a review by Bray Heritage (Estate Lot Study) in 2018, based on the available information on the areas and the concentration of “estate lots” in those areas:

- *Old Dock Heritage Character Area;*
- *Downtown Heritage Character Area;*
- *Queen Street Summer Homes Heritage Character Area; and*
- *John Street East Summer Homes Heritage Character Area.*
-

7.2.3.2 The boundaries of these areas are shown on Schedule D4.

7.2.3.3 A number of other Heritage Character Areas may potentially be identified and added to the Plan as Cultural Heritage Landscapes and may include other candidate areas identified in the Bray report, or other character areas in the Town, following further research and review by the Town.

7.2.3.4 Should any site alteration, development, or demolition be proposed within any of these areas, a Heritage Impact Assessment will be required. This Heritage Impact Assessment must consider the

potential impact to the overall area as well as to individual properties. Within these areas, the Town may request additional historical research, and/or an Ontario Regulation 9/06 Assessment prepared to the satisfaction of the Town on any property.

7.1.3.7 The Town intends to designate, conserve and maintain all Town-owned historic cemeteries and will develop a Cemeteries Plan to manage all Town-owned cemeteries. This will be done in cooperation with the Town Operations Department, to develop and implement standards and design guidelines for the conservation of cemeteries, including restoration of grave markers and monuments.

7.1.3.8 Impacts and encroachments on known public and private cemeteries or burial sites must be assessed by an Archaeological Assessment and mitigated under applicable legislation and policy.

7.1.3.9 The Town will use zoning by-law provisions as appropriate, to conserve cultural heritage resources.

7.1.3.10 The Town may use the provisions of Section 37 of the Planning Act in order to conserve cultural heritage resources.

7.1.3.11 In partnership with local Indigenous communities, a Protocol will be designed, approved and implemented outlining the working relationship with them and the Town.

7.1.4 Management of Heritage Resources

7.1.4.1 The Town will actively manage heritage resources and will:

a) Encourage the ongoing care of cultural heritage resources by property owners and ensuring that municipal staff provide guidance on heritage conservation and heritage planning.

b) Encourage a culture of sustainability by promoting retention, retrofitting, adaptive reuse and conservation of cultural heritage resources in such a way that conserves their heritage attributes and educating the public on the designations and preservation of cultural heritage resources as an opportunity for property owners to pursue.

c) Encourage excellence in design when considering additions to existing buildings or construction of new buildings and to consider both contemporary and traditional design options. Any addition must be secondary and sympathetic with adjacent cultural heritage resources, and must ensure that heritage attributes are conserved.

d) Recognize that the Ontario Heritage Act is applicable law under the Ontario Building Code. Flexibility in codes and regulations are permitted to ensure maximum conservation of cultural heritage resources with the understanding that health and safety is paramount. e) Require all municipal departments to conserve the Town's cultural heritage resources.

f) Integrate municipally-owned cultural heritage resources into the community, where feasible.

g) Ensure, where necessary, that suitable conservation and/or mitigation measures, are applied to:

i. Address the impact of any municipal or provincial public works or other site alteration activities;

ii. Retain existing pavement widths and streetscape configurations where they contribute to the cultural heritage value of a heritage conservation district or a cultural heritage landscape;

iii. Address the impact of accessibility requirements in such a way to balance heritage conservation and accessibility requirements; and

iv. Mitigate the impact of energy conservation or sustainability initiatives such as building retrofits and wind/solar/bio-energy and water power facilities.

h) Require local utility companies to place equipment and devices in locations that will not negatively impact the heritage attributes of cultural heritage resources.

- i) Prohibit the placement of cell towers on properties containing or adjacent to cultural heritage resources unless it can be clearly demonstrated to the satisfaction of the Town that there will be no impact to the cultural heritage resources.*
- j) Complete a cultural heritage landscape study for the whole of the Town.*