

PLANNING JUSTIFICATION REPORT

PREPARED FOR:

**Official Plan Amendment &
Zoning By-law Amendment
Scotsman Hotel Inc.**

95 Johnson Street, Town of
Niagara-on-the-Lake
File no. 24209B

May 8, 2025



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Executive Summary

This Planning Justification Report ("PJR") has been prepared in support of the proposed Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications for the lands located at 95 Johnson Street in the Town of Niagara-on-the-Lake ("NOTL") (the "Subject Lands"). The Subject Lands are occupied by the Scotsman, a 6-bedroom Country Inn. The proposal will allow patrons of the Inn to purchase and consume alcoholic beverages and enjoy food on the ground floor and courtyard area of the existing Inn on the Subject Lands. The proposed changes will also allow patrons, who are registered, to attend small gatherings or charitable events which are hosted at the Inn. The area proposed to be licensed for this purpose is to be defined as a "*Hospitality Area*".

The Subject Lands are located within the delineated built-up area of the settlement area of NOTL, at the southeast intersection of Johnson Street and Victoria Street. The Subject Lands consist of an L-shaped lot that has an area of 0.1152 hectares, with frontage of approximately 19.81 metres along Johnson Street and 48.21 metres along Victoria Street. The Subject Lands are located within the Queen-Picton Heritage Conservation District, that protects the commercial core and recognizes the collection of residential buildings in Old Town NOTL.

An OPA and ZBA to the Town of NOTL Official Plan ("OP") and Zoning By-law 4319-06 ("ZBL") are required to support the proposal. According to the OP, the Subject Lands are designated "Established Residential (ER)," which permits low-density residential uses such as single-detached, semi-detached, and duplex dwellings, along with select secondary uses including bed and breakfasts, accessory apartments, group

homes, home occupations, and accessory buildings and structures. Several buildings within the ER Designation—such as the Scotsman—are designated under the *Ontario Heritage Act*.

The OPA seeks to amend the current policy with a site-specific "Established Residential (ER-XX)" exception to allow for select areas of the ground floor and courtyard area of the existing Country Inn to be used as a *Hospitality Area*. The *Hospitality Area* will expand the amenities offered in select parts of the Inn, enhancing the guest and patron experience and, in turn, support the Inn's economic viability and long-term operations, including the preservation of its heritage features.

The Subject Lands are currently zoned "Old Town Community Zoning District – Established Residential (ER-12) Site-Specific Zone" under the ZBL. The ER-12 Zone permits the operation of a 6-room Country Inn on the Subject Lands. The proposed ZBA seeks to amend the text of the ER-12 Zone in the NOTL ZBL to define and permit a *Hospitality Area* as an associated secondary use. As part of this application, a new definition for *Hospitality Area* has been introduced to establish clear parameters around its intended use and operation, ensuring it aligns with the Town's requirements.

Based on the physical context, planning policy, and regulatory framework, the proposal is consistent with, and conforms to, Provincial policies, the Niagara Region Official Plan, the Town of NOTL Official Plan, represents good planning, and is in the public interest.

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Appendix E: Draft Operations Agreement

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1.0 Introduction

1.1 Purpose of the Application

MacNaughton Hermesen Britton Clarkson Planning Limited ("MHBC") has been retained by the Scotsman Hotel Inc., to undertake this Planning Justification Report ("PJR") in support of the proposed Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications for the lands located at 95 Johnson Street, in the Town of Niagara-on-the-Lake ("NOTL") (hereinafter referred to as the "Subject Lands"). The Subject Lands are occupied by the Scotsman Inn, an existing two-storey residential dwelling that operates as a 6-bedroom Country Inn. The Scotsman was originally constructed in 1835 and has been operating as a Country Inn since 2002. The proposed OPA and ZBA applications will allow patrons of the Inn (registered guests and visitors) to purchase and consume alcoholic beverages and food within licensed areas of the ground floor and courtyard areas of the existing Inn, defined as "*Hospitality Areas*" (hereinafter referred to as the "proposal").

The Subject Lands consist of a 0.1152-hectare (1,152 m²) parcel of land located at the southeast corner of Victoria Street and Johnson Street, within the delineated built-up area of Old Town NOTL. The lands are located within the residential area of the Queen-Picton (Old Town) Heritage Conservation District ("HCD"). The Queen-Picton HCD was enacted in 1986 under Part V of the *Ontario Heritage Act* to protect the

commercial core and recognize the collection of residential buildings in Old Town NOTL.

The Scotsman is the principal residence of the operator/host and consists of ground floor common areas, a servery, six guest suites, an outdoor courtyard and associated on-site parking. Each guest room can accommodate a maximum of two guests at any time and each has a private bathroom and a licenced mini bar. Guests at The Scotsman are offered breakfast with their stays and can purchase and consume alcoholic beverages from the mini bars in their rooms. Patrons of the Inn are not permitted to purchase or consume alcoholic beverages outside of their rooms and are not offered any meals with their stays, other than breakfast. The proposed applications will allow patrons of the hotel to enjoy alcoholic beverages and food in the licenced *Hospitality Areas* of the Inn that will enhance their experience at the Inn and in turn, improve the operations and longevity of the Inn. This application represents an opportunity to provide a gathering space for individuals to connect with one another, that maintains the quaint charm of the neighbourhood and respects the heritage character of the existing structure.

The *Hospitality Areas* will consist of private, controlled areas within the ground floor and courtyard area of the Country Inn, that are not accessible to the general public, where food and alcohol can be purchased and consumed. The *Hospitality Area* will enhance the guest experience at the Inn and generate additional

revenue to support the ongoing maintenance of the existing Inn, including its contribution to the heritage character of the Queen-Picton HCD. The proposal does not include any changes to the interior or exterior of the existing Inn on the Subject Lands. The operational matters of the Inn including, the hours of operation, and other administrative matters related to the function of the *Hospitality Area* will be outlined in an operations agreement. The operations agreement will be created in collaboration with the Town of NOTL to ensure that it meets the regulations and standards of the Town and can be registered on title. All patrons of the Inn will also be defined by the owners in relation to their attendance at the Inn, their roles and responsibilities for registration, and will abide by a code of conduct, including respecting all by-laws and rules associated with the Inn’s permission to operate as issued by NOTL. The proposal will not impact the ability for The Scotsman to continue functioning as a Country Inn, licenced and regulated by the Town of NOTL Short Term Rental By-law 4634-13.

This Planning Justification Report provides the following:

- Description of the Subject Lands, surrounding uses, and existing physical conditions to provide an understanding of the locational context;
- A brief overview of the policy context governing the lands and the site’s history;
- Description of the proposal including, the intent, function, and operations of the *Hospitality Area* including, how the area will contribute to the character of the community;
- Description of the proposed amendment to the Town of NOTL Official Plan and Zoning By-law 4316-09;

- Review of the existing policy and regulatory framework and an assessment of the proposal and the proposed Zoning By-law and Official Plan Amendments in relation to the Provincial, Regional, and Town policies and regulations; and,
- Summary of key conclusions and recommendations related to the proposed Official Plan and Zoning By-law Amendments.

1.2 Pre-Consultation

A pre-consultation meeting was held on December 5, 2024, to discuss the proposal on the Subject Lands. Members from the Town of NOTL and the ownership group were in attendance.

A copy of the initial pre-consultation meeting report is attached to this report as **Appendix A**.

Table 1 below identifies the reports and materials that were requested at the pre-consultation meeting as part of a “complete application” and are included as part of this application submission.

TABLE 1: SUBMISSION MATERIALS	
Submission Material	Consultant
Planning Justification Report including, Draft OPA & ZBA	MHBC
Floor Plans & Occupancy Drawings	A.C.K Architects Studio Inc.
Property Index Map & Parcel Register	Service Ontario
Parking Impact Analysis	R.J. Burnside & Associates

1.3 Community Open House

A Community Open House in support of the proposal was held on April 29, 2025. Notice of the Open House was circulated to residents within 120 metres of the Subject Lands, based on the mailing list provided by the Town of Niagara-on-the-Lake.

Approximately 30 members of the public attended the event, asked questions, and provided feedback. This feedback has been considered and incorporated into the final proposal. The following images were taken during the Open House. A copy of the comments received is included in **Appendix B**.



Image 1: Community Open House



Image 2: Community Open House, Comment Board



Image 3: Community Open House, Discussions

2.0 Site Context

2.1 The Subject Lands

The Subject Lands are located within the delineated built-up area of the settlement area of NOTL, at the southeast intersection of Johnson Street and Victoria Street, in the Urban Area of Old Town NOTL. The lands are municipally addressed as 95 Johnson Street and are legally described as Part of Lot 101 TP PL 86 Niagara As in R0484501, NOTL (**Figure 1**). The Subject Lands consist of an L-shaped lot that has an area of 0.1152 hectares (1,152 m²), with frontage of approximately 19.81 metres along Johnson Street and 48.21 metres along Victoria Street.



Figure 1: Location Map

The Subject Lands are occupied by The Scotsman, an existing 2-storey residential home that operates as a 6-room Country Inn. The original 2-storey red brick single-family residential residence was constructed in approximately 1835, with additions to the structure constructed in 1985 and 2001 and internal renovations in 2022. The residential dwelling has operated as a Country Inn since

2002. The Inn serves as the principal residence of the operator/host and includes ground-floor common areas, a servery, six guest suites, an outdoor courtyard, on-site parking, and a woodshed. As illustrated in **Figure 2** below, guests enter the building through the reception area located on the western side of the building, which opens into three lounge areas, a breakfast room, and a powder room. These spaces are available for guests to enjoy during their stay. Breakfast is served daily in the breakfast room.

Two guest suites are located on the ground floor, while the remaining four suites are situated on the second floor. Each suite includes a private bathroom and a licensed mini bar. In 1985, a one-storey addition was constructed at the rear of the original two-storey brick home. This addition accommodates a servery, bathroom, living room, and bedroom for the operator. The two lounges along the eastern side of the Inn, along with the servery, open into a spacious outdoor courtyard. The courtyard features outdoor furniture, landscaped areas, and a central fountain. Eight on-site parking spaces are located further east, beyond the courtyard, with access to the residence provided via a single driveway off Victoria Street.

The Scotsman has been licenced as a 5-room Country Inn since 2002, in accordance with Zoning By-law 500QE-02 approved by the Ontario Municipal Board ("OMB"). In 2024, a Zoning By-law Amendment was approved through By-law 4316FN-24 to permit a sixth guest room within the existing Country Inn. No

new construction or site alterations were required to accommodate the sixth guest room. Since the approval of the By-law in 2024, The Scotsman has been functioning as a licenced Country Inn with 6 bedrooms. Each room/suite in the Scotsman can accommodate a maximum of two guests at any time which, equates to a total of 12 guests at any time. As a licenced Country Inn, the Scotsman can offer guests of the Inn breakfast fare with their stays. Guests of the Scotsman consume breakfast fare in the

breakfast room and lounge areas on the ground floor.

On July 6, 2023, The Scotsman obtained a mini bar licence in accordance with the *Ontario Liquor License Act* to allow guests of the Inn to purchase and consume alcoholic beverages from the mini bars in their rooms. With this license, guests are not permitted to consume or purchase alcohol outside of their rooms in the Inn.

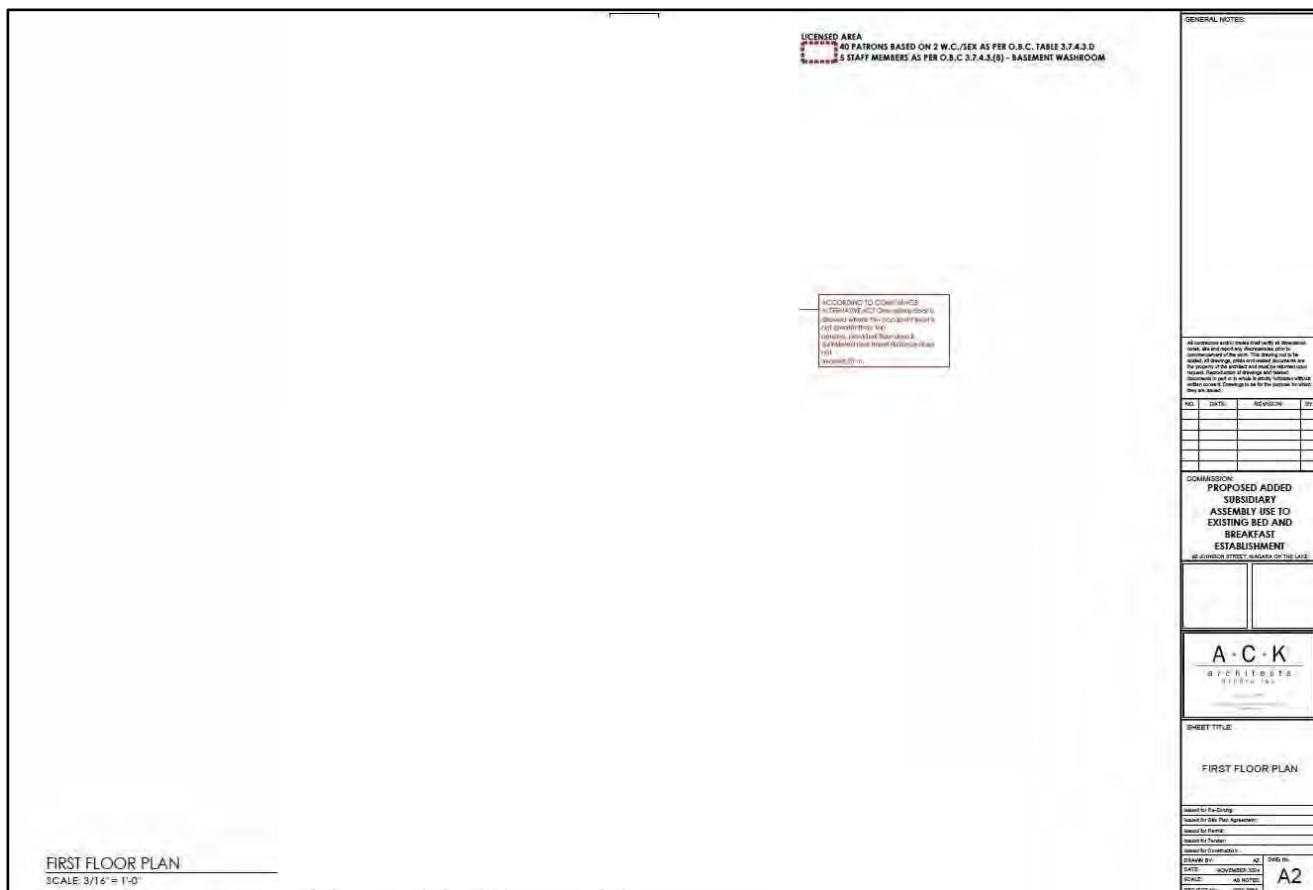


Figure 2: Floor Plan

2.2 Surrounding Uses

2.2.1 The Surrounding Uses

Figure 3 below illustrates the land uses surrounding the Subject Lands. The uses surrounding the Subject Lands are described as follows:

NORTH: North of the Subject Lands lies low-rise residential dwellings including, bed and breakfast establishments and country inns. Northeast of the Subject Lands lies hotels and a grocery store.

EAST: East of the Subject Lands lies low-rise residential uses, followed by a church and various retail and service commercial uses along Queen Street.

SOUTH: South of the Subject Lands lies low-rise residential uses, followed by a parkette, municipal parking lot, and commercial uses such as cafes, and restaurants.

WEST: West of the Subject Lands lies low-rise residential uses including bed and breakfast establishments and country inns.

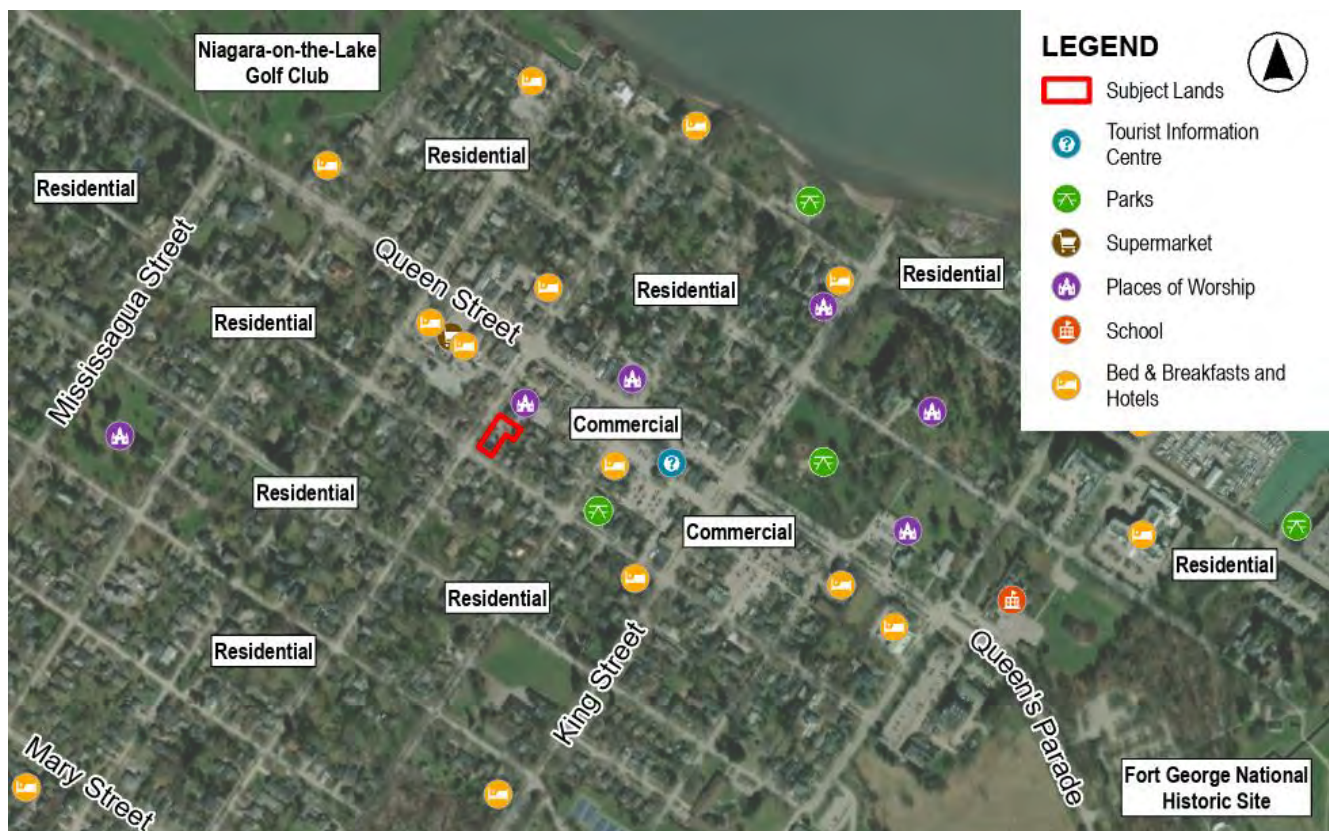


Figure 3: Context Map

The following images further illustrate the Subject Lands and the surrounding existing context.



Image 4: Building View – Victoria Street Facade

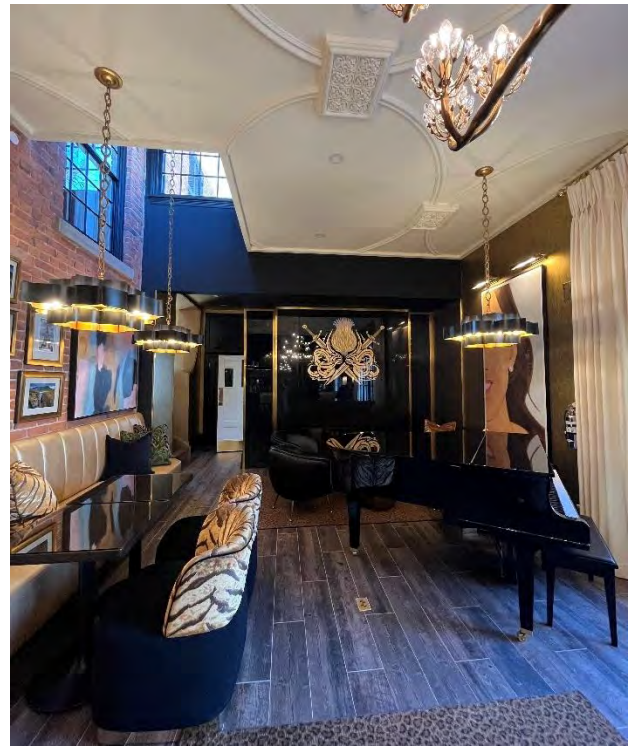


Image 6: Lounge 3 View



Image 5: Building View – Johnson Street Façade



Image 7: Lounge 3 View



Image 8: Lounge 2 View



Image 10: Outdoor Courtyard View



Image 9: Lounge 1 View



Image 11: Outdoor Courtyard View



Image 12: Parking Area View

2.2.2 Neighbourhood Context

The Subject Lands are centrally located within Old Town NOTL, along the western border of the Queen-Picton HDC. The Queen-Picton HDC is recognized for its collection of residential and commercial buildings that were constructed as

early as 1815, that support the collective heritage value of the area. As such, the Subject Lands are located in proximity to several community facilities, parks, and landmarks which are listed in **Table 2** below, and shown in **Figure 4**.

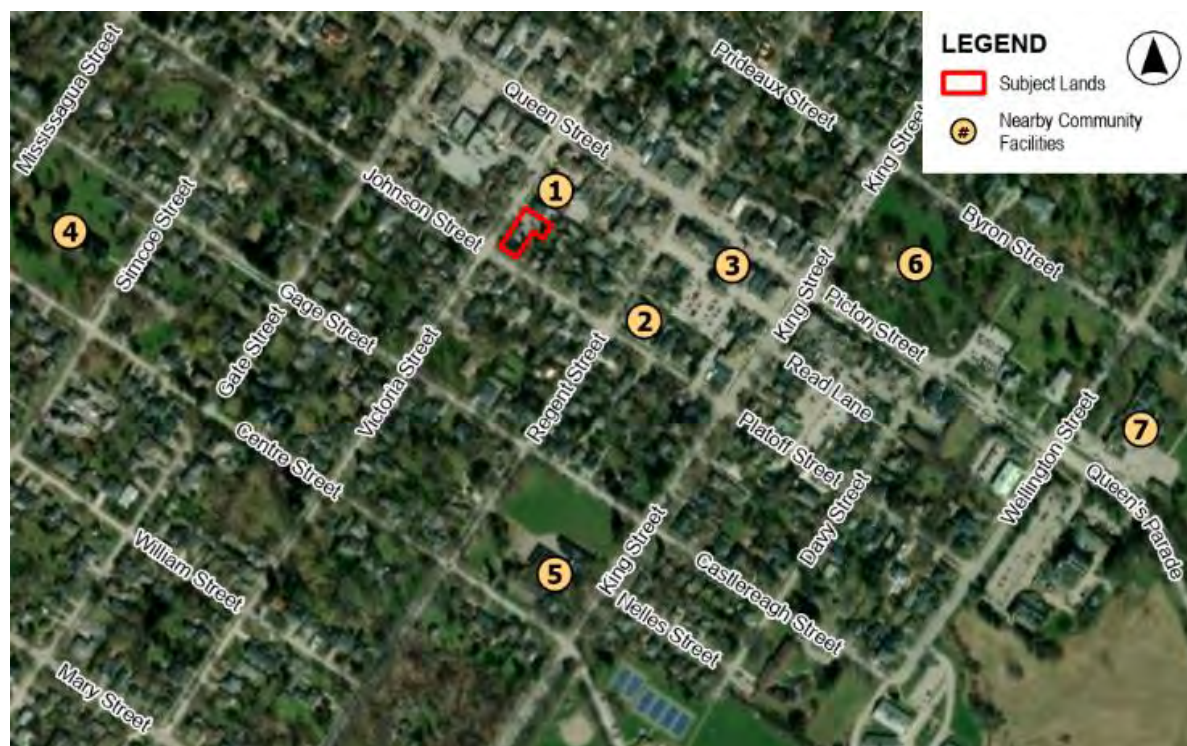


Figure 4: Nearby Community Facilities Map

TABLE 2: PROXIMITY TO NEARBY COMMUNITY FACILITIES					
	Destination	Travel Distance (km)	Travel Time (minutes)*		
			Walk	Cycle	Car
1	Grace United Church	0.1	1	1	1
2	Voices of Freedom Park	0.1	2	1	1
3	Queen Street Commercial Area	0.1	2	1	1
4	St Andrews Presbyterian Church	0.5	7	1	2
5	Maple Leaf Montessori School	0.5	7	2	1
6	Simcoe Park	0.6	7	4	3
7	Royal Oak School	1.0	12	4	3

2.2.3 Surrounding Development Applications

As part of the preparation of the proposed application, a review of the Town of NOTL development application database was undertaken to provide a broader context of the

recently approved and proposed developments within the surrounding area. Surrounding developments and proposed applications are described in **Table 3** below and illustrated in **Figure 5**.

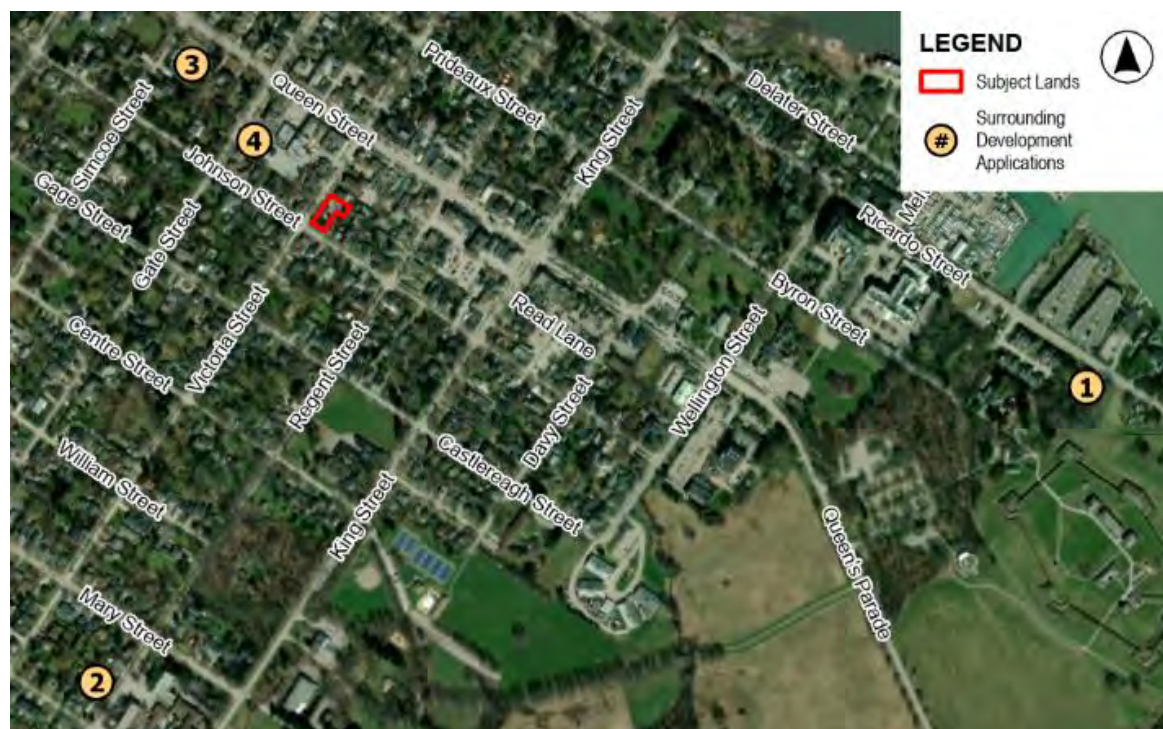


Figure 5: Surrounding Development Applications

TABLE 3: SURROUNDING DEVELOPMENT APPLICATIONS			
#	Address/ Applicant	Application Status	Proposed Development
1	242 Ricardo Street File No. ZBA-08-2024	Approved	Site specific ZBA to permit the conversion of an existing B & B into a 5-room Country Inn.
2	489 Regent Street File No. ZBA-06-2024	Approved	Severance of one new lot for a single-detached dwelling, and one retained lot with an existing single-detached dwelling. Site-specific provisions for frontage, and setbacks.
3	178 Queen Street File No. ZBA-05-2024	Approved	Severance of one new residential lot off of Simcoe Street for a single-detached dwelling, and one retained lot containing a Part IV designated heritage dwelling for continued residential use. The bylaw provided for minimum lot frontage, depth and front yard setback provisions for both lots.

4	222 Gate Street	Under review	OPA and ZBA to facilitate the development of a two (2) storey hotel consisting of eighteen (18) hotel suites, in addition to permitting a "wedding ceremony" use.
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2.3 Subject Lands Application History

2.3.1 Zoning By-law

Amendment, 2002

A site-specific Zoning By-law Amendment was approved through Zoning By-law 500QE-02 for the Subject Lands in 2002 by the OMB to rezone the Subject Lands to the ER-12 Zone. The ER-12 Zone permitted the following:

- A five (5) room Country Inn, a home occupation or home profession, and a single-detached dwelling.
- A minimum of eight (8) parking spaces shall be provided on-site at the rate of one (1) space for each guest room, two (2) spaces per dwelling unit, and one (1) space per employee. Stacked parking is not permitted.

2.3.2 Zoning By-law

Amendment, 2024

A Zoning By-law Amendment and Site Plan Application for the Subject Lands was submitted to the Town of NOTL in November 2023 and was later approved on May 28, 2024. The Zoning By-law Amendment amended the "Established Residential (ER-12) Site Specific Zone" that permits a 5-room Country Inn on the Subject Lands, to add a sixth guest suite within the existing Country Inn, with site specific provisions to recognize the location of an existing

accessory structure and to remove the requirement for an employee parking space. No new construction or additions were required to accommodate the additional guest room.

2.3.3 Interior and Exterior Renovations, 2022

The current property owner acquired The Scotsman in 2020. Prior to this, the property functioned as a 5-bedroom Country Inn since 2002, following its renovation and reconstruction after a fire in 1999. Upon acquiring the Subject Lands, the current owner made minor interior alterations through a Building Permit and external changes through a Heritage Permit. The Heritage Permit authorized several modifications to the outdoor amenity areas and the building façade, including the replacement of rear windows and doors, removal of an outdoor pool, recognition of a shed in the parking lot, addition of front steps, alteration of the heritage sign, and repainting of the siding. These changes have enhanced the building's aesthetics while reinforcing its contribution to the heritage character and collective identity of the Queen-Picton HCD.



2.4 Policy Context

The following is an overview of the status of the Region and Town planning documents that apply to the Subject Lands, namely the Niagara Region Official Plan, the Town of NOTL Official Plan (1194), the Council-Adopted Town of NOTL Official Plan (2019), and Town of NOTL Zoning By-law 4316-09.

The Official Plan policies, along with Provincial policies, will be used to evaluate the proposed OPA and ZBA. This evaluation will be undertaken in **Section 4.0** of this report.

2.4.1 Niagara Region Official Plan

The Niagara Region Official Plan ("ROP") was adopted by Regional Council in June 2022 and was approved by the Province of Ontario with modifications, in November 2022. The ROP was subsequently amended by Bill 150, the *Planning Statute Law Amendment Act, 2023* and Bill 162, the *Get it Done Act, 2024*. The Niagara ROP serves as Niagara Region's long-term strategic planning framework for managing growth across the Region's twelve local municipalities. The policies of this Plan will guide land use






planning and development decisions until 2051 and beyond.

Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, made changes to the Planning Act that removed planning responsibilities from select upper-tier municipalities including, Niagara Region. As of March 31, 2025, Niagara Region no longer has planning responsibilities, and as such, the ROP is considered a Local Plan for Planning Act applications, until such a time that the Town repeals the ROP.

As per Schedule A, Local Area Municipalities, the Subject Lands are located in the settlement area boundary of NOTL (**Figure 6**). Schedule B, Regional Structures further defines the location of the Subject Lands within the "Delineated Built Up" Area (**Figure 7**). The delineated built-up areas lie within the urban areas of the settlement boundary of the Town of NOTL. As per Schedule K, Area of Archaeological Potential, the Subject Lands are located within an "Urban Area", that contains "Areas of Archaeological Potential" (**Figure 8**).



Figure 6 - Niagara Official Plan | Schedule A - Local Area Municipalities

-  Subject Lands
-  Settlement Areas
-  Major Watercourses
-  Greenbelt Designation
-  Municipal Boundaries



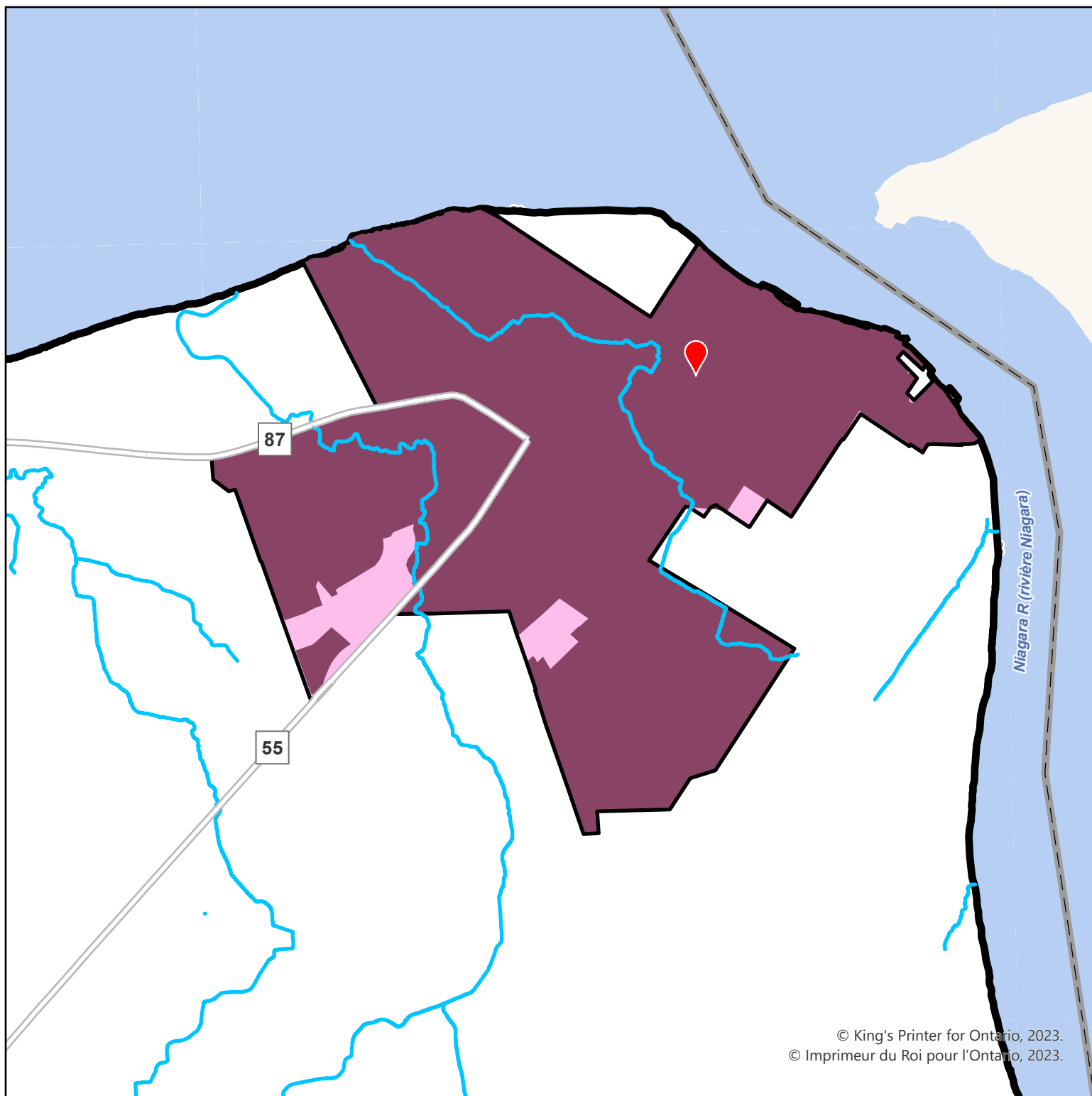
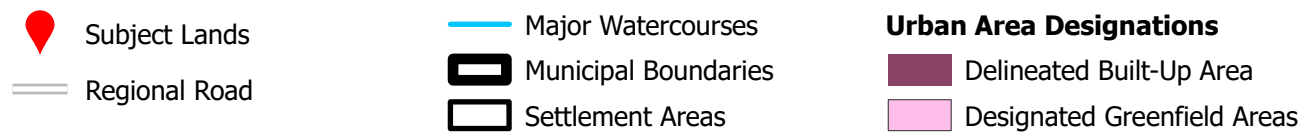


Figure 7 - Niagara Official Plan | Schedule B - Regional Structure



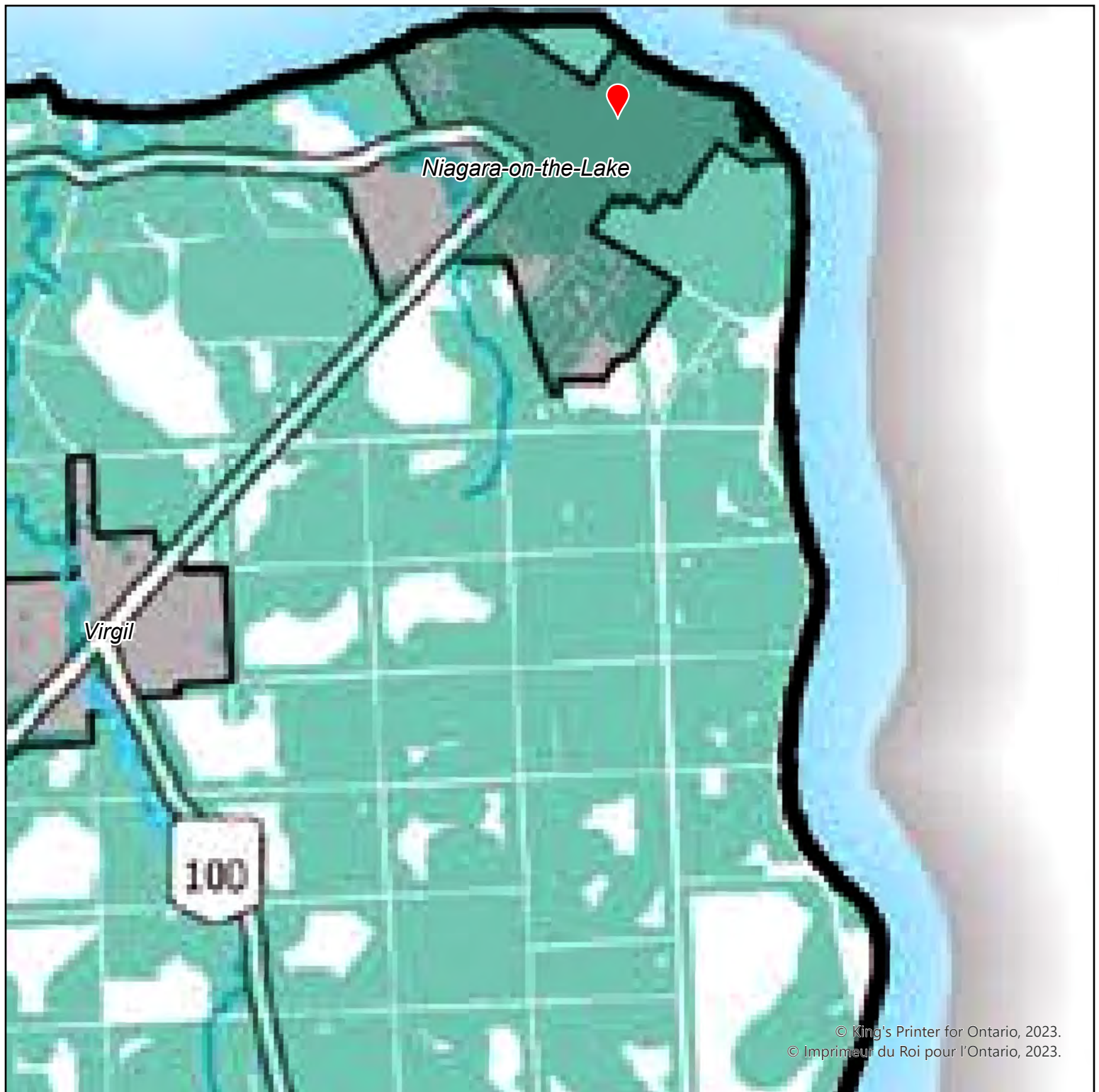


Figure 8 - Niagara Official Plan | Schedule K - Areas of Archaeological Potential



Subject Lands



Areas of Archaeological Potential



Urban Areas



Major Watercourses



Municipal Boundaries



2.4.2 Niagara-on-the-Lake Official Plan (1994)

The NOTL Official Plan ("OP") was adopted by Council in 1994, with the most recent consolidation dated July 17, 2017. The NOTL OP sets out policies and land use designations that guide the Town's long-term growth and development to meet a wide variety of social, economic, and environmental objectives.

As per Schedule B, Land Use Plan of the NOTL OP, the Subject Lands are designated as "Established Residential" (**Figure 9**). As per Schedule I-1, Growth Management of Official Plan Amendment 43, approved on July 26, 2010, the Subject Lands are located within the "Built-up Area" of the "Urban Area Boundary" of the Town of NOTL (**Figure 10**).

Lands designated as "Established Residential" permit low density residential uses such as single detached, semi-detached and duplex dwellings. Secondary uses, permitted with a Main Use include, roomers and boards, bed and breakfasts, accessory apartments, group homes, home occupations, and accessory buildings and structures.

Several of the structures within the Established Residential designation, such as the Scotsman, are designated as "Heritage" buildings under *The Ontario Heritage Act*. The Subject Lands are also located within an "Area of Archaeological Potential", identified on Schedule H of the OP (**Figure 11**).

In Policy 6.3, Country Inns, Council recognizes that there are cases where permitting Country Inns in designated heritage residential dwellings, contributes to the preservation of heritage character through providing a revenue source that offset the maintenance costs of heritage features. Council encourages the

conservation of heritage buildings and will consider applications for Country Inns, provided that lots are adequately sized and the residential neighbourhood character is maintained.

The following definitions from the NOTL OP provide context as to why the proposed OPA and ZBA applications are required to facilitate the *Hospitality Area* in the existing Country Inn:

Definitions from the NOTL OP	
Country Inn	<p><i>"Means a residential use which is in the principal residence of the owner/operator and host, having more than three rented rooms in an urban area but six or less rented rooms outside an urban area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate, in urban areas.</i></p> <p><i>A Country Inn is considered a secondary use in a single detached dwelling and does not include hotels or motels. Any additional activity (e.g. a restaurant, spa, shop, etc.) will only be permitted by way of an amendment to this Plan.</i></p> <p><i>The Municipality will regulate the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, site plan approval process, licensing by-law, and/or by commenting to the Niagara Escarpment Commission on development permit applications."</i></p>

Main Use	<i>"means the primary use of land permitted within the land use designation of this Plan (also see Secondary Use Definition)."</i>
Secondary Use	<i>"means the use of land permitted within the land use designations of this Plan which may be limited or restricted in this Plan so as not to detract from but complement the main use (Also see Main Use)."</i>



Figure 9 - Niagara-on-the-Lake Official Plan | Schedule B - Land Use Plan

Data Source: Niagara Region; Niagara On-the-Lake



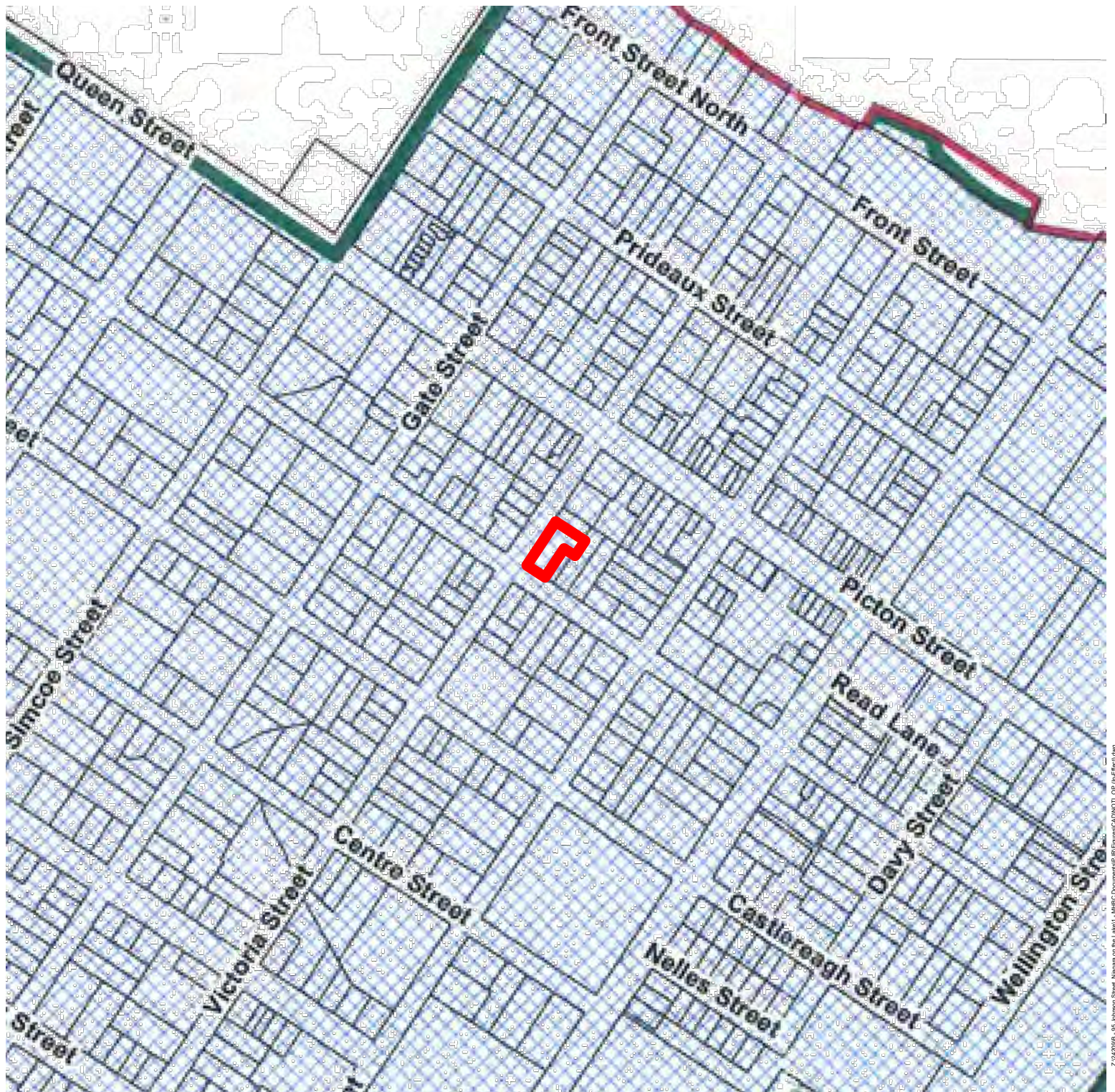


Figure 10 - Niagara-on-the-Lake Official Plan | Schedule I-1 (Growth Management)

Data Source: Niagara Region; Niagara On-the-Lake

-  Subject Lands
-  Town Limit
-  Urban Area Boundary
-  Built-Up Area





Figure 11 - Niagara-on-the-Lake Official Plan | Schedule H (Archeological Potential)

Data Source: Niagara Region; Niagara On-the-Lake

- Subject Lands
- Areas of Archeological Potential



2.4.3 Niagara-on-the-Lake

Official Plan Review (August 2019)

In July 2013, the Town of NOTL began an OP review process to create a new OP that provides long range planning to manage growth over a 30-year period. The review took place over several years, and a new OP was adopted by Town Council in October 2019 and was forwarded to Niagara Region for approval. However, in March 2020, the Region paused the review of the adopted OP while the Region completed their new Niagara ROP, that was approved by the Province of Ontario in November 2022.

In December 2024, the Town re-launched their OP review process to update the adopted OP to conform to the Niagara Region ROP, address provincial land use planning changes, and support local priorities to the 2051 horizon. The Town will be conducting public engagement opportunities for input on the new NOTL OP throughout the spring of 2025. A Draft of the Official Plan policies is targeted for May to July of 2025, with Council Adoption of the new NOTL OP in October 2025. As the policies of the new Draft NOTL OP are not yet available and given that the NOTL OP from 2019 is the last updated planning framework adopted by Council, the policies of the Council-adopted OP will be reviewed in this Report. As these policies are not in force and effect, they are informative but not determinative.

As per Schedule A, Community Structure, the Subject Lands are located within the "Settlement Area of Old Town NOTL" (**Figure 12**). The lands are further designated as "Established Residential", on Schedule B2, Land Use Plan- Old Town of the OP (**Figure 13**). The

Established Residential areas are older, stable neighbourhoods that may include cultural heritage resources that must be preserved. The permitted uses in the designation include: single-detached dwellings, semi-detached dwellings, and duplex dwellings. Secondary uses permitted in conjunction with a principle use include: rooming and boarding houses; bed and breakfast establishments; second residential units; home occupations; cottage rentals, and accessory structures. Other uses permitted also include open space uses, parks, trails, specialized housing, group homes, and community facilities.

The Subject lands lie within the "Queen Picton HCD (OHA Part V)", and the "National Heritage District", shown on Schedule D3, Heritage Resources- Old Town (**Figure 14**). As per Schedule D4, Areas of Heritage Significance, the Subject Lands are also located within the "Downtown Character Area" (**Figure 15**). The Queen Picton HCD was approved by the Town in 1986 and includes the commercial and established residential lands in Old Town. The Subject Lands are also located within the Downtown Heritage Character Area that contains a large portion of the cultural heritage resources in Old Town and forms the core of the National Historic District. This area contains a square block pattern, established from the earliest days of settlement, and contains evidence of all periods of development from loyalist occupation to present day. Any proposed development within the Downtown Heritage Character Area must demonstrate how it will conserve the specific heritage values and attributes of the area as a cultural heritage landscape.

Policy 10.13.2, Short-term Tourist Accommodations ("STAs") includes policies for various types of STAs in NOTL including, Bed

and Breakfast Establishments, Country Inns, Vacation Rentals (Villas), Vacation Cottage rentals and Vacation Apartments. STAs are an important part of the cultural landscape, tourism infrastructure, and the broader economy in the Town. STAs in, or around, cultural heritage resources, contribute to the conservation of their heritage character and provide financial support for the maintenance of the cultural heritage attributes of the property. Specifically, Country Inns are a type of STA that are permitted where the increased level of activity can be readily accommodated without disruption to the existing residential neighbourhood and if there are no adverse impacts on cultural heritage resources. Country Inns can generally contain 4-10 rooms or suites.

The definition of a Country Inn in the new Town of NOTL OP is shown below:

Definitions from the Council-Adopted NOTL OP (2019)	
Country Inn	<i>"A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate".</i>



Figure 12 - Niagara-on-the-Lake Official Plan (Adopted) | Schedule A - Community Structure

Data Source: Niagara Region; Niagara On-the-Lake

- Subject Lands
- Municipal Boundary
- Greenbelt Boundary
- Protected Countryside
- Settlement Area



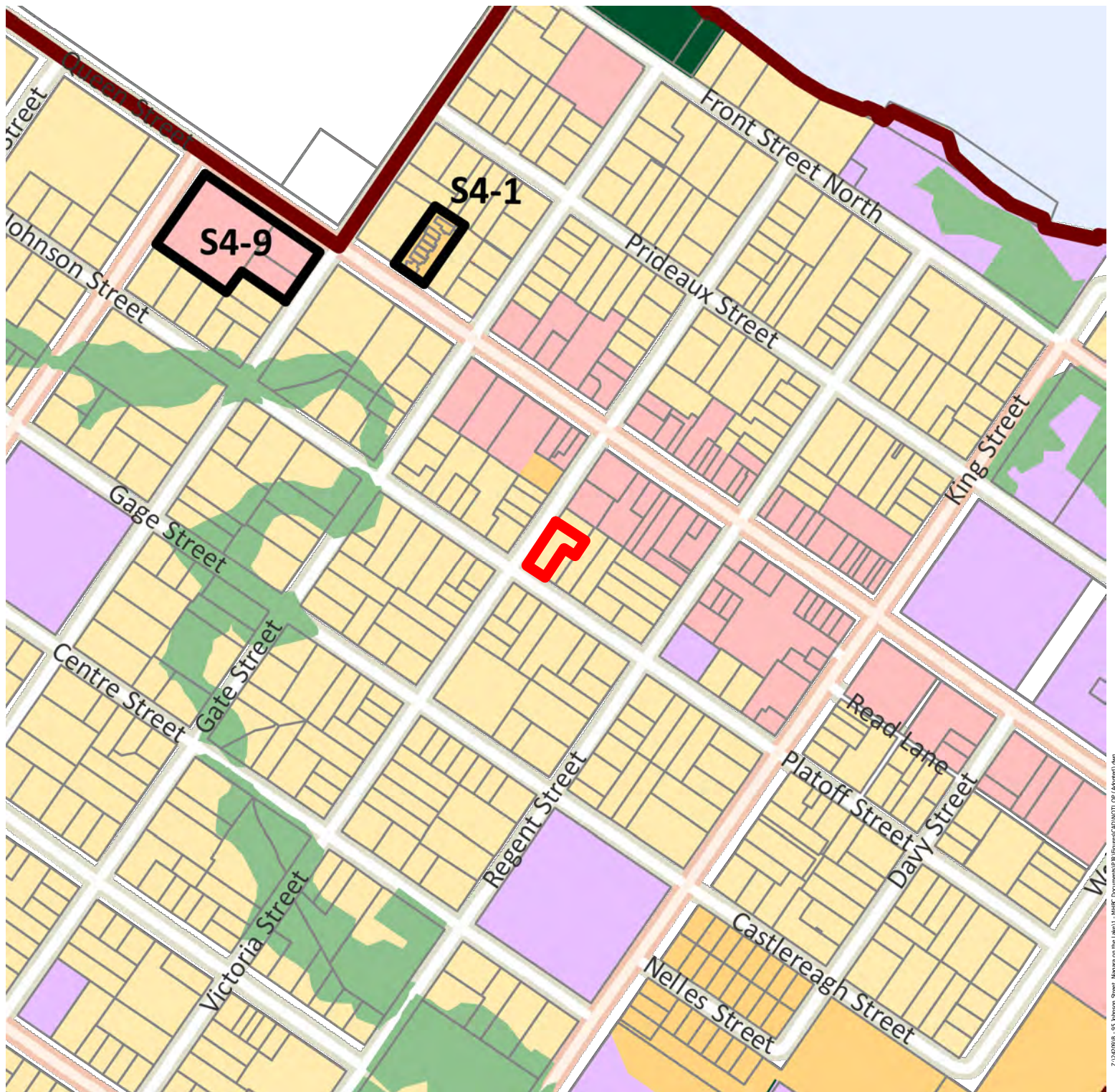




Figure 13 - Niagara-on-the-Lake Official Plan (Adopted) | Schedule B2 - Land Use Plan

Data Source: Niagara Region; Niagara On-the-Lake

- | | |
|--|--|
|  Subject Lands |  Community Facilities |
|  Settlement Area |  Major Open Space |
|  Residential |  Conservation |
|  Established Residential |  Site Specific Policies |
|  Commercial | |



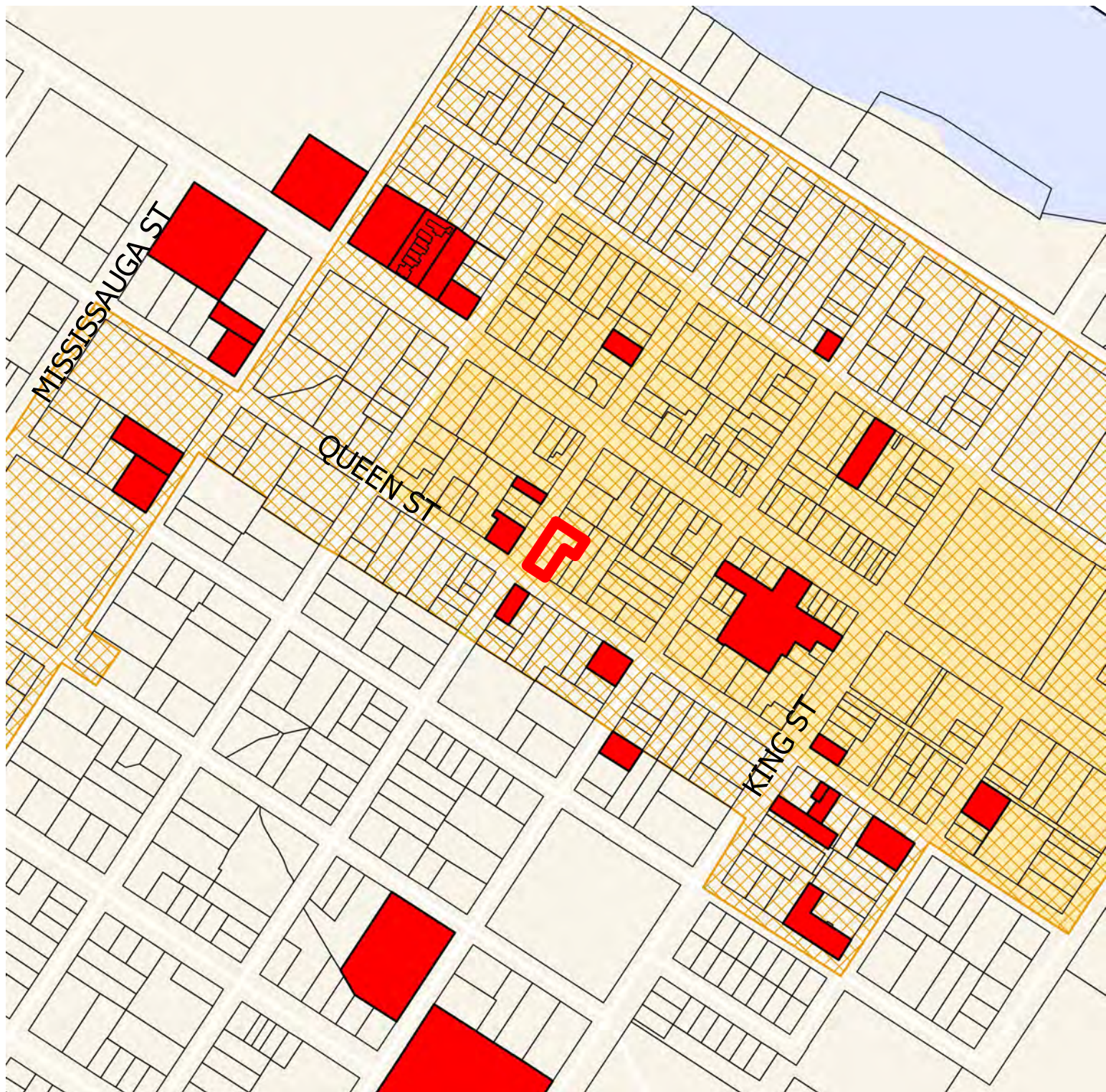


Figure 14 - Niagara-on-the-Lake Official Plan (Adopted) | Schedule D3 - Heritage Resources - Old Town

Data Source: Niagara Region; Niagara On-the-Lake

- Subject Lands
- Queen Picton Heritage Conservation District (OHA Part V)
- National Heritage District
- OHA Part IV Designated Properties



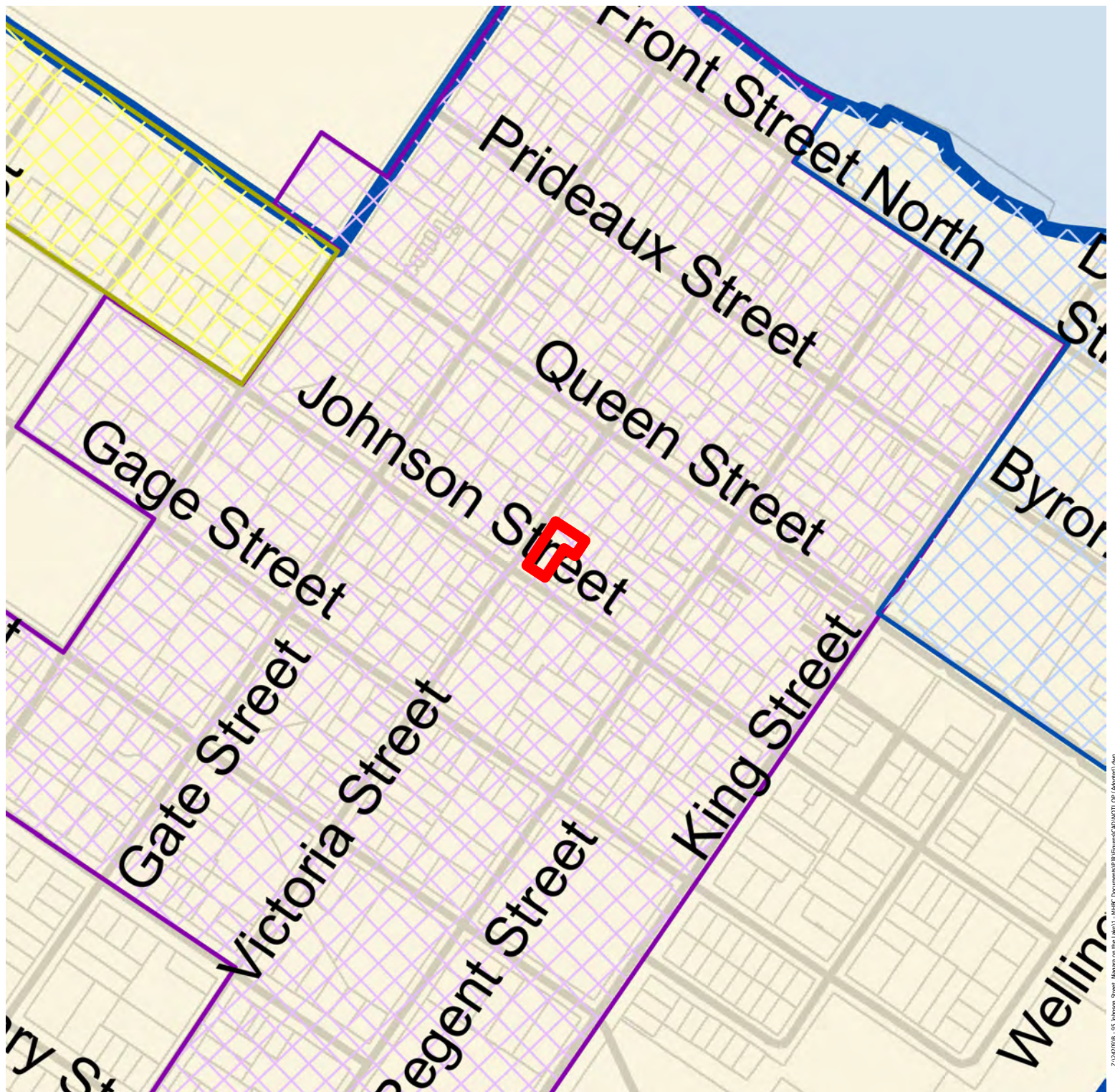


Figure 15 - Niagara-on-the-Lake Official Plan (Adopted) | Schedule D4 - Areas of Heritage Significance

Data Source: Niagara Region; Niagara On-the-Lake

- Subject Lands
- Old Dock Character Area
- Municipal Boundary
- Settlement Area Boundaries
- Queen Street Summer Homes Character Area
- Downtown Character Area



2.4.4 Town of NOTL Zoning

By-law 4316-09

The Town of NOTL Zoning By-law ("ZBL") 4316-09 was passed by Town Council on July 27, 2009, and was last consolidated March 1, 2014. The Comprehensive ZBL regulates the use of land and the erection of buildings and structures throughout the Town.

As per Schedule A-1, Old Town Community Zoning District of the NOTL ZBL 4316-09, the Subject Lands are currently zoned as "Established Residential, Site-Specific Exception 12 (ER-12)" (**Figure 16**). A Zoning By-law Amendment to the Town of NOTL ZBL 4316-09 was approved on May 28, 2024, through By-law 4316FN-24 to amend the ER-12 Zone to remove the existing permitted uses of the ER-12 Zone in their entirety, to only permit a six (6) room Country Inn, in accordance with Section 6.10 of the ZBL. The 6-room Country Inn is considered to be the principal use on the Subject Lands. Section 6.10 of the ZBL outlines the general provisions for Country Inns in the Town of NOTL. These provisions require that a Country Inn must front onto a public road, be fully serviced with municipal water and sewage disposal, be subject to site plan control, provide a minimum amount of amenity space and appropriate off-street parking, and hold the necessary licensing for a Country Inn. The following definitions of a Country Inn, Principal Use, and Secondary Use have been provided to frame the proposal:

Definitions from Town of NOTL ZBL 4316-09	
Country Inn	<i>"means a residential use which is in the principal residence of the owner/operator and host, having more than three rented rooms and providing lodging and only breakfast to overnight guests. Country Inns located in the Agricultural Zone District are restricted to a maximum of six (6) rented rooms."</i>
Principal Use	<i>"means the main use of a lot, building, or structure"</i>
Secondary Use	<i>"means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property"</i>

As part of the Zoning By-law 4316FN-24, site specific provisions for the ER-12 were also provided to recognize the location of an existing accessory structure and to remove the requirement for an employee parking space. Development on the Subject Lands is subject to the remainder of the zone requirements for the ER-12 Zone.

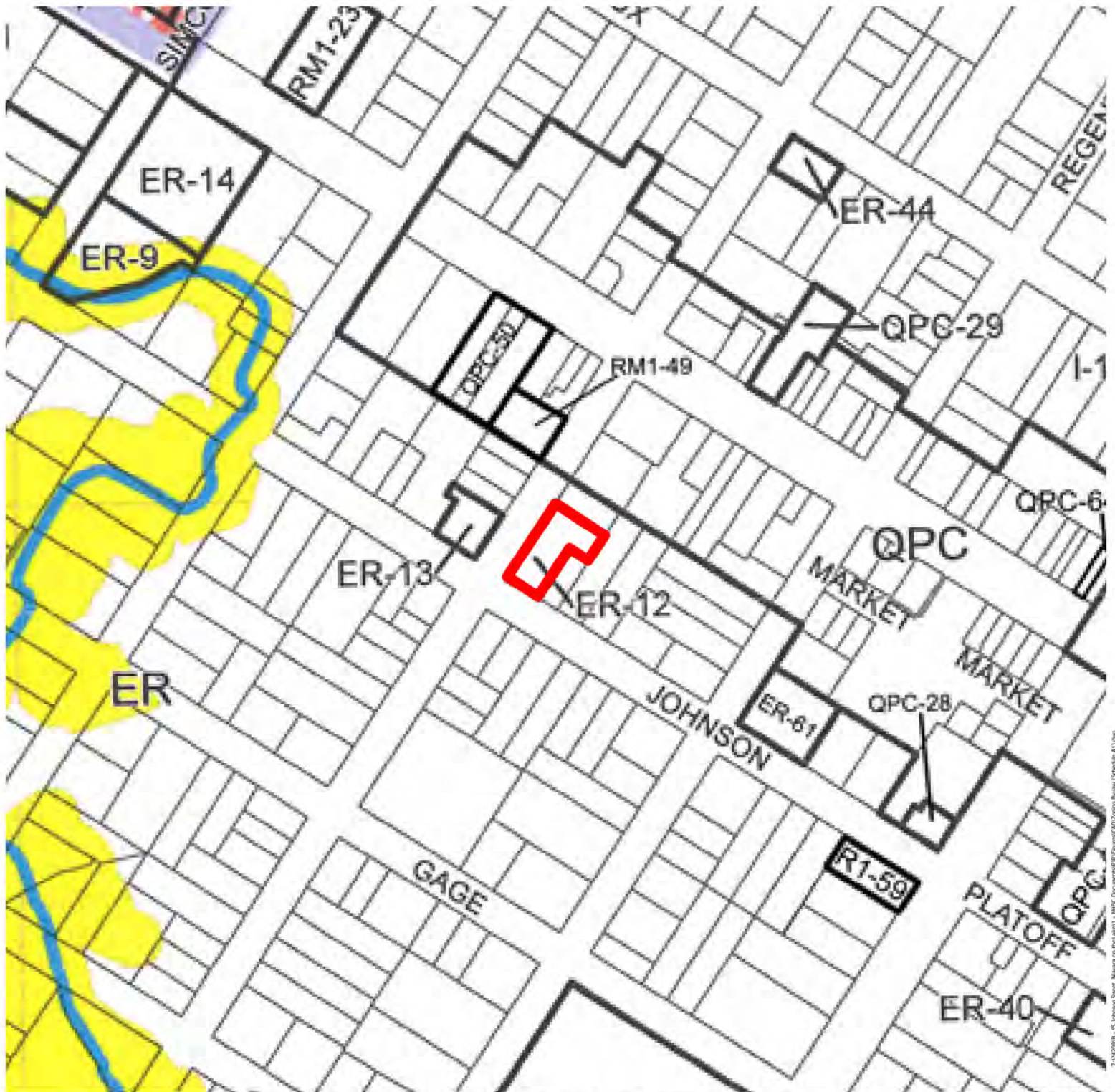







Figure 16 - Niagara-on-the-Lake Zoning By-Law 4316-09 | Schedule A-1 (Old Town Community Zoning District)

Data Source:
Niagara Region, Niagara-on-the-Lake

	Subject Lands	ER	Established Residential
	NPCA Regulation Area	R1	Residential
	Water Feature 2	R2	Residential
	Zone Boundary	RM1	Residential Multiple
	Property Boundary	RD	Residential Development
		QPC	Queen Picton Commercial

GC	General Commercial
MC	Marine Commercial
I	Institutional
OS	Open Space
H	Holding



2.5 Heritage Conservation

2.5.1 Queen-Picton (Old Town) Heritage Conservation District

The Subject Lands are located within the residential area of the Queen-Picton (Old Town) Heritage Conservation District ("HCD") which, is the Town's only HCD. The Queen-Picton HCD was designated under Part V of the *Ontario Heritage Act* in 1986 through By-law 1667-86 and was approved by the Ontario Municipal Board (now known as the "Ontario Land Tribunal"), in February of 1986, and updated in February 2010 through By-law 4362-10. The intent of the Queen-Picton HCD is to protect the commercial core of NOTLs Old Town Area and recognize the collection of residential and commercial buildings within the core area. Development within the HCD must conform to the Queen & Picton Street HCD Plan (1986) intended to secure the long term conservation and preservation of the historic downtown of NOTL. In general, any alterations to properties or exteriors of structures within the HCD, will require the consent of Council and a heritage permit.

On February 25, 2025, Council enacted the Revised Study Area By-law under Section 40.1 of the *Ontario Heritage Act* that imposes temporary restrictions on property alterations within the Queen-Picton (Old Town) HCD Study Area for one year while the HCD Study is underway. The HCD Study involves a comprehensive review to update the existing HCD plan including, assessing the possibility of expanding the district boundaries and ensuring that the heritage policies align with modern

standards while protecting the historic character of NOTL. The By-law took effect on March 27, 2025, for the Study Area By-law. Exemptions to the By-law are permitted for alterations to property that are considered to be minor, and/or likely to have no impact on the heritage character of the Study Area. As the Subject Lands fall within the Study Area, the temporary restrictions to property alternations apply to the site. However, as the proposed OPA and ZBA applications to not involve any site alterations, the By-law will not impact the processing of this application.

2.6 Transportation Considerations

The following section consists of a brief summary of the transportation context surrounding the Subject Lands including the surrounding road network, cycling and pedestrian amenities, and the access and parking infrastructure for the existing residential dwelling.

2.6.1 Surrounding Road Network

As per Schedule G, Transportation Plan of the NOTL Official Plan, Johnson Street and Victoria Street are "Local Roads" (**Figure 17**). Local roads are intended to provide access to individual properties within the Town. The design of access to local roads will ensure the safe circulation of traffic. The current right-of-way width of Victoria Street and Johnson Street is 20.0 metres.

2.6.2 Cycling and Pedestrian Amenities

Pedestrian sidewalks are provided along both sides of Victoria Street and Johnson Street. The

sidewalks along Victoria Street provide connections to the commercial area along Queen Street, while the sidewalks along Johnson Street connect users to the surrounding residential neighbourhood. Dedicated cycling facilities are not provided.

2.6.3 Site Access and Parking

The Subject Lands are accessible through one 4.25 metre wide access driveway from Victoria Street. The driveway connects to eight (8) standard parking spaces that are 2.75 metres wide and 6.00 metres long. The driveway aisle for the parking spaces is 6.0 metres wide. After parking, guests can enter the Inn through the rear courtyard or follow the pedestrian sidewalk along Victoria Street, to the pedestrian access at the front of the building. There are no changes to the existing access driveway and parking spaces contemplated as part of the proposal.

3.0 The Proposal

3.1 The Proposal

Currently, patrons (registered guests and visitors) of The Scotsman Inn are not permitted to purchase or consume alcoholic beverages outside of their rooms and are only served breakfast with their stays. The proposed OPA and ZBA applications will allow patrons of the Inn to purchase and consume alcoholic beverages and enjoy food on the ground floor and courtyard area of the existing Inn on the Subject Lands. The proposed changes will also allow patrons, who are registered, to attend small gatherings or charitable events which are hosted at the Inn. The area proposed to be licensed for this purpose is to be defined as a "*Hospitality Area*".

3.1.1 Defining the Hospitality Area

The *Hospitality Area* will be defined as a private, controlled area within the ground floor and courtyard area of the Inn, where food and alcohol can be purchased and consumed by registered patrons of the Inn, but does not include the use of commercial cooking equipment on site. The *Hospitality Area* will have a maximum capacity based on the occupancy limits set out in the Building Code which, cannot exceed 57 occupants. This capacity would be inclusive of all staff. The *Hospitality Area* will only be accessible to registered patrons of the Inn. Patrons of the Inn as noted will either be: (1) registered guests of

the Inn who have booked a room for one or more evenings; (2) members of the Inn who may attend for small gatherings or charitable events and who will be governed by specific rules.

3.1.2 Operations of the Hospitality Area

Operational matters including, the hours of operation, reservations, and other administrative matters, related to the function of the *Hospitality Area*, will be outlined in an operations agreement. The operations agreement will be created in collaboration with the Town of NOTL to ensure that it meets the regulations and standards of the Town and will be registered on title. Within this agreement, a clause will be added that patrons of the Inn who attend the *Hospitality Area* will be advised of off-site parking locations, given that the proposal does not contemplate any changes to the existing site. A draft of the principles for the operations agreement has been provided in **Appendix E**. All patrons of the Inn will abide by a code of conduct, including respecting all by-laws and rules associated with the Inn's permission to operate as issued by NOTL. The proposal will not impact the ability for The Scotsman to continue functioning as a Country Inn, licenced and regulated by the Town of NOTL Short Term Rental By-law 4634-13.

3.1.3 Benefits to the Community

The *Hospitality Area* will offer a welcoming space for patrons to meet and gather, enhancing both the social and culinary experience at the Inn. This will not only diversify the offerings within the Inn but also generate a stream of revenue for the Inn that will directly support the Inn's financial sustainability and operations. The added local area utilization of the Inn will ensure that the Inn is able to continue offering overnight accommodations and maintain the historic charm and aesthetic of the building. The additional revenue from the *Hospitality Area* can be reinvested into maintaining the heritage property, ensuring the continued preservation of its historical value and its contributions to the Queen-Picton HCD.

3.2 Supporting Studies

Parking Justification Letter

A Parking Review Letter has been prepared by R.J. Burnside & Associates Limited to review available parking in the area surrounding the Subject Lands. After conducting a review of the local on-street and public lot parking in the area surrounding the Subject Lands, the Letter concluded that there is ample opportunity to park within a short walk of the Subject Lands.

The Inn will continue to provide the eight parking spaces on-site. Given the variety of parking options in the area and the fact that patrons of the Inn that require parking will likely come for a variety of activities in the area, it is reasonable to assume that they will park in areas of the Town that are available to them.

3.3 Official Plan Amendment

The proposed OPA seeks to amend the mapping and text of the NOTL Official Plan to allow for a *Hospitality Area*, to support the Country Inn permitted within the existing dwelling on the Subject Lands. The Subject Lands are currently designated as "Established Residential (ER)" on Schedule B2, Land Use Plan of the NOTL OP (**Figure 13**). The OPA seeks to amend the current policy with a site-specific "Established Residential (ER-XX)" exception to allow for select areas of the ground floor and courtyard area of the existing Country Inn to be used as *Hospitality Areas*.

As there are no changes to the existing site contemplated through this proposal, the proposal will not impact the ability for the existing Country Inn to operate in conformity with the general provisions for Country Inns outlined in Section 6.4 of the Town of NOTL OP, or the provisions of the *Established Residential* designation. The *Hospitality Area* will be defined through the accompanying Zoning By-law Amendment, and an operations agreement will be created to govern how the area will function to ensure that it meets the regulations and standards of the Town and respects the character of the existing community. The *Hospitality Area* will expand the amenities offered in select parts of the Inn, enhancing the guest and patron experience and, in turn, support the Inn's economic viability and long-term operations, including the preservation of its heritage features.

The OPA will seek to amend the in-effect Official Plan designation and associated policy framework as follows:

- Schedule B, Land Use Plan is amended by changing the designation of the Subject Lands from “Established Residential (ER)” to “Established Residential (EX-RES-XX)” with site-specific exceptions to permit the *Hospitality Area*.
- The text of the Town of Niagara-on-the-Lake Official Plan is amended by adding a new Section EX-RES-XX to Part 3- Land Use Policies, Section 9- Residential, under Section 9.5- Exceptions, as follows:
“EX-RES-XX The lands identified as Established Residential (EX-RES-XX) on Schedule B, municipally addressed as 95 Johnson Street, shall permit, a Hospitality Area as an associated use of the County Inn.”

The draft OPA is included in **Appendix C** of this report.

3.4 Zoning By-law Amendment

The Subject Lands are zoned as “Old Town Community Zoning District – Established Residential (ER-12) Site-Specific Zone” under The Town of NOTL ZBL 4319-06. The ER-12 Zone permits the operation of a six-room Country Inn on the Subject Lands. The proposed ZBA seeks to amend the text of the ER-12 Zone in the NOTL ZBL 4316-09 to define and permit a *Hospitality Area* as an associated secondary use. The *Hospitality Area* will comply with the general provisions for secondary uses outlined in the Town’s ZBL, will remain subordinate to the principal Country Inn use, and will not impact the Inn’s conformity with the applicable

provisions for Country Inns or the ER-12 Zone regulations.

The proposed definition of a *Hospitality Area* is informed by the existing definitions of *Hospitality Patios* and *Hospitality Rooms* in the Town’s ZBL 4319-06. These existing uses—permitted in select wineries within the Town—share similar functions and objectives with the proposed *Hospitality Area*. To support this application, a new definition has been introduced to provide additional control over the intended use and operations of the space, ensuring it is regulated in a manner that meets the Town’s requirements. The terminology has been thoughtfully chosen to clearly define the proposed use, contribute to the ongoing preservation of the Queen-Picton HCD, and ensure compatibility with the surrounding neighbourhood context. The operations and functions of the *Hospitality Area* will be defined through an operations agreement and code of conduct. The operations agreement will be created in collaboration with the municipality and can be registered on title. A draft of principles for the operations agreement is included in **Appendix E**.

The proposed ZBA will amend the text of Policy 7.14.12, 95 Johnson Street, to add a new section as follows:

7.14.12.X Secondary Permitted Uses:

(a) Hospitality area, as an associated secondary use to an existing Country Inn in accordance with the definition in Subsection 7.14.12.X.

7.14.12.X The following definition of a Hospitality Area shall apply to the lands identified as ER-12 on Schedule 'A-1': "means a private, controlled area within the ground

floor and courtyard area of the Inn, where food and alcohol can be purchased, and consumed by registered patrons of the Inn, but does not include the use of commercial cooking equipment on site”.

The draft ZBA is included in **Appendix D** of this report.

4.0 Policy Analysis

This section of the PJR provides an overview of the policy and regulatory context applicable to the Subject Lands including, Provincial and Municipal policies and regulations. The intent of this section is to show how the proposal supports and advances the goals for the site envisioned by the policy framework governing the site. As the proposal does not contemplate any physical changes or redevelopment to the Subject Lands, the applicable policy context governing the site is limited in nature.

The proposed OPA and ZBA will not result in any physical changes to the Subject Lands including, the existing Inn on the lands, and will ensure that the structure continues to operate in compliance with all accessibility standards and protects public health and safety.

The proposal has had appropriate regard for all applicable matters of provincial interest as outlined in Section 2 of the Planning Act.

4.1 The Planning Act

The *Planning Act*, R.S.O. 1990 (the “*Planning Act*”), consolidated May 5, 2025, represents legislation that governs land use planning throughout the Province of Ontario.

The *Planning Act*, s.2, sets out the matters of provincial interest which the Minister, the council of a municipality and the Tribunal shall have regard to when carrying out their responsibilities under the Act. Matters of provincial interest that pertain to the proposal include:

- (d) *The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*

The *Hospitality Area* will contribute to the preservation of the existing heritage dwelling through providing additional revenue for the Inn that will support the upkeep of the structure.

4.2 Provincial Planning Statement, 2024

The Provincial Planning Statement (“PPS”), 2024, came into effect on October 20, 2024, and replaces the Provincial Policy Statement, 2020 and Growth Plan for the Greater Golden Horseshoe. The PPS enables municipalities in Ontario to plan for and support development, align development with infrastructure, and protect agricultural lands, the environment, and public health and safety.

Section 4.9, Cultural Heritage and Archaeology, states that protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.

The proposed OPA and ZBA applications will permit a *Hospitality Area* within the existing Country Inn that lies within the built boundary

of the Town of NOTL, where existing municipal infrastructure is in place to support the Inn.

As no renovations to the existing heritage structure are proposed, the heritage character of the Subject Lands will remain protected. The addition of the *Hospitality Area* will instead support the heritage structure by generating revenue that can be reinvested into its maintenance and improvements, ensuring the continued preservation of its historical value and contribution to the visual appeal of the local community.

The proposed OPA and ZBA applications are consistent with the Provincial Planning Statement (2024).

4.3 Niagara Region Official Plan

The Niagara ROP (2022) is the Region's long-range land use planning document that outlines where and how the Region will accommodate anticipated growth until the year 2051. The direction provided in the ROP for economic and housing growth will be used to guide land use decisions, while balancing the need to protect the natural environment, watershed, and agricultural resources within the Region. As noted previously, the ROP is considered a local area Official Plan as of March 31, 2025.

The following designations of the Niagara ROP apply to the Subject Lands:

- **Schedule A: Local Area Municipalities**
 - Settlement Area (**Figure 6**)
- **Schedule B: Regional Structure**
 - Delineated Built-up Area (**Figure 7**)

- **Schedule K: Areas of Archaeological Potential**
 - Areas of Archaeological Potential (**Figure 8**)

Section 2.2, Regional Structure states that development is to occur in urban areas where municipal water and wastewater systems/services are existing or are planned, and a range of transportation options can be provided. Development is to accommodate a diverse range and mix of land uses including, residential, employment, recreational, and public uses that support the creation of a complete community.

Section 4.5, Economic Prosperity, consists of policies that support long-term economic development through land use planning. The Region will support opportunities for culture-based tourism through promoting excellence in urban design and requiring conservation of significant cultural heritage resources, that foster a sense of place.

Section 6.5, Cultural Heritage states that significant cultural heritage resources shall be conserved to support a sense of place and to benefit host communities.

Niagara Region Official Plan (2022) Summary

In summary:

1. The proposal conforms to regional objectives for the urban area through introducing a *Hospitality Area* within the existing Country Inn that supports the main use of the site as an existing residential dwelling unit, that operates on full municipal services.
2. The *Hospitality Area* will support opportunities for culture-based tourism

in the Town, that conserve the existing cultural heritage resources on the Subject Lands and fosters a sense of place.

3. As the proposal does not include any physical changes to the site, there are no changes to the servicing and transportation infrastructure that supports the existing operations of the Inn.
4. The *Hospitality Area* will serve as a recreational amenity for patrons of the Inn to gather, socialize, and connect—fostering a sense of community and supporting social capital.

The proposed OPA and ZBA applications conform to the Niagara Region Official Plan.

4.4 Niagara on the Lake Official Plan, 1994 (In Force and Effect)

The NOTL Official Plan (OP) was adopted by Town Council in 1994, with the most recent consolidation dated July 17, 2017. The OP outlines the policies and objectives for future development and infrastructure to shape the Town's long-term growth from 1994 to 2014. The Plan is a foundational document that provides a framework for orderly and sustainable development, while protecting the interests and well-being of the Town's residents.

The following designations of the Town of NOTL OP (1994) apply to the Subject Lands:

- **Schedule B: Land Use Plan, Niagara/Old Town**
 - Established Residential (**Figure 9**)
- **Map G: Transportation Plan**
 - Frontage along Local Roads (**Figure 17**)
- **Map H: Archaeological Potential**
 - Areas of Archaeological Potential (**Figure 11**)
- **Schedule I-1: Old Town, Official Plan Amendment #43**
 - Built-Up Areas (**Figure 10**)

Part 1, Section 2.3, Definitions, includes the defined terms in the NOTL Official Plan. A *Country Inn* is defined as follows:

"means a residential use which is in the principal residence of the owner/operator and host, having more than three rented rooms in an urban area but six or less rented rooms outside an urban area and providing lodging and only breakfast to overnight guests. It may include the use of accessory buildings, where appropriate, in urban areas.

A Country Inn is considered a secondary use in a single detached dwelling and does not include hotels or motels. Any additional activity (e.g. a restaurant, spa, shop, etc.) will only be permitted by way of an amendment to this Plan.

The Municipality will regulate the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, site plan

approval process, licensing by-law, and/or by commenting to the Niagara Escarpment Commission on development permit applications”.

Part 2, Section 6.3, Country Inns consists of descriptive policies that support the establishment of Country Inns in heritage residential dwellings that contribute to the preservation of heritage character. Designating a residential dwelling as a Country Inn could provide an additional source of revenue that offsets additional maintenance costs of heritage features. As Council wishes to encourage the conservation of heritage buildings, they will consider supporting Country Inns, provided that the lots are adequately large, and the character of the neighbourhood is upheld.

Part 3, Section 9, Policy 9.3.3, Established Residential, states that low density residential uses such as single detached, semi-detached, and duplex dwellings are the main uses permitted in the Established Residential Designation. Secondary uses permitted with a main use include: roomers and borders; bed and breakfasts; accessory apartments; group homes; home occupations; and accessory buildings and structures. Several of the structures within this designation are designated as heritage buildings under *The Ontario Heritage Act*. Every effort should be undertaken to protect the continued existence of the structure, in its historically significant form.

Part 4, Section 18, Heritage Conservation includes the goals, objectives and, policies to protect, preserve, and encourage the restoration of heritage resources in the Town of NOTL. These policies encourage the creative, appropriate, and economically viable use of heritage resources that contribute towards the heritage value of the Town.

Town of NOTL Official Plan (1994) Summary

In summary:

1. The proposed OPA and ZBA applications will permit a *Hospitality Area* within the existing Country Inn on the Subject Lands, that lies within the Built-up Area of the Town of NOTL.
2. The *Hospitality Area* will permit the use of designated sections of the Inn to offer expanded culinary services and alcoholic beverages, enhancing the overall guest experience and supporting the Inn’s economic viability.
3. An Operations Agreement will be created for the *Hospitality Area* that will govern how the area will function and operate to ensure that the area will respect the character of the existing residential neighbourhood. These agreements will be created with the municipality and registered on title.
4. The *Hospitality Area* will advance Councils advocacy efforts to support the continued preservation and maintenance of heritage structures, through providing an additional revenue source that will support the financial commitment of maintaining the heritage structure on the Subject Lands. This approach promotes the creative and innovative use of heritage structures that maintain the heritage value of the Queen-Picton HCD.
5. The existing parking and access facilities for The Scotsman will remain unchanged through the proposal. The adequacy of these facilities to support the proposed use has been described in the Parking Review

Letter prepared by R.J. Burnside & Associates.

6. As there are no physical alterations to the Subject Lands or existing structures on the site contemplated through the proposal, the adequacy of services that support the existing Inn will remain unchanged.
7. The proposal meets the intent of the Established Residential designation through providing an additional use that supports the continued protection and function of the Country Inn which, is an associated use to the existing single-detached residential dwelling on the site.

The proposed OPA and ZBA applications conform to the Town of NOTL Official Plan (1994).

4.5 Town of Niagara on the Lake Adopted Official Plan, 2019 (Not In Force and Effect)

The Town of NOTL adopted a new Official Plan on October 22, 2019. As mentioned previously, this Plan was never adopted as Niagara Region paused their review of the NOTL OP to complete their own ROP that was later approved in November 2022. In December 2024, the Town of NOTL re-launched their OP Review process to update their OP to conform to Niagara Regions ROP. The new NOTL OP will build on the Council-adopted Official Plan (2019) to provide a contemporary vision for the community's growth and development. As a draft of the new

OP policies have yet to be released, this PJR will review the most recent planning framework adopted by Council, being the Official Plan adopted by Council in 2019.

The following designations of the Council-Adopted NOTL OP (2019) apply to the Subject Lands:

- **Schedule A: Community Structure**
 - Settlement Area (**Figure 12**)
- **Schedule B2: Land Use Plan, Old Town**
 - Established Residential (**Figure 13**)
- **Schedule D3: Heritage Resources, Old Town**
 - Queen Picton Heritage Conservation District (OHA Part V)
 - National Heritage District (**Figure 14**)
- **Schedule D4: Areas of Heritage Significance**
 - Downtown Character Area (**Figure 15**)

Section 2.3, Economic Strategy states that the Town will promote a prosperous and diverse economy which includes supporting new opportunities for economic development and tourism. The Town recognizes that achieving strong economic diversity involves responsibly leveraging cultural assets—such as cultural heritage resources—which serve as important economic drivers.

Section 4.3, Settlement Area Boundaries and Built-up Areas, states that settlement area boundaries are shown on Schedules B1 to B6, and the boundaries of the Built-up Area are delineated on Schedule B7. The Built-up Areas includes the extent of existing development

within the settlement area of NOTL, as defined by the Province.

Section 4.7, Land Use Compatibility, identifies that there will be a degree of change within residential neighbourhoods over time, that must be appropriate and compatible with the Town's existing neighbourhood area and the broader Built-up Area.

Section 4.10.4, Established Residential Designation includes policies for lands designated as Established Residential, as older, stable communities that feature cultural heritage resources that shall be conserved. The Permitted uses in the Established Residential designation include single-detached dwellings, semi-detached dwellings and duplex dwellings. Secondary Uses permitted in conjunction with a principal use include rooming and boarding houses, bed and breakfast establishments, secondary residential units, home occupations, cottage rentals, and accessory structures.

Section 7.1, Cultural Heritage Resources, states that the Town will protect and conserve cultural heritage resources, as shown on Schedules D1 to D4 of this Plan, in accordance with the applicable municipal and provincial heritage plans, protocols, and standards. Conservation and maintenance of existing cultural heritage resources must be the first consideration for all properties on or adjacent to cultural heritage resources.

Section 7.1.4, Management of Heritage Resources, states that the Town will encourage a culture of sustainability by promoting the retention, retrofitting, and conservation of cultural heritage resources to conserve their heritage attributes.

Section 7.2, Cultural Heritage Landscapes and Heritage Conservation Districts, states that the Town contains significant cultural heritage landscapes including, the Queen-Picton HCD, as shown on Schedule D1 to D3 of the Plan. The Official Plan will support the identification and evaluation of the heritage attributes of these landscapes, while recognizing that they will change and adapt over time.

Section 7.2.3, Heritage Character Areas, states that the Town has identified several Heritage Character Areas as Cultural Heritage Landscapes, one of which is the Downtown Heritage Character Area. The Downtown Heritage Character Area contains a large portion of the cultural heritage resources in Old Town and forms the core of the National Historic District. 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. 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.

Section 7.2.5, Queen Picton Heritage Conservation District, includes policies for commercial and established residential lands in Old Town, bounded by the south side of Prideaux Street, the north side of Johnson Street, the west side of Wellington Street and the east side of Gate Street. When considering an application for development approval within the District, the Town will ensure that the development adheres to the Heritage Conservation District Plan, in addition to the following criteria, that: (1) development ensures the protection and conservation of any cultural heritage resources on and adjacent to the site;

(2) the impact of development on the identified heritage values and heritage attributes of the district will be minimized; and, (3) the development must be designed to be compatible with the mass, scale, height, fenestration, and materials of the area.

Section 10.13.2, Short-Term Tourist Accommodations ("STAs") identifies the importance of STAs for the cultural landscape, tourism infrastructure, and economy of the Town. STAs include bed & breakfast establishments, country inns, vacation rentals (villas), vacation cottage rentals, and vacation apartments. The existence of STAs in or near cultural heritage resources could contribute to the conservation of their heritage character and provide financial support for the ongoing maintenance of the cultural heritage attributes of the property. Country Inns represent a form of tourist accommodation that may be appropriate where the increased level of activity can be readily accommodated on-site, without disruption to the residential neighbourhood. They generally would contain between 4 and 10 rooms or suites. Country Inns will maintain a scale and level of activity appropriate for the home, lot, and neighbourhood, provide a usable outdoor amenity area, and ensure no adverse impacts on cultural heritage resources.

Section 11.4, Definitions defines a Country Inn as follows:

"A residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms in a settlement area but six (6) or less rented rooms outside a settlement area and providing lodging and only breakfast to overnight guests. It may

include the use of accessory buildings, where appropriate"

Council-Adopted Town of NOTL Official Plan (2019) Summary

In summary:

1. The proposed OPA and ZBA applications will permit a *Hospitality Area* within the existing Country Inn on the Subject Lands, located within the Built-up Area of Old Town, NOTL, that will support the rural character of the Town.
2. The *Hospitality Area* will broaden the amenities within select portions of the Inn to support the economic viability and long-term operations, while offering patrons meaningful experiences that connect them to the Inn's history and the broader community.
3. As there are no physical changes to the site or the existing Inn on the Subject Lands contemplated through the proposal, the land use compatibility, existing services, and transportation considerations for the site remain unchanged.
4. The use, function, and operations of the *Hospitality Area* will be controlled through an Operations Agreement that will be created in coordination with the municipality and registered on title to ensure that the area respects the character of the existing community.
5. The proposed OPA will add a site-specific "Established Residential" policy that will permit a *Hospitality Area* as an associated use to the existing Country

Inn. The Country Inn will remain an associated use to the principle use of the site which, is a Single-Detached Dwelling Unit.

6. The proposed *Hospitality Area* will generate additional revenue that can be reinvested into the preservation and upkeep of the cultural heritage assets and values of the Inn, that contributes to the Queen Picton HCD.
7. The *Hospitality Area* has been thoughtfully integrated into the existing layout and operations of the Country Inn to enhance the experience of patrons of the Inn, foster community connectivity, and sustain the cultural legacy of the Inn.
8. The *Hospitality Area* will support the objectives of STAs in Old Town through utilizing an area in the existing Country Inn to diversify the offerings and improve the experience at the Inn, while ensuring an appropriate level of activity for the home, lot, and community.

The proposed OPA and ZBA applications have regard for the direction of the Council-Adopted Town of NOTL Official Plan (2019).

4.6 Niagara-on-the-Lake Zoning By-law

4.6.1 Existing Zoning

The Town of NOTL Zoning By-law ("ZBL") 4316-09 governs development for the lands located

within the urban boundary areas of Virgil, Old Town, Queenston, St Davids, and Glendale. As per ZBL 4316-09 the Subject Lands are zoned as "Established Residential (ER-12) Site-Specific Zone" (**Figure 16**). A Zoning By-law Amendment was approved through By-law 4316FN-24 to the Town of NOTL ZBL on May 28, 2024, to amend the ER-12 Zone to allow an additional guest room (6 rooms total) within the existing dwelling on the site. The By-law also included amendments to recognize the location of an existing accessory structure and remove the requirement for an employee parking space.

As per By-law 4316FN-24, notwithstanding the permitted uses of the parent Established Residential (ER) Zone, the permitted uses of the ER-12 Zone include:

- Six (6) room Country Inn in accordance with Section 6.10.

As per ZBL 4316-09 a "Country Inn" is defined as follows:

"COUNTRY INN: means a residential use which is in the principal residence of the owner/operator and host, having more than three rented rooms and providing lodging and only breakfast to overnight guests. Country Inns located in the Agricultural Zone District are restricted to a maximum of six (6) rented rooms."

Development on the Subject Lands is subject to the provisions of the parent ER Zone, as well as the site-specific provisions of the ER-12 Zone. Country Inns within the Town of NOTL are also subject to the General Provisions for a Country Inn provided in Section 6.10 of the Zoning By-law. Section 6.10 of the ZBL states that:

- a) Any "Country Inn" or "Villa" shall be subject to a site specific amendment to the Zoning By-law prior to consideration

- as a "Permitted Use" in a residential zone;
- b) A "Country Inn" or "Villa" must front on a public road or the Niagara River Parkway and be fully serviced with water and sewage disposal services approved by the Town on lands within the urban boundary and by the Niagara Region for lands located outside an urban area boundary;
 - c) Any "Country Inn" or "Villa" located outside the urban area boundary shall contain a maximum of up to six (6) rented bedrooms;
 - d) A maximum of one "Villa" per lot is permitted and no other uses of the property are permitted, including secondary residential units or suites, second "Villa", "Cottage Rental" or secondary uses, although a secondary residential unit may be considered as part of a site specific zoning amendment process;
 - e) Any "Country Inn" or "Villa" shall be subject to a Site Plan Control Agreement pursuant to Section 41 of the Ontario Planning Act;
 - f) Any "Country Inn" or "Villa" shall provide for an outdoor amenity area of a minimum of 135 m² (1453 ft²) with an additional 9 m² (97 ft²) for each rentable bedroom beyond three (3);
 - g) Off street parking shall be provided in accordance with Section 6.39, Parking Space Requirements, and shall be screened from view from the public street and shall not be located in the outdoor amenity area, nor in the required exterior side yard setback, nor in the required landscaped portion of the front yard;
 - h) See Section 6.31 for Niagara Parks Commission's requirements for access onto the Niagara River Parkway;

- i) A "Country Inn" or "Villa" must be licensed appropriately by the Town of Niagara-on-the-Lake.

4.6.2 Zoning By-law Amendment

The proposed ZBA seeks to add a Hospitality Area as an additional use within the ER-12 Zone. As this amendment introduces an additional use without involving any physical changes or alterations to the existing site or the Country Inn located on the Subject Lands, the site's conformity with the provisions of the ER-12 Zone, as well as the general requirements for Country Inns, remains unaffected.

The proposed ZBA application will simply add an associated secondary use to the ER-12 Zone through adding a new section to Policy 7.14.12, 95 Johnson Street of the ZBL as follows:

"7.14.12.X Secondary Permitted Uses

- (a) A Hospitality Area, as an associated secondary use to an existing Country Inn in accordance with the definition in Subsection 7.14.12.X.

The proposed ZBA will add a new subsection to Policy 7.14.12 that defines the *Hospitality Area* as follows:

"HOSPITALITY AREA: means a private, controlled area within the ground floor and courtyard area of the Inn, where food and alcohol can be purchased, and consumed by registered patrons of the Inn, but does not include the use of commercial cooking equipment on site".

Secondary Use Provisions

The Hospitality Area is proposed as an associated "Secondary Use", to the "Principle Use" on the Subject Lands which, is the existing Country Inn on the Subject Lands. Under the

Town of NOTL ZBL, a *Principle Use* and *Secondary Use* are defined as follows:

"PRINCIPAL USE: means the main use of a lot, building, or structure."

"SECONDARY USE: means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property."

Secondary Uses are subject to the Provisions of Section 6.49 of the ZBL which state the following:

"Secondary uses shall be permitted for a use that conforms to the zone in which it is located in accordance with the following:

- a) The secondary use shall not exceed twenty-five (25%) of the gross floor area of the main building of the principal use, with the exception of a bed & breakfast or country inn establishment.*
- b) The secondary use is subordinate to the principal permitted use.*
- c) Shall be compatible with and not hinder or interfere with surrounding agricultural operations.*
- d) On-site parking shall be provided in accordance with the requirements of Section 6.39, Parking Space Requirements in addition to the parking requirements for the principal use".*

The proposed *Hospitality Area* complies with the general provisions for secondary uses outlined in Section 6.49 of the Town's ZBL. Since the *Hospitality Area* is located within a Country Inn, it is not subject to the 25% gross floor area limitation typically applied to secondary uses. It will function as a supporting and subordinate component to the principal use of the lot as a

Country Inn, enhancing the overall hospitality experience for guests. Additionally, the Hospitality Area will not affect the parking requirements of the ER-12 Zone.

Defining the Hospitality Area

The proposed definition for a *Hospitality Area* is derived from the existing definitions of "*Hospitality Patios*" and "*Hospitality Rooms*" in the Town's ZBL. These existing uses, permitted in select wineries within the Town, are similar in both function and intent to the proposed *Hospitality Area*. As part of this application, a new definition has been introduced to clearly articulate the intended operations and functions of the space, ensuring they are appropriately regulated to the satisfaction of the Town. The terminology used in the proposed definition has been carefully selected to ensure that the use complements the function of the existing Inn on the site, supports the ongoing preservation of the Queen-Picton HCD, and maintains compatibility with the surrounding neighbourhood context.

Specifically, the use of terms such as "private" and "registered patrons" ensures that the *Hospitality Area* is limited to registered guests and visitors of the Inn and not open to the general public. Additionally, *Hospitality Areas* are restricted to "a controlled area within the ground floor and courtyard area" of the Inn, clearly defining their physical extent and limiting the use to specific, contained locations on the property. Finally, the phrase "does not include the use of commercial cooking equipment on site" is included to distinguish the *Hospitality Area* from a full-service restaurant and to limit its operational scale accordingly.

Summary of Zoning By-law Amendment

In summary, the proposed ZBA will add and define a *Hospitality Area* as an associated secondary permitted use within the ER-12 Zone, that will be subordinate to the principal use of the site as a Country Inn. The *Hospitality Area* will comply with the general provisions for secondary uses outlined in the ZBL and will not affect the existing Country Inn's conformity with the regulations of the ER-12 Zone or the general provisions for Country Inns. This use is appropriate for the Subject Lands and will support the continued function, long-term operation, and overall success of the existing Country Inn.

4.7 Niagara-on-the-Lake Short Term Rental By-law

In the Town of NOTL, a licence is required to operate a short-term rental such as a Bed and Breakfast, Country Inn, or Cottage Rental. The Rental By-law outlines the general provisions, parking requirements, and regulations for licences for short term rentals.

The Scotsman is a licenced Short-Term Rental under the Town of NOTL Short Term Rental By-law 4634-13. **Appendix F** outlines how the policies in the Short-Term Rental Bylaw will be upheld through the proposal.

5.0 Conclusion

5.1 Concluding Statement

As outlined in this report, together with the supporting technical reports, the proposed OPA and ZBA applications will allow for the appropriate additional use of the Subject Lands. Based on the existing physical context and surrounding area, the technical assessment of the proposal, and the analysis of the proposal within the current and proposed policy and regulatory context, the proposal and associated OPA and ZBA applications:

1. Have regard for the *Planning Act*;
2. Are consistent with the Provincial Planning Statement (2024);
3. Conform to the Region of Niagara Official Plan;
4. Conform to the Town of NOTL Official Plan (1994);
5. Align with the direction and policies under the Council-Adopted Town of NOTL Official Plan (2019);
6. Support the operations and longevity of the existing Country Inn that lies within the built boundary of the Town of NOTL;
7. Contribute to the preservation of the existing heritage structure on the

Subject Lands by generating revenue that can be reinvested into its maintenance and improvements, ensuring the continued preservation of its historical value and its contribution to the visual character of the local community.

8. Will not result in any physical changes to the Subject Lands and is supported by sufficient municipal servicing and transportation infrastructure.
9. Will serve as a gathering space that promotes social interactions, community connectivity, and local culture, that will help strengthen bonds that connect individuals within the community.
10. The use, function, and operations of the *Hospitality Area* will be controlled through an Operations Agreement that will be created in coordination with the municipality and registered on title to ensure that the area respects the character of the existing community.
11. Is appropriate for the Subject Lands and represents good planning and is in the public interest.

Based on these conclusions, it is recommended that the proposed OPA and ZBA be approved.

This report was prepared jointly by the identified authors and under the supervision of a Registered Professional

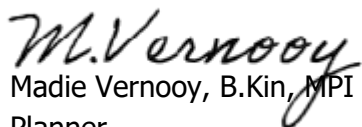
**Planner (RPP) within the meaning of the
Ontario Professional Planners Institute
Act, 1994.**

Respectfully submitted,

MHBC

A handwritten signature in black ink, appearing to read 'Dana Anderson'.

Dana Anderson, MA, FCIP, RPP
Partner

A handwritten signature in black ink, appearing to read 'M. Vernooy'.

Madie Vernooy, B.Kin, MPI
Planner

B

Appendix B: Comments from Community Meeting

COMMUNITY MEETING COMMENT SHEET

Project Name: The Scotsman

Address/Location: 95 Johnson Street, Town of Niagara-on-the-Lake

Proposal: To allow for a Hospitality Area within the existing Country Inn on the site

Date of Meeting: April 29, 2025

1. Your Contact Information (Optional)

Name: Lucy McEwen
Address: 243 Regent St.
Email: Lucy.mcewen@gmail.com

2. How would you describe your interest in the proposal?

(Please check all that apply)

- ☒ I live in the area
- ☐ I work in the area
- ☒ I own property nearby
- ☐ I represent a business or organization
- ☐ Other: _____

3. Please provide your comments or questions below:

Excellent asset to our town!

Please feel free to leave us with this form before you leave the open house or take it with you to fill in and email to: mvernooy@mhbcplan.com. Thank you for your input!

COMMUNITY MEETING COMMENT SHEET

Project Name: The Scotsman

Address/Location: 95 Johnson Street, Town of Niagara-on-the-Lake

Proposal: To allow for a Hospitality Area within the existing Country Inn on the site

Date of Meeting: April 29, 2025

1. Your Contact Information (Optional)

Name: Johanne Pelletier
Address: 338 Niagara Blvd
Email: mooney.pelletier@gmail.com

2. How would you describe your interest in the proposal?

(Please check all that apply)

- ☒ I live in the area
- ☐ I work in the area
- ☒ I own property nearby
- ☐ I represent a business or organization
- ☒ Other: good friends

3. Please provide your comments or questions below:

Please feel free to leave us with this form before you leave the open house or take it with you to fill in and email to: mvernooy@mhbcplan.com. Thank you for your input!

COMMUNITY MEETING COMMENT SHEET

Project Name: The Scotsman

Address/Location: 95 Johnson Street, Town of Niagara-on-the-Lake

Proposal: To allow for a Hospitality Area within the existing Country Inn on the site

Date of Meeting: April 29, 2025

1. Your Contact Information (Optional)

Name: Brent Mooney
Address: 338 Niagara Blvd.
Email: Mooneybrent@hotmail.com

2. How would you describe your interest in the proposal?

(Please check all that apply)

- ☒ I live in the area
- ☐ I work in the area
- ☒ I own property nearby
- ☐ I represent a business or organization
- ☐ Other: _____

3. Please provide your comments or questions below:

Please send me the membership
info as soon as it is available.
Great idea... NOTL needs it

Please feel free to leave us with this form before you leave the open house or take it with you to fill in and email to: mvernooy@mhbcplan.com. Thank you for your input!

COMMUNITY MEETING COMMENT SHEET

Project Name: The Scotsman

Address/Location: 95 Johnson Street, Town of Niagara-on-the-Lake

Proposal: To allow for a Hospitality Area within the existing Country Inn on the site

Date of Meeting: April 29, 2025

1. Your Contact Information (Optional)

Name: John Bald.
Address: 4358 Mountainview Rd
Email: john@johnbald.com

2. How would you describe your interest in the proposal?

(Please check all that apply)

- ☐ I live in the area
- ☐ I work in the area
- ☐ I own property nearby
- ☐ I represent a business or organization
- ☒ Other: visit the area often

3. Please provide your comments or questions below:

I am in favor of the proposed expansion of the hospitality services on the main floor and outdoor patio.

Please feel free to leave us with this form before you leave the open house or take it with you to fill in and email to: mvernooy@mhbcplan.com. Thank you for your input!

COMMUNITY MEETING COMMENT SHEET

Project Name: The Scotsman

Address/Location: 95 Johnson Street, Town of Niagara-on-the-Lake

Proposal: To allow for a Hospitality Area within the existing Country Inn on the site

Date of Meeting: April 29, 2025

1. Your Contact Information (Optional)

Name: Lolita Hawk
Address: 4242 Line 3, N. OTC.
Email: Lolita.hawk@johnbald.com

2. How would you describe your interest in the proposal?

(Please check all that apply)

- ☒ I live in the area
- ☐ I work in the area
- ☐ I own property nearby
- ☐ I represent a business or organization
- ☐ Other: _____

3. Please provide your comments or questions below:

Please feel free to leave us with this form before you leave the open house or take it with you to fill in and email to: mvernooy@mhbcplan.com. Thank you for your input!

C

Appendix C: Draft Official Plan Amendment

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. ####-25**

Official Plan Amendment No. XX

Firstly: Part of Lot 101, Plan 86 Niagara As in R0484501 in the Town of Niagara-on-the-Lake, known municipally as 95 Johnson Street

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

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

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

- 1. Amendment No. XX to the Official Plan for the Town of Niagara-on-the-Lake consisting of the attached explanatory text and schedule is hereby adopted.

- 2. Amendment No. XX to the Official Plan for the Town of Niagara-on-the-Lake is exempt from the approval of the Regional Municipality of Niagara and will come into force and take effect on the day of the final passing thereof.

Enacted and passed this __ day of XX, 2025.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

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

PART A – THE PREAMBLE

Part A does not constitute part of this amendment. Part A describes the purpose and basis for this amendment.

PART B – THE AMENDMENT

Part B constitutes Amendment No. XX to the Official Plan for the Town of Niagara-on-the-Lake.

PART C – ADDITIONAL
INFORMATION

Part C does not constitute part of this amendment but outlines additional information available upon request.

DRAFT

PART A - THE PREAMBLE

The preamble does not constitute part of this amendment.

PURPOSE

The purpose of this amendment is to amend the “Established Residential” policy with a site specific “Established Residential” policy to permit a hospitality area in the existing country inn on the lands located at 95 Johnson Street in the Town of Niagara on the Lake (hereinafter referred to as the “subject lands”)

BASIS

The basis of the amendment is as follows:

1. The subject lands are located in the Urban Area of Old Town Niagara-on-the-Lake, on the east side of Johnson Street, south of Victoria Street, north of Regent Street, and west of Queen Street;
2. The proposal will enhance guests’ experiences at the Inn to support the economic viability and long-term operations of the Inn on the subject lands;
3. The proposal will not result in any physical changes to the subject lands and is supported by sufficient municipal servicing and transportation infrastructure.
4. The proposal is consistent with the Queen-Picton Heritage Conservation District policies;
5. The proposal will not have any adverse impact on the overall function of the existing neighbourhood; and
6. The amendment is consistent with the Provincial Planning Statement (2024), conforms to the Niagara Official Plan (2022) and the Town’s Official Plan (2017 Consolidation, as amended).

PART B - THE AMENDMENT

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

DETAILS OF THE AMENDMENT

1. Schedule B to the Official Plan be amended by revising the “Established Residential (ER)” to “Established Residential (EX-RES-XX)” with a site-specific exemption to permit a hospitality area, as shown on ‘Schedule 1’ attached hereto.
2. That the following is added to Part 3 – Land Use Policies, Section 9- Residential under Section “9.5 EXCEPTIONS”:




“EX-RES-XX The lands identified as Established Residential (EX-RES-XX) on Schedule B, municipally addressed as 95 Johnson Street, shall permit a hospitality area as an associated use of the County Inn.”

PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. Community and Development Services Report XXXX
2. Council Meeting Minutes dated XXXX

DRAFT

	
<p><u>LEGEND</u></p> <p> FROM ESTABLISHED RESIDENTIAL (ER) TO SITE SPECIFIC ESTABLISHED RESIDENTIAL (EX-RES-XX)</p>	<p>95 JOHNSON STREET SCHEDULE 'A' TO OFFICIAL PLAN AMENDMENT NO. _____</p> <p>MAYOR: _____</p> <p>CLERK: _____</p> <p></p>

D

Appendix D: Draft Zoning By-law Amendment

Explanation of the Purpose and Effect of
By-law XX-25

The subject lands are municipally known as 95 Johnson Street and are legally described as PLAN 86 PT LOT 101, Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to amend the existing site-specific zone to permit a hospitality area as an associated secondary use to the 6-room country inn in the existing dwelling on the subject lands.

Effect

The effect of this By-law is to amend the “Old Town Community Zoning District – Established Residential (ER-12) Site-Specific Zone”, identified as ER-12 on Schedule ‘A-1’ to:

- Permit and define a hospitality area as an associated secondary use to the existing country inn on the subject lands.

<i>Applicant:</i>	<i>X</i>
<i>File Number:</i>	<i>X</i>
<i>Report Number:</i>	<i>X</i>
<i>Assessment Roll Number:</i>	<i>X</i>

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. XX-25

Part of Lot 101, Plan 86, municipally known as 95 Johnson Street, in the Town of
Niagara-on-the-Lake

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO *PLANNING ACT* TO AMEND BY-LAW 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts the following changes to Comprehensive Zoning By-law 4316-09, as amended:

1. That Subsection 7.14.12 that applies to the zoning of the lands identified as Part 1 on Schedule A (attached to and forming part of this By-law) is hereby further amended by adding the following section:
7.14.12.X Secondary Permitted Uses:
 - a) A Hospitality Area, as an associated secondary use to an existing Country Inn in accordance with the definition in Subsection 7.14.12.X.
2. That Subsection 7.14.12 is hereby further amended by adding the following section:

7.14.12.X Definitions:

The following definition of a Hospitality Area shall apply to the lands identified as ER-12 on Schedule 'A-1'

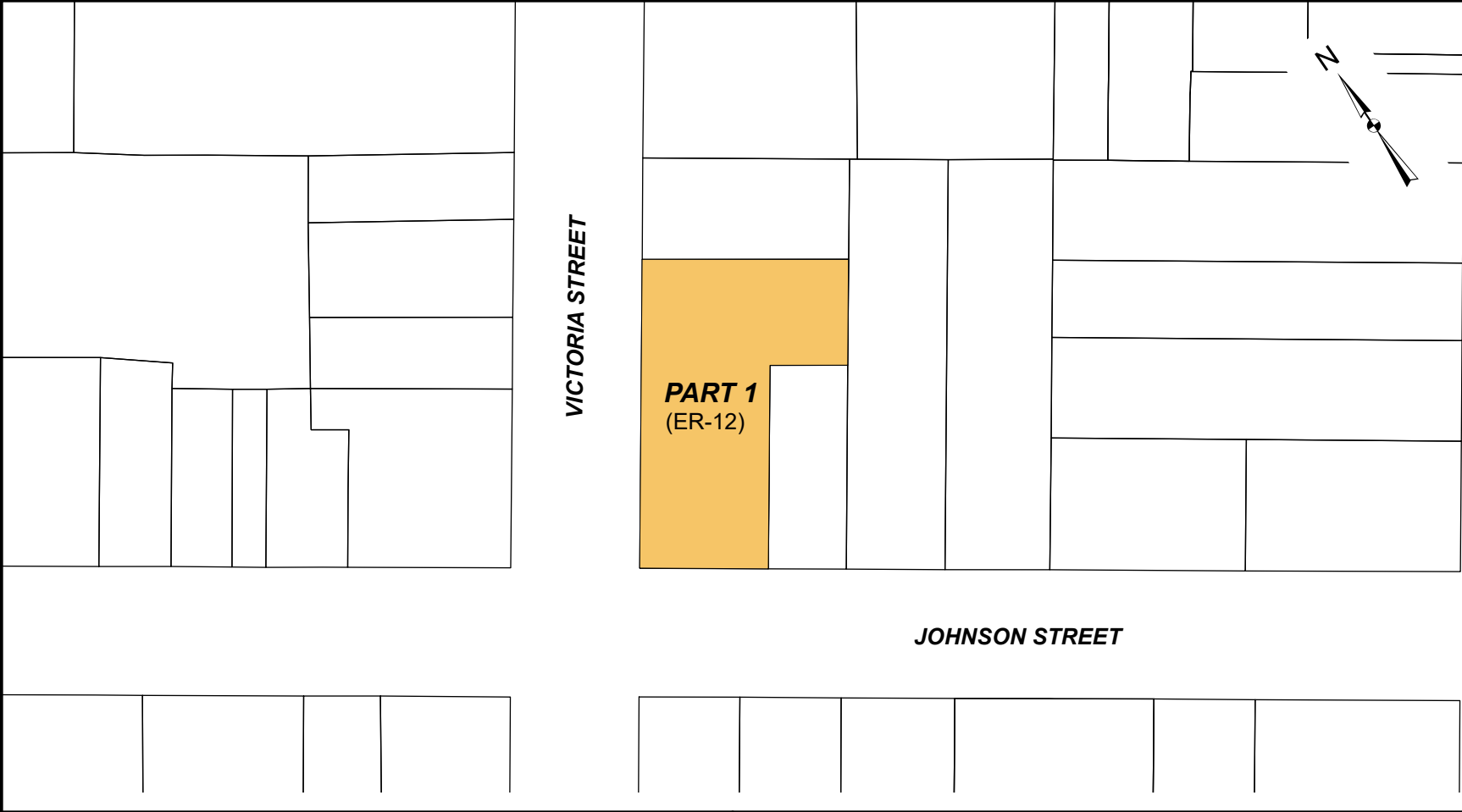


“HOSPITALITY AREA: means a private, controlled area within the ground floor and courtyard area of the Inn, where food and alcohol can be purchased, and consumed by registered patrons of the Inn, but does not include the use of commercial cooking equipment on site”.

3. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS XXth DAY OF XX 2025.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

 <p>VICTORIA STREET</p> <p>JOHNSON STREET</p> <p>PART 1 (ER-12)</p>	
<p><u>LEGEND</u></p> <p> PART 1 - ESTABLISHED RESIDENTIAL (ER-12) SITE SPECIFIC ZONE</p>	<p>95 JOHNSON STREET SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT NO. _____</p> <p>MAYOR: _____</p> <p>CLERK: _____</p> <p></p>

E

Appendix E: Draft Operations Agreement

DRAFT OPERATIONS AGREEMENT - PRINCIPLES

This Operations Agreement ("Agreement") is made and entered into as of XXX, by and between:
The Scotsman Hotel Inc. ("The Owner"), having its principal place of business at 95 Johnson Street
("The Scotsman"), in the Town of Niagara-on-the-Lake
AND
The Corporation of the Town of Niagara-on-the-Lake ("The Town")

1. Purpose

This Agreement sets forth the principles under which the Owner will manage and operate the Hospitality Area within the premises of the Scotsman located at 95 Johnson Street, in the Town of Niagara-on-the-Lake.

2. Operations

- **Scope of Services:** The Owner will oversee the day-to-day operations of the Hospitality Area, including but not limited to the food and beverage services, and overall guest experience. Liquor is to be served in compliance with terms of the liquor license issued by the AGCO under the Liquor License Act for the Province of Ontario.
- **Hours of Operation:** The Hospitality Area is permitted to operate seven (7) days a week during the hours of 11:00 am to 11:00 pm, unless otherwise agreed in writing. The Hospitality Area will comply with the Town's Noise and Public Nuisance By-law.
- **Entrance:** Patrons of the Hospitality Area may enter the Scotsman through the pedestrian entrance on Johnson Street.

3. Access

- The Hospitality Area will be accessible to patrons of the Scotsman ("Patrons"), including: (1) registered guests of the Inn ("Guests") who have booked a room for one or more evenings; and (2) members of the Hospitality Area ("Members"), whose membership will be limited in number and will be governed by a Hospitality Area code of conduct (the "Code of Conduct")
- The Owner will keep a daily register in the form of a journal or numbered guest registration form, that details the date, the number of Patrons, and contact details for each Patron. Any personal information contained within the register will be treated in accordance with applicable privacy laws.

4. Patron Terms

- Guests are granted complimentary access to the Hospitality Area as part of their reservation.
- Members will be granted access to the Hospitality Area through a separate agreement with the Owner.

5. Occupancy

- The Hospitality Area will operate within the maximum occupancy permitted under the Building Code, being, at present, 57 occupants.
- If the Owner wishes to hold a Special Event in the Hospitality Area that includes more than 57 occupants, the Owner will provide notification to the Town by submitting a Special Occasion Permit.

6. Staffing

- The Owner will be solely responsible in overseeing the hiring, training, supervision, and compensation of all staff involved in the operation of the Hospitality Area.
- The Owner will ensure all staff adhere to the Code of Conduct.

7. Facility Use

- The Hospitality Area will occupy the designated areas within the Country Inn as illustrated in *Exhibit A* (attached).
- The Owner will maintain the structural integrity of the space and is responsible for maintaining a clean and operational environment within the Hospitality Area.

8. Parking Facilities

- Patrons will be notified of the limited parking available at the Scotsman, and information on alternative parking locations will be provided.

9. Licensing and Compliance

- The Owner will obtain and maintain all necessary licenses, permits, and approvals required for the operation of the Hospitality Area.
- The Owner will comply with all applicable laws, regulations, and policies including but not limited to the Liquor License Act, Zoning By-law, Ontario Fire Code, Health Regulations, and the Building Code.
- The Scotsman will remain licensed under the Town of Niagara-on-the-Lake Short Term Rental By-law 4634-13.

10. Insurance

- The Owner will maintain general liability insurance, and any other insurance required by law.
- Proof of insurance will be provided prior to the commencement of operations.

11. Cooperative Discussions

- The Town will notify the Owner in writing of any concerns regarding the operations of the Hospitality Area, including specific details of the concerns and any supporting information. The Owner and the Town will promptly engage in cooperative discussions to address the concerns. Both parties will act in good faith and make reasonable efforts to reach a mutual agreement on how to resolve the issues.



Appendix E: Conformity Analysis of Niagara-on-the-Lake Short Term Rental By-law

Appendix F: Conformity Analysis of Niagara-on-the-Lake Short Term Rental By-law

TABLE 1: CONFORMITY ANALYSIS OF THE TOWN OF NOTL SHORT TERM RENTAL BY-LAW		
Policy #	Policy	Conformity
Section 2: General Provisions		
2.2	<i>No person shall use or operate any Short Term Rental unless they hold a current license issued pursuant to this by-law. In Short Term Rentals, the following is applicable: b) Country Inns may only be rented as individual bedrooms for licencing purposes;</i>	The Scotsman is a licenced 6-bedroom Country Inn under the NOTL Short Term Rental By-law.
2.3.	<i>Only buildings that have been occupied as a single detached dwelling for a minimum of four (4) years shall be eligible for a license. Any additions or extensions to the building that expand the number of rooms will not allow the Licensee to apply to increase the number of guest rooms available for rent until that portion of the addition or extension has been occupied for four (4) years.</i>	The Scotsman is a licenced Country Inn within the existing single detached residential dwelling on the Subject Lands. There are no additions or expansions to the single detached dwelling contemplated through the proposal.
2.5.	<i>Short Term Rentals must be fully serviced with water and sewage services approved by the Town or Regional Public Health Department.</i>	The Scotsman is fully served with municipal water and sewage services.
2.6.	<i>Short Term Rentals must front onto a Public Road or the Niagara Parkway</i>	The Subject Lands has frontage along Victoria Street and Johnson Street both of which are public roads.
2.8.	<i>In addition to compliance with all of the aforementioned provisions of this By-law, the Zoning By-law, Official Plan, Ontario Fire Code, Health Regulations, the Building Code and other Town By-laws, a Short Term Rental shall also be operated in compliance with the following provisions: a) A Bed and Breakfast Establishment or Country Inn may provide and serve breakfast only. No other meal shall be offered or served on the premises. No cooking or cooking appliances shall be permitted in licensed rooms. Bottle warmers, kettles and coffee makers are not considered cooking appliances for the purposes of this by-law. Breakfast is defined as a meal served typically between the hours of 6:00 a.m. and noon local time. b) No liquor shall be provided to Short Term Rental guests in contravention of the Liquor License Act for the Province of Ontario. c) The Owner and / or Licensee, in conjunction with tenants and guests of a Short Term Rental, may be held responsible for behavioral contraventions by tenants and guests with the Towns Noise and Public Nuisance By-law.</i>	The Country Inn will continue to follow the provisions of Section 2, Policy 8 of the Short-Term Rental By-law, including that the Inn will only provide and serve breakfast and will not serve alcohol. However, the proposed <i>Hospitality Area</i> , as a secondary use will serve food and alcohol to patrons of the <i>Hospitality Area</i> . Liquor will be served in accordance with the Liquor Licence Act for the Province of Ontario. The operational matters of the Inn including, the hours of operation, reservations, and other administrative matters related to the function of the <i>Hospitality Area</i> will be outlined in an operations agreement. The operations agreement will be created in

		collaboration with the Town of NOTL to ensure that it meets the regulations and standards of the Town and can be registered on title.
2.9.	<p><i>Short Term Rentals shall be operated in compliance with the following provisions:</i></p> <ul style="list-style-type: none"> <i>a) The following shall be made available to guests:</i> <ul style="list-style-type: none"> <i>i. a copy of the current license; and</i> <i>ii. a copy of the current Town Noise By-law; and</i> <i>iii. a copy of the current Town Public Nuisance By-law; and</i> <i>iv. a copy of the current parking provisions as the Town's Zoning By-law; and</i> <i>v. a copy of the approved floor plans identifying the rooms and also showing exit routes; and</i> <i>vi. information in each Licensed Room, Vacation Apartment, Cottage Rental, Villas indicating it is duly licensed and listing the rate of rental.</i> <i>vii. a copy of the Renter's Code of Conduct</i> <i>viii. a copy of the Good Neighbours Agreement – 4634C-20</i> <i>b) Only signs in accordance with the Town's current Sign By-law shall be displayed.</i> <i>c) If the Short Term Rental is not occupied by the licensee while managing guests, each Licensee shall provide contact information of the property manager that will be available to attend to the Short Term Rental at all times within a period of no greater than forty-five (45) minutes from the time of contact by way of telephone or e-mail.</i> <i>d) Each Licensee shall keep a daily register in the form of either a day journal or a sequentially numbered guest registration form. The day journal shall have a separate date on each page with enough space provided for each guest to register. Both the Day Journal and/or the Guest Registration Form shall contain the guest name, the guest assigned room if applicable, the guest home address and home telephone number, the date and duration of stay, the guest's vehicle make, license plate number, and the Province or State in which the vehicle is registered. The daily register must be kept current and be available for inspection.</i> 	<p>The regulations and by-laws listed in Section 2, Policy 9 of the By-law is available to guests of the Scotsman. There are no signs contemplated through the proposal, and the signs that exist on the Subject Lands are in accordance with the Town's Sign By-law. The licensee of the Scotsman keeps a daily register of the guests that visit the Scotsman, and is available upon request, for inspection.</p> <p>The premise of the Scotsman is available to Municipal Law Enforcement for the specified time period. Guests of the Inn will park in the designated parking areas at the east end of the Subject Lands. The maximum number of guests, per room, will remain as two guests per room. In total, 12 guests (2 per room) are permitted to stay overnight at the Scotsman.</p>

	<p>e) <i>The Licensee, upon request from a Municipal Law Enforcement Officer, shall present the Day Journal or a sequentially numbered Guest Registration Form for inspection.</i></p> <p>f) <i>The Municipal Law Enforcement Officer may require access to the licensed premises between the hours of 8:00 a.m. and 6:00 p.m. The provision of access is a requirement of this by-law to verify the health and safety of the premises and to verify compliance.</i></p> <p>g) <i>The Licensee shall be responsible for ensuring that guests park in the areas designated on the approved site plan.</i></p> <p>h) <i>The maximum number of occupants within a short term rental shall not exceed a total number based upon two (2) persons per bedroom plus an additional two (2) persons.- 4634C-20</i></p>	
2.10.	<p><i>No Short Term Rental shall be used for the hosting of weddings and receptions or any other similar commercial activity. In the event that a Licensee wishes to host a Special Event, such as a family wedding or a not-for-profit charitable function, the Licensee shall provide prior notification to the Town by submitting a Special Events Notification Form as set out in Schedule "B" to this by-law.</i></p>	<p>The proposal will allow the licensee to host patrons in the <i>Hospitality Area</i>, so long as the number of patrons does not exceed the occupancy limits of the building per the building code, of 57 occupants. In the event that the Licensee wishes to host a Special Event, an application will be submitted to the Town, and additional area will be allocated to support the increased number of attendees of the event.</p>
3.1.	<p>a) <i>a Bed & Breakfast and Country Inn will require extra spaces for any additional registered vehicles belonging to an inhabitant or employee of the dwelling;</i></p>	<p>The Town of NOTL By-law 4316FN-24, removed the requirement for an employee parking space for the Scotsman. As such, employee parking is not required for the Scotsman. One parking space is provided per guest room, and two parking spaces are required per dwelling unit, for a total of eight (8) on-site parking spaces.</p>

