

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Public Meeting – 222 Gate Street and Unaddressed Parcel east of Gate Street, north of Johnson Street, south of Queen Street and west of Victoria Street

DATE: 2025-06-03

REPORT #: CDS-25-072

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DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

Public engagement is an important part of the planning process. The Town is holding a Public Meeting in accordance with the requirements of the *Planning Act* to receive input from the public and Council. Staff is reviewing the information submitted and collecting comments. No recommendation is being made at this time.

Applications have been received for an Official Plan Amendment and Zoning By-law Amendment on the subject lands. The applications would facilitate the development of a two (2) storey hotel containing 18 suites on the portion of the subject lands, municipally known as 222 Gate Street.

The Official Plan Amendment proposes to redesignate a portion of the subject lands from “Established Residential” and “Conservation” to “General Commercial”, with a site-specific exception to permit a hotel use, on lands municipally known as 222 Gate Street.

The Zoning By-law Amendment proposes to rezone the subject lands from “Established Residential (ER) Zone” to “Queen-Picton Commercial (QPC) Zone” to permit the proposed hotel, with a range of site-specific provisions.

The portion of the subject lands which currently abuts 222 Gate Street to the east, south of 114-126 Queen Street were previously subject to Official Plan Amendment No. 76 and Zoning By-law Amendment 4316DH-18, which were approved by Town Council in September 2018. The former Official Plan Amendment implemented an “Open Space – Exception Three (EX-OS-3)” designation, which only permits landscaped open space uses, an underground parking garage secondary to a hotel on the same lot, and one (1) duplex or semi-detached dwelling containing two (2) residential units. The Zoning By-law Amendment implemented an “Open Space (OS-88) Site-Specific Zone” to restrict the use of the lands to a landscaped area above an underground parking garage secondary to the new hotel, in addition to a duplex or semi-detached dwelling with specific performance standards for lot area, coverage, height and setbacks.

Location

A portion of the subject lands municipally known as 222 Gate Street front onto Gate Street, with the other portion of the subject lands abutting 222 Gate Street to the east, to the south of 114-126 Queen Street. The subject lands are bound by Gate Street to the west, Queen Street to the north, Victoria Street to the east, and Johnson Street to the south in the Urban Area of Old Town (see **Figure 1**).

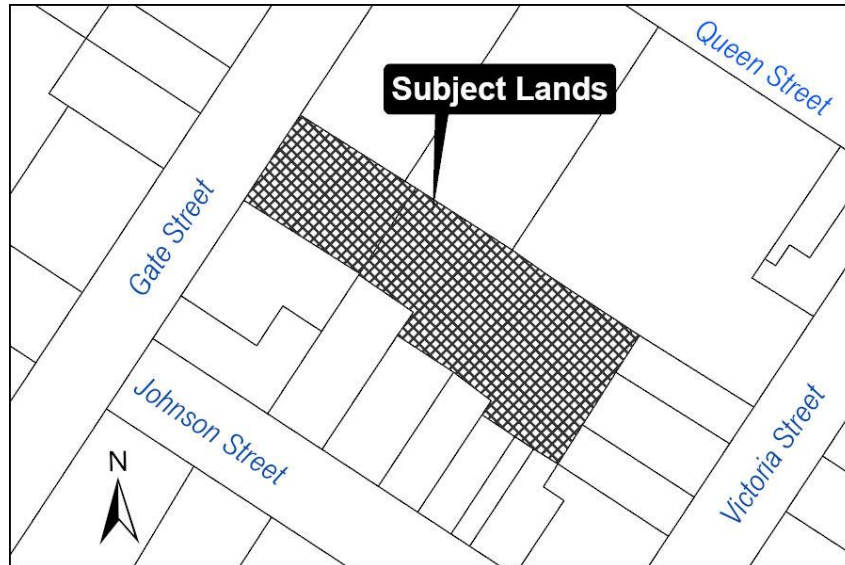


Figure 1: Location of the subject lands

The portion of the subject lands known as 222 Gate Street are currently vacant, while the unaddressed parcel to the east currently contains an existing dwelling known as the “Smithy” building, in addition to an underground parking lot and landscaped open space utilized by the 124 on Queen Hotel and Spa (118-126 Queen Street, and 219 Victoria Street).

The subject lands are located within the Queen-Picton Heritage Conservation District (“HCD”).

Development Process

The Applications are in the first phase of the development review process. Should the Official Plan Amendment and Zoning By-law Amendment be approved by Council, the applicant will be required to obtain Site Plan Approval to facilitate the proposal.

Proposal

Applications have been received to facilitate the development of a two (2) storey hotel containing 18 suites on the portion of the subject lands municipally known as 222 Gate Street. The applicant proposes to merge 222 Gate Street with the abutting unaddressed parcel to the east and lands occupied by 124 on Queen Hotel and Spa (118-126 Queen Street, and 219 Victoria Street), and to connect to and expand the existing underground parking garage. The underground parking garage would provide parking for the proposed hotel building, with access being provided from the existing entrance at 219 Victoria Street.

The Official Plan Amendment proposes to redesignate 222 Gate Street from “Established Residential” and “Conservation” to “General Commercial”, with a site-specific exception to permit a hotel use.

The Zoning By-law Amendment proposes to rezone 222 Gate Street from “Established Residential (ER) Zone” to “Queen-Picton Commercial (QPC) Zone” to permit the proposed hotel, with site-specific provisions to recognize the configuration of the existing lot, and for building setbacks, lot coverage, encroachments, loading space and bicycle parking exceptions. The Zoning By-law Amendment further proposes adding permissions for a “wedding ceremony” to lands zoned “Open Space (OS-88) Site-Specific Zone”, which applies to an unaddressed parcel abutting 222 Gate Street to the east, south of 114-126 Queen Street.

The following documents have been submitted and are being considered during the review of the applications:

- Cover Letter – March 13, 2025
- Draft Site Plan – March 4, 2025
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Planning Justification Report – March 2025
- Streetscape Analysis – January 9, 2025
- Stage 1 and 2 Archaeological Assessment – October 24, 2020
- Ministry of Citizenship and Multiculturalism Letter – August 23, 2024
- Heritage Impact Assessment – March 2025
- Hotel Rendering – December 4, 2024
- Functional Servicing and Stormwater Management Report – March 2025
- Parking Study – November 28, 2024
- Supplemental Geotechnical and Hydrogeological Considerations – February 12, 2025
- Floor Plans and Elevations – July 22, 2024

The application materials can be found on the Town’s website here:

<https://www.notl.com/business-development/public-planning-notice/222-gate-street-and-unaddressed-opa-02-2025-and-zba-02>

The Applications were deemed complete by Town Staff on April 11, 2025.

Policy Review

The following provides a general overview of the policy framework regarding the Applications. A full policy review will be completed and included in the recommendation report.

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.

The *Planning Act* provides individuals the ability to request amendments to a municipal official plan and/or zoning by-law.

Provincial Planning Statement, 2024

The subject lands are identified as being within a “Settlement Area” under the Provincial Planning Statement, which took effect on October 20, 2024. The PPS sets the overall policy direction for regulating land use in Ontario.

The PPS directs growth and development to Settlement Areas and encourages land use patterns within Settlement Areas to be based on densities, and a mix of land uses which efficiently use land and resources, optimize existing and planned infrastructure, and support active transportation.

The PPS sets out that planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved. Further, planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.

Niagara Official Plan, 2022

As of March 31, 2025, pursuant to Bill 185, the Cutting Red Tape to Build More Home Act, 2024, the Planning Act was amended to recognize the Regional Municipality of Niagara as an upper-tier municipality without planning responsibilities. Accordingly, the Niagara Official Plan (“NOP”) has been downloaded to the Town of Niagara-on-the-Lake and other local area municipalities across the Region to implement the policy direction contained therein.

The subject lands are identified as being within the “Delineated Built-up Area” in the Niagara Official Plan (the “NOP”).

The NOP directs that a majority of growth within the Region should be accommodated within built-up areas. Municipalities are expected to responsibly manage the forecasted growth and plan for a compact built form, vibrant public realm, and a mix of land uses to support the creation of complete communities.

The NOP identifies that 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.

The NOP sets out that 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 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

The subject lands are designated “Established Residential”, “Conservation” and “Open Space – Exception Three (EX-OS-3)” on Schedule B and “Built-up Areas” on Schedule I-1.

The Town OP directs that growth and development is to be accommodated within the existing urban boundaries. The Official Plan policies support the development of compact, vibrant, sustainable, integrated, and complete communities. The use of municipal infrastructure should be maximized. Development patterns that support active transportation and public transit are encouraged.

The proposed designation of the subject lands is the “General Commercial” designation. Within this designation, uses are 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. The Town OP sets out that vehicular accesses for new commercial developments will be restricted as necessary to minimize the effect of turning movements on adjoining roadways, and joint accesses will be designed to serve multiple commercial uses. Further, off-street parking areas for commercial uses will be designed to facilitate the efficient off-street movement of vehicles and not negatively impact on abutting or nearby residential uses.

The subject lands are located within the Queen-Picton Heritage Conservation District (“HCD”). The Town OP sets out goals and objectives for heritage conservation, including but not limited to restricting building design that is not compatible with existing structures that would detract from the heritage resource, in addition to encouraging appropriate character and uses adjacent to heritage resources. The Town OP identifies that a detailed HCD Plan shall be prepared for all areas which are to be designated as HCDs, in addition to setting out criteria for heritage districts, for individual buildings and for assessing new development. The proposal will be reviewed by the Town’s Municipal Heritage Committee, as a Heritage Permit is required. The HCD Plan currently in effect is being updated by the Town, and this process is discussed below.

Policies related to infill, urban design, archaeology and heritage, and land use compatibility, as well as all other applicable policies of the Official Plan, will be considered through the review of this application.

Queen-Picton Heritage Conservation District Study

The urban area of Old Town contains the Town’s only Heritage Conservation District. The HCD was designated under Part V of the *Ontario Heritage Act* in 1986 (through By-law No. 1667-86, approved by the Ontario Municipal Board in February of 1987). Heritage Conservation Districts recognize the collective heritage value of an area or neighbourhood that has common elements or themes.

Through designation under Part V of the *Ontario Heritage Act*, municipalities can identify and preserve these areas with unique heritage character through guidelines for managing future development and alteration of existing heritage structures. The HCD was enacted to protect the commercial core of Old Town, which is recognized for its collection of residential and commercial buildings that were constructed as early as 1815.

Town Council on February 25, 2025, approved the Study Area By-law under Section 40.1 of the *Ontario Heritage Act*, which established temporary restrictions on property alterations in the study area for one year with exemptions permitted in specific circumstances. The intent of the Study Area By-law is to restrict property alterations as the Town undertakes the HCD Study. Through this approval, Council assigned an effective date of March 27, 2025, for the Study Area By-law.

Section 7 identifies specific circumstances where the by-law does not apply and exempts them from the Study Area By-law (No. 2025-010). Subsection 7 (c) provides an exemption for any properties that have undergone a pre-consultation process prior to the enactment. The Applications are not subject to “pause” of the Study Area By-law as a pre-consultation was held with the Town for the proposal currently under review. The subject lands are located within the existing HCD and will continue to be subject to the existing policies of the District Plan.

Niagara-on-the-Lake Zoning By-law 4316-09, as amended

The subject lands are zoned “Old Town Community Zoning District - Established Residential (ER) Zone”, and “Old Town Community Zoning District - Open Space (OS-88) Site-Specific Zone” per a rezoning in 2018. The Zoning By-law Amendment passed by Town Council in 2018 restricts the use of the open space lands to landscaping above an underground parking garage secondary to the new hotel, in addition to a duplex or semi-detached dwelling with specific performance standards for lot area, coverage, height and setbacks.

Proposed Amendments

The Official Plan Amendment requests to redesignate a portion of the subject lands from “Established Residential” and “Conservation” to “General Commercial,” with a site-specific exception to permit a hotel use, on lands municipally known as 222 Gate Street.

The Zoning By-law Amendment requests to rezone a portion of the subject lands to “Queen-Picton Commercial (QPC) Site Specific Zone,” with provisions to permit the proposed hotel. The amendment further proposes to add permissions for a “wedding ceremony” to lands zoned “Open Space (OS-88) Site-Specific Zone,” which applies to the unaddressed parcel abutting 222 Gate Street to the east, south of 114-126 Queen Street.

The following chart outlines the standard “Queen-Picton Commercial (QPC) Zone,” in comparison to the requested “Site-Specific QPC Zone.”

Zone Requirement	QPC Zone	Site Specific QPC Zone
Minimum lot frontage	Lots located within the Queen Picton Commercial (QPC) Zone shall have a lot frontage and lot depth based on the average of the lot frontages and lot depths of existing lots in the same Block Face that the lot is located.	As existing
Minimum lot depth	Lots located within the Queen Picton Commercial (QPC) Zone shall have a lot frontage and lot depth based on the average of the lot frontages and lot depths of existing lots in the same Block Face that the lot is located.	As existing
Minimum rear yard setback	Rear yard setback for buildings located within the Queen Picton Commercial (QPC) Zone shall be established by the average of the rear yard setbacks within the same Block Face that the lot is located. Exterior yard setbacks for new buildings and/or building additions located on lots with an exterior side yard within the Queen Picton Commercial (QPC) Zone shall have a building exterior side yard setback based on the average exterior side yard setback of existing buildings on the other lots in the same intersection. There shall be no front yard or interior side yard requirements for buildings located within the Queen Picton Commercial (QPC) Zone.	1.3 metres

Zone Requirement	QPC Zone	Site Specific QPC Zone
Maximum lot coverage	Building lot coverage for lots located within the Queen Picton Commercial (QPC) Zone shall have a maximum building lot coverage based on the average of the lot coverage of existing buildings within the same Block Face that the building is located. Where the building lot coverage of the properties having a location within the same Block Face cannot be determined, the maximum lot coverage shall be seventy-five per cent (75%). (as amended by 4316J-11)	65%

Additional site-specific general provisions are requested as follows for the proposed hotel:

Provision	Zone Requirement	Site-Specific QPC Zone
Permitted Yard Projections and Encroachments	Unenclosed and uncovered porches, decks, balconies, and patios or steps may encroach or project into the front, rear, or side yard, as follows: Front or Rear Yard – 1.5 metres Side Yard – 0.6 metres	Permitted yard projections and encroachments of unenclosed and uncovered porch, deck, balcony, patio and steps Front Yard – 2.25 metres Rear Yard – 1.70 metres
Minimum Loading Spaces for a Non-Residential Building	The owner or occupant of any building on a lot used for non-residential uses, except as provided herein shall provide and maintain, for each building on the same lot, facilities comprising one or more loading spaces in accordance with the provisions of this section, unless otherwise provided for in this By-law: 0 – 464.5 square metres – 0 spaces 465 – 929 square metres – 1 space 930 – 4645 square metres – 2 spaces Exceeding 4645 square metres – 3 plus 1 for each additional 4,645 square metres or a portion thereof	0 spaces
Minimum Number of Bicycle Parking Spaces	Bicycle parking space shall be provided and maintained in accordance with the following regulations: Commercial – 1 per 200 square metres of gross floor area	0 spaces

Consultation

The applications were circulated to Town Departments and external agencies for review and comment. Public Notice of the proposal was provided as required by the *Planning Act*.

To date, the following comments have been received:

Town Comments

Building – No objection.

Finance – No objection.

Fire and Emergency Services – No objection. At the Site Plan Approval stage, details regarding sprinkler and fire alarm systems, location of the primary firefighter entrance, fire access routes, and location of hydrants will need to be determined.

Heritage – The subject lands have been cleared of having archaeological potential, and the Town is in receipt of a Stage 1 and 2 Archaeological Assessment and the Ministry clearance letter. The proposal is exempt from the Heritage Conservation District Expansion Study Area By-law. Town Heritage Staff note that a Heritage Impact Assessment and Streetscape Analysis were submitted with the Applications that will require review from Heritage Staff in consultation with the Municipal Heritage Committee. For the Streetscape Analysis, 3D renderings of the Gate Street Streetscape are required. A heritage permit is also required to consider the development proposal and the impacts to adjacent heritage resources within the HCD.

Operations – Town Operations Staff will require that the Functional Serving Report (“FSR”) be re-submitted with updated calculations reflecting the domestic water flows required for the site’s proposed use or confirm whether the calculated fire flow values include domestic flow requirements already. The FSR concludes that the receiving Gate Street sanitary sewer has adequate capacity for the proposed development. Town Staff are satisfied with these findings for the purposes of the current applications. The Town will require that stormwater flows up to and including the 100-year storm be attenuated to the pre-development 5-year storm flows. The Town will require that the owner install a new sidewalk 1.5 metres in width across the site’s full property frontage. The proposed removal of the existing driveway entrance will also necessitate the restoration of the boulevard and the restoration of on-street parking and associated line painting within that area.

Urban Forestry – A Tree Inventory and Protection Plan is required at the Site Plan Approval stage.

Agency Comments

Enbridge – No objection.

Niagara Peninsula Conservation Authority – No objection.

Niagara Region – No objection. Regional Staff will assess waste collection eligibility at the site plan approval stage.

Public Comments

An electronic Open House was held on April 28, 2025. Seven (7) members of the public attended the Open House to provide comments and questions, summarized as follows:

- Questions and concerns regarding the definition, frequency and intent of the “wedding ceremony” use that is proposed to be added to the existing site-specific Open Space Zone to the rear of the hotel, and the resulting potential negative impacts to surrounding residential properties. Concerns regarding activities taking place within the Open Space Zone on the subject lands currently.
- Residents in the area were of the understanding that the landowner committed to replacing the previous single-detached dwelling, which was demolished at 222 Gate Street, following the construction of the underground parking lot.
- Concerns regarding commercial activities (proposed hotel use and the wedding ceremony permissions) encroaching into the established residential area, related to noise and compatibility issues. Questions about the ability to provide buffering between commercial and residential uses.
- Questions/Concerns with the massing and size of the proposed hotel.
- Concerns regarding the construction of the proposed underground parking garage and potential negative impacts to the foundations of surrounding properties. Questions regarding the setbacks of the underground parking garage.
- Questions regarding the use of the Smithy building and whether it will be moved as part of the proposal.
- Request to allow for significant tree plantings at the perimeter of the property to allow for buffering between the proposed hotel and surrounding residential dwellings.
- Request to prohibit the serving of food or alcohol as part of the “wedding ceremony” use if it is allowed.

At the time of report preparation, Town Staff received comments from five (5) residents. The comments/questions identified by the public in objection are summarized as follows:

- The applications threaten the integrity and continuity of our community’s heritage and undermine the residential character of the Queen-Picton HCD by introducing commercial uses that are incompatible with the District’s residential character.
- The proposed development contravenes the cultural heritage policies of the PPS by introducing commercial uses and massing into a residential area within an established heritage district.
- The HCD is characterized by its tree-lined streets, historic homes, and tranquil residential environment. The proposed development threatens to disrupt this harmony by introducing noise, massing, traffic and activities that are incompatible with the residential nature of the area.
- Concern that the applications are being processed at a time when the Town has a study underway to expand the Heritage District.
- Concern with re-designating a portion of the subject lands from a residential to a commercial use, as Bill 185 places a focus on building homes and not hotels.
- Concerns regarding the wedding ceremonies on the subject lands given that this area was to be maintained as a permanent garden space serving as a buffer between the commercial hotel and residential historic abutting properties. It was explicitly agreed previously that no commercial activities would take place.

- The Open Space Zone was intended to be kept as a buffer between commercial and residential uses on the north side of Johnson Street. Further, based on previous applications on the property, it was understood that this area would not be used for commercial purposes, such as wedding ceremonies.
- If the subject lands are rezoned, then the same right should be given to the owners of all properties to the south of 222 Gate Street.

NEXT STEP / CONCLUSION

Following the Statutory Public Meeting, all comments received will be considered through the review of the Applications. The applicant will have an opportunity to respond to comments and submit revised application materials. Any revised materials will be made publicly available. Once the review process has concluded, a staff recommendation report will be prepared and presented at a future Committee of the Whole meeting.

ATTACHMENTS

- **Appendix I** – Draft Site Plan and Elevations