

Policy Review

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

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*.

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Section 22 of the *Planning Act* permits persons to request amendments to an approved official plan.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

Subsection 51(24) of the *Planning Act* provides criteria for the evaluation of a proposed draft plan of subdivision, and Section 51(25) outlines conditions that may be included for the approval of a plan of subdivision.

Provincial Policy Statement, 2020

The subject lands are designated partly with a "settlement area" and partly within a "Prime Agricultural Area" (more specifically a "Specialty Crop Area") in respect of the policies of the Provincial Policy Statement (the "PPS").

Section 1.1 of the PPS provided policies for managing and directing land use to achieve efficient and resilient development and land use patterns, and direct that:

- 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; ...*
 - 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; ...*
 - h) *promoting development and land use patterns that conserve biodiversity; and*
 - i) *preparing for the regional and local impacts of a changing climate.*

Section 1.1.3 of the PPS provides the following relevant policies for lands located in 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*

Section 1.4 of the PPS provides the following relevant policies with respect to housing:

- 1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: ...*
- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
 - d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; ...*

Section 1.7.1 of the PPS directs that:

- 1.7.1 *Long-term economic prosperity should be supported by: ...*
- b) *encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce; ...*
 - 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.*

Section 2.3.1 of the PPS states that "prime agricultural areas shall be protected for long-term use for agriculture" and Section 2.3.3.1 of the PPS directs that "in prime

agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses."

Section 2.6 of the PPS provides the following policies with respect to the conservation of cultural heritage and archaeological resources:

- 2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
- 2.6.2 *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.*
- 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.*
- 2.6.4 *Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.*
- 2.6.5 *Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.*

Greenbelt Plan, 2017

The subject lands are partly within a "Town/Village" and partly within the "Protected Countryside" and "Specialty Crop Area (Niagara Peninsula Tender Fruit and Grape Area)" on Schedule 2 to the Greenbelt Plan (2017).

Section 3.1.2 of the Greenbelt Plan provides the following relevant policies for Specialty Crop Areas:

- 1. *All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted...*
- 3. *Towns/Villages are not permitted to expand into specialty crop areas...*
- 5. *Where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System, based on provincial guidance. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed...*

Section 3.4.3 of the Greenbelt Plan directs that lands within Towns/Villages are subject to the policies of the Growth Plan and official plans and are not subject to the policies of the Greenbelt Plan, with the exception of select Greenbelt Plan policies.

A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019

The subject lands are within a “settlement area” and “delineated built-up area” with regard to the policies of A Place to Grow - Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”).

Section 2.2.1 of the Growth Plan provides policies with respect to managing growth. These policies provide direction for the achievement of complete communities as follows:

2.2.1(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;*
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and*
- 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;*
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and*
- g) integrate green infrastructure and appropriate low impact development.*

Section 2.2.2 of the Growth Plan provides the following relevant intensification policies for delineated built-up areas:

- 2.2.2(1) *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*
- a) *A minimum of 50 per cent of all residential development occurring annually within the Regions of... Niagara... will be within the delineated built-up area; ...*

Section 2.2.6 of the Growth Plan includes the following relevant policies with respect to housing:

- 2.2.6(1) *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
- a) *support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
- i. *identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; ...*
- 2.2.6(2) *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by: a) planning to accommodate forecasted growth to the horizon of this Plan; b) planning to achieve the minimum intensification and density targets in this Plan; c) considering the range and mix of housing options and densities of the existing housing stock; and d) planning to diversify their overall housing stock across the municipality.*
- 2.2.6(4) *Municipalities will maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.*

Niagara Region Official Plan (ROP), 2014 Consolidation, as amended

The subject lands are identified as "Built-Up Area" on Schedule A and "Urban Area" on Schedule B to the ROP. Section 4.A.1 of the ROP provides the following relevant Growth Management Objectives:

- 4.A.1.1 *Direct the majority of growth and development to Niagara's existing Urban Areas.*

- 4.A.1.6 *Build compact, mixed use, transit supportive, active transportation friendly communities in Built-Up Areas...*
- 4.A.1.7 *Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments.*
- 4.A.1.10 *Provide a framework for developing complete communities all across Niagara, including 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.*
- 4.A.1.12 *Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.*

Policy 4.B.3.1(b) of the ROP requires the Region to "maintain the ability to accommodate residential growth within the Regional Market Area for a minimum of three years through lands with servicing capacity that are suitably zoned to facilitate residential intensification and redevelopment or are in draft approved and registered plans."

Policy 4.C.4 of the ROP provides policy direction for the Town to meet a minimum residential intensification target of 15% annually.

Policy 11.A.1 of the ROP "encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle."

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

The subject lands are identified as "Built-Up Area" on Schedule I-1 and are designated, in part, "Low Density Residential," "Medium Density Residential," and "Conservation" on Schedule B to the Town of Niagara-on-the-Lake Official Plan (Town OP).

Section 6.22 - Parks and Dedication

Section 6.22 of the Town OP states that whenever development of land is proposed for purposes other commercial or industrial use, up to a maximum of 5% of such lands, or cash-in-lieu, shall be conveyed to the municipality for parks or other public recreational purposes. Alternatively, the Town may require the owner to pay cash-in-lieu of parklands, equal to the required amount of land dedication.

Section 6.30(4)(a) of the Town OP provides that "no development shall occur without appropriate regard for storm run-off, on-site collection and channeling of storm water to an adequate outlet. Drainage shall be to a storm sewer outlet satisfactory to the Town."

Section 6.33 of the Town OP directs that existing trees must not be unnecessarily

removed and that wherever possible existing trees should be preserved and protected. The OP policy further states that in urban areas where it is unavoidable that trees 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.

Section 6A(4.4) of the Town OP provides for the following relevant intensification objectives and policies for the Built-up Area:

4.4 Intensification Objectives

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

- 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:

- a) The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.*
- 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....*
- 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...*
- h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area...*
- k) The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped. Minimum net density shall be 14 units per hectare (6 units per acre) and maximum density of 30 units per hectare (12 units per acre).*

Urban Design ...

In addition, the Town will continue to prepare Urban Design Guidelines as part of the preparation of Secondary Plans. In the interim, the following urban design guidelines apply to intensification proposals in Virgil and the Old Town...

- a) Infill and intensification sites should match the average preestablished building setback of adjacent buildings within the block face...*
- d) Bulk, mass and scale of new development shall fit the context within which it is located.*
- e) Garages for single, semi and townhouse units shall not exceed 50% of the building façade and shall be setback from the front face of these units.*

- f) *The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.*

Section 6A(4.6) of the Town OP provides the following relevant Land Use Compatibility Criteria:

4.6 Land Use Compatibility Policies Compatibility and appropriate infrastructure 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: ...*
 - *Lot frontages lot area, depth*
 - *Building Setbacks*
 - *Privacy and over view*
 - *Lot grading and drainage*
 - *Parking*
 - *Servicing*

Section 9 of the Town OP provides the following relevant goals, objectives and policies for residential designated lands:

9.2 GOALS AND OBJECTIVES ...

- (3) *To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner...*
- (5) *To ensure that existing housing and existing residential areas shall be preserved and improved...*
- (7) *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*

- (8) *To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.*
- (9) *To promote the maintenance and rehabilitation of the existing housing stock...*
- (11) *To encourage the development of well-designed and visually distinctive forms.*

Section 9.2 of the Town OP contains goals and objectives for residential designations, including:

- 9.2(3) *To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner.*
- 9.2(8) *To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.*
- 9.2(11) *To encourage the development of well-designed and visually distinctive forms.*

Section 9.3.1 of the Town OP identifies the permitted uses on lands designated Low Density Residential, as follows:

Main Uses:

Low Density Residential uses such as single detached, semi-detached and duplex dwellings.

Secondary Uses:

Uses permitted with a Main Use:

- *roomers and boarders*
- *bed and breakfasts*
- *accessory apartments*
- *group homes*
- *home occupations*
- *accessory buildings and structures*

Uses permitted independent of a Main Use:

- *Minor open space and community facilities subject to Section 15 of the OP*
- *Medium density residential uses subject to the relevant policies of Section 9 of the OP and a site specific amendment to the Zoning By-law*

Section 9.3.2 of the Town OP identifies the permitted uses on lands designated Medium Density Residential, as follows:

Main Uses:

Multi-unit Residential housing such as townhouses, apartments, nursing homes, and mobile home parks.

Secondary Uses:

Uses permitted with a Main Use:

- *roomers and boarders*
- *bed and breakfasts*
- *accessory apartments*
- *group homes*
- *home occupations*
- *accessory buildings and structures*

Uses permitted independent of a Main Use:

- *Minor open space and community facilities subject to Section 15 of the OP*
- *Low Density Residential uses*

(2) Low density residential uses are permitted but not encouraged in the Medium density residential designation. The potential loss of residential units over Medium density will be carefully considered.

(3) The design and location considerations for Medium Density Residential development shall include provisions of the following:

- a) The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.*
- b) Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.*
- c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas...*
- e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.*
- f) Adequate municipal services can be provided to accommodate the needs of the development.*
- g) Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.*
- h) Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.*

Section 9.4(4) provides a basis for determining appropriate residential densities, as follows:

The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the typography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally low density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density...unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process...

Section 18.4 of the Town OP provides the following relevant policies regarding heritage conservation: ...

- (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...*

The subject lands are within the Area of Archaeological Potential, as per Schedule H of the Town OP. Section 18.5(1) of the OP states that, as a result of a planning application, an archaeological assessment may be required should any portion of the subject property fall within the area of archaeological potential.

Town of Niagara-on-the-Lake Proposed Official Plan (2019)

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved by the Niagara Region and is therefore not in effect but represents Council intent. The subject lands are designated, in part, Residential, and Conservation on Land Use Schedule B2. The properties are subject to a Site Specific Policy (S4-24).

The 2019 Official Plan adopted by Council and Official Plan Amendment 78 (under appeal) include the following additional residential infill and intensification policies:

- a) *the lot frontage(s) and lot area(s) of the proposed new 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 the garage(s) and driveway(s) at the front of new building(s) 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 microclimatic 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; and*
- l) *road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

Section 4.10.5 provides the following relevant policies for Residential Designations:

4.10.5.1 Character:

- a) *In the Residential designation, a variety of residential uses, types and densities*

are be permitted, as detailed in the secondary plans, where such secondary plans have been approved.

4.10.5.2 Permitted Uses:

- a) *In general, the housing mix in the Residential designation will include low rise structures, including:*
- *single-detached,*
 - *semi-detached and duplex dwellings, and*
 - *medium rise or multiple unit residential uses (e.g. townhouses, walk-up apartments).*

These may be identified in separate zoning categories in the Comprehensive Zoning By-law.

- b) *Secondary uses permitted in conjunction with a principal use that are appropriate in the Residential designation include:*

- *rooming and boarding houses,*
- *Bed and Breakfast Establishments,*
- *second residential units,*
- *home occupations,*
- *cottage rentals, and*
- *accessory structures.*

- c) *Other uses permitted include:*

- *open space,*
- *parks,*
- *trails,*
- *specialized housing (e.g. retirement or nursing homes),*
- *group homes, and*
- *community facilities.*

Section 4.18 provides site-specific policies and identifies the subject lands as a Special Study Area - Randwood (S4-24) where the following policy applies:

- x) *S4-24: On the lands identified as S4-24 (Special Study Area - Randwood) on Schedule B2, the following provisions apply:*

- a) *That the lands designated “Special Study Area” shall not be developed until such time as a study has been completed by the Town and released for public review and comment which determines the appropriate land use designation for this Special Study Area. Following completion of the study, the Official Plan shall be amended to apply the appropriate designation and the subject lands may develop in accordance with the applicable land use policies of that designation.*

Section 7.1.3 of the 2019 Town OP provides the following relevant policies with respect to the protection of Cultural Heritage Resources:

7.1.3.2(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.*

Section 7.2.3 identified the subject lands as being within a John Street East Summer Homes Heritage Character, with the following heritage attributes and policies:

(b) Heritage Attributes

(i) Design/Physical

- *Large houses on large lots*
- *Brick wall and stone/iron entrance gates*
- *Mature vegetation on large lots*
- *One Mile Creek watercourse*
- *Deep front yard setbacks and large front yards with ornamental gardens*
- *Outbuildings to the rear and side*
- *Open gutters and grassed boulevards*
- *Evidence of former uses (railway right-of-way)*

(ii) Historical/Associative

- *Associations with former uses and events (military camps, War of 1812)*

- *Associations with prominent residents (Rand family, William Dickson)*
- (iii) *Contextual*
- *Panoramic views across the Common to Fort George and the Niagara River*
 - *Landmarks (Randwood complex)*
- (c) *In addition to other policies of the Official Plan, the following policies will also apply to the John Street East Summer Homes 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) *The Town will require the maintenance and conservation of mature vegetation and the existing stone walls within this area. Any site alteration or development proposed must include a vegetation plan;*
 - (iv) *The Town will cooperate with the Federal Government to ensure conservation of the broader area (including the Commons); and*
 - (v) *The Town will continue to designate individual properties under Section 29, Part IV of the Ontario Heritage Act in this area.*