

Zoning By-law Amendment

42 Market Street, 224 Regent Street (46 Market Street), and 226 Regent Street
Town of Niagara-on-the-Lake

For: 1939592 Ontario Inc.

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1.0 Introduction

NPG Planning Solutions Inc. are planning consultants to 1939592 Ontario Inc. 1939592 Ontario Inc. and Unicorn Holdings Inc. are the “Owners” of three parcels municipally known as 42 Market Street, 224 Regent Street (also known as 46 Market Street) and 226 Regent Street (“Subject Lands”) in the Town of Niagara-on-the Lake. These three properties that form the Subject Lands have an area of approximately 1,387.5 m² and are legally described as Part of Lots 66 and 103, Plan 86 in the Town of Niagara-on-the Lake, Regional Municipality of Niagara. NPG has been retained to provide professional planning advice on the Application for a Zoning By-law Amendment to implement the conversion of the existing temporary outdoor patio for the Angel Inn restaurant to a permanent outdoor patio, and to recognize and permit the existing cottage rentals on 226 Regent Street.

This Planning Justification Report (“PJR” or “Report”) evaluates the appropriateness of the Application for a Zoning By-Law Amendment when assessed against policies in the Provincial Planning Statement 2024 (“PPS”), Niagara Official Plan (“NOP”), the current Town of Niagara-on-the-Lake Official Plan (“Town’s OP”), the proposed Town of Niagara-on-the-Lake Official Plan 2025 (“Town’s proposed OP”), and the regulations of the Town of Niagara-on-the-Lake Zoning By-law No. 4316-09 (Town’s Zoning By-law). The proposed development is appropriate for the Subject Lands, compatible with the adjoining neighbouring uses, and represents good land use planning and therefore we recommend that the Application for a Zoning By-law Amendment be approved.

Sections 5.1, 5.2, and 5.3 of this report present analysis of the proposed Application within the Provincial and Regional planning policies. Section 5.4 and 5.5 of this report discusses the proposal’s conformity with the Town’s current and proposed OP, while Section 6.0 provides justification for approval of the Application for a Zoning By-Law Amendment.

2.0 Description of Subject Lands and Surrounding Area

2.1 Description of Subject Lands

The Subject Lands are located at the southeast corner of the intersection of Regent Street and Market Street, in Old Town of Niagara-on-the-Lake. The three (3) properties comprising the Subject Lands are rectangular and abut one another. The Subject Lands have a combined frontage of 22.86 metres on Market Street and 48.76 metres on Regent Street, with a total area of approximately 1,387.5 m². The properties are generally flat with some landscaping on 226 Regent Street. 224 Regent Street (also known as 46 Market Street) fronts onto both Regent Street and Market Street.



Figure 1 – Location Map and Property Delineation with Addresses

42 Market Street has an area of approximately 240 m² and contains an existing 2-storey frame building (Building A on the Site Plan), an additional one-storey frame building (Building B), and a vinyl shed (Building C). The existing buildings are currently used for storage, kitchen-related functions, and waste collection. 42 Market Street is primarily accessed through the side entrance from the Angel Inn's interior restaurant seating area. Fencing between Building A and B restricts access to Building A. The paved rear yard connects to 226 Regent Street and provides access from the Angel Inn's restaurant side entrance to the patio on 226 Regent Street.

Situated at the corner of Market Street and Regent Street, 224 Regent Street has an area of approximately 313.9 m² **and** contains an existing two-storey frame building with an extended one-storey section built to the lot line. The existing buildings are a restaurant and an overnight establishment known as "The Olde Angel Inn", with the restaurant accessed from the Market Street entrance and the overnight accommodations accessed from the Regent Street entrance. The restaurant has an existing capacity of 137 patrons as licensed by the Alcohol and Gaming Commission of Ontario (AGCO). Patrons access the patio from the interior restaurant seating area through to the side entrance along the southeast elevation of the building (see **Photo 2**). This side entrance leads to the abutting 42 Market Street, which provides access to the patio on 226 Regent Street as mentioned above (see **Photos 2** and **3**). The Angel Inn restaurant has a legal non-conforming parking status of zero (0) parking spaces.

226 Regent Street has an area of approximately 833.5 m² and abuts 224 Regent Street to the south, consisting of an existing two-storey frame cottage (“Swayze Cottage”) and a one-storey frame building (“Court House Cottage”). These buildings were identified as contributing to the heritage character of the Queen-Picton Heritage Conservation District (HCD) as they were constructed during the District’s periods of significance in the 1800s and early 1900s¹, with the Olde Angel Inn’s website further noting the Inn’s construction in 1815², thereby dating the existing building to that period.

Both cottages contain two bedrooms. The Swayze Cottage contains a private outdoor amenity area that is separated by board fencing, whereas the Court House Cottage features landscaping along both sides of the building and an existing garden in the front. These buildings are connected by concrete pavers that lead to the driveway at the southwest corner of the Subject Lands, which contains two (2) parking spaces for the cottage rentals. The remainder of the property includes landscaped areas, landscaped buffers along the edges, fencing, an existing wooden deck and shed situated in the southeastern corner, and a pedestrian gate from the east property line north of the wooden deck. The pedestrian gate is intended for staff access only.

The current patio is located along the rear of the property, consisting of the wooden deck, and portions of the concrete walkway, and some landscaped areas (as shown in **Photos 4 to 7** and delineated on the Site Plan). The patio area is enclosed by a combination of fencing, which includes a white picket fence (1.16 metres in height) with a gate along the east property line, a white picket fence along the west property line, and chain link (1 metre in height) and steel (1 metre in height) fences along the south property line.

A landscaped buffer exists along the southern edge of the property, consisting of a combination of cedar and deciduous hedges. The cedar hedges also extend partially along the west property line, providing intermittent to full screening of the park located south of the Subject Lands.

2.2 Description of Surrounding Area

The Subject Lands are surrounded by various commercial buildings, established residential uses, a municipal parking lot, and a park. These immediate uses are further detailed below:

¹ Page 56, https://www.notl.com/sites/default/files/2025-07/NOTL-HCD-Study-Final-20260616_1.pdf

² <https://oldeangelinn.com/about/>

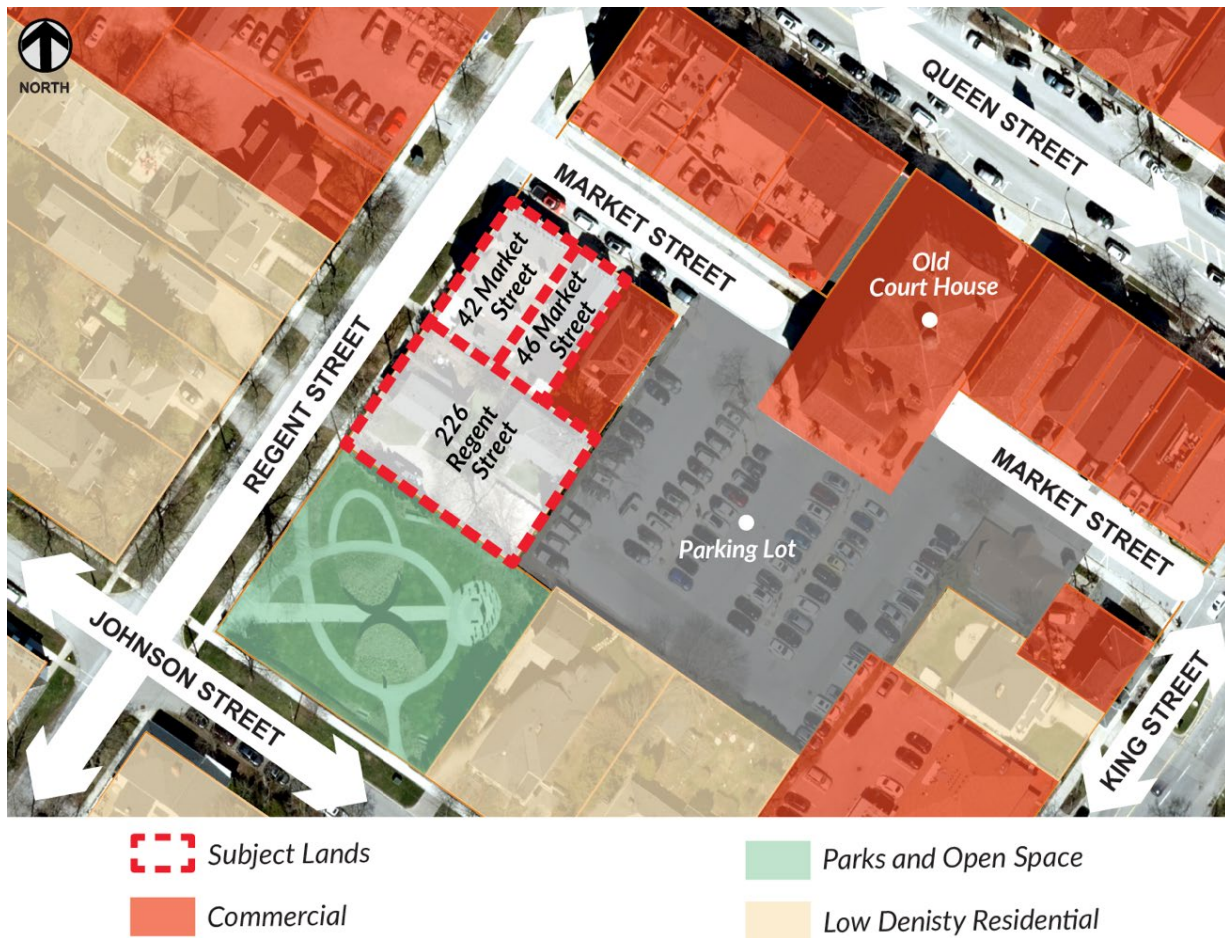


Figure 2 – Aerial View of the Subject Lands

DIRECTION	DESCRIPTION
North	Commercial storefront buildings fronting both Queen Street and Market Street
South	Voices of Freedom Park and single-detached dwellings on Regent Street and Johnson Street (south of Johnson Street)
East	A municipal parking lot and commercial buildings fronting King Street
West	Single-detached dwellings and commercial buildings fronting Queen Street and Regent Street

Located in Old Town, the Subject Lands are adjacent to the downtown core located along Queen Street to the north, which is the largest commercial area in Old Town. Commercial uses along Queen Street consist of tourism commercial uses, retail stores, restaurants, hotels and various overnight accommodations, and a grocery store (Hendriks Independent Grocery Store). There are various institutional uses and parks and open

space areas within a 500-metre radius of the Subject Lands, consisting of the Tourism Centre, Royal George Theatre, the Shaw Festival, the St. Vincent de Paul Roman Catholic Church, a Canada Post Office, the Voices of Freedom Park, and Simcoe Park. There are various existing parking facilities within the vicinity of the downtown core, including the municipal parking lot directly east of the Subject Lands on Market Street as well as a municipal parking lot further east of the Subject Lands on Platoff Street. On-street parking is located throughout the downtown along streets such as Regent Street, Market Street, Johnson Street, Queen/Picton Street, King Street, Victoria Street, Gate Street, and Davy Street.

The Subject Lands and the Queen Street commercial core are located within the Queen-Picton Heritage Conservation District, which contains various heritage buildings and sites, such as the Niagara District Courthouse, which is northeast of the Subject Lands and is a National Historic Site of Canada that is designated under Part IV and Part V of the *Ontario Heritage Act*. The Queen-Picton Heritage Conservation District recognizes and protects the historic character of properties within this cultural heritage district.

South and west of the Subject Lands are residential neighbourhoods consisting of primarily one- to two-storey single-detached dwellings, contributing to the established residential character of the area outside of the Queen Picton Heritage Conservation District.

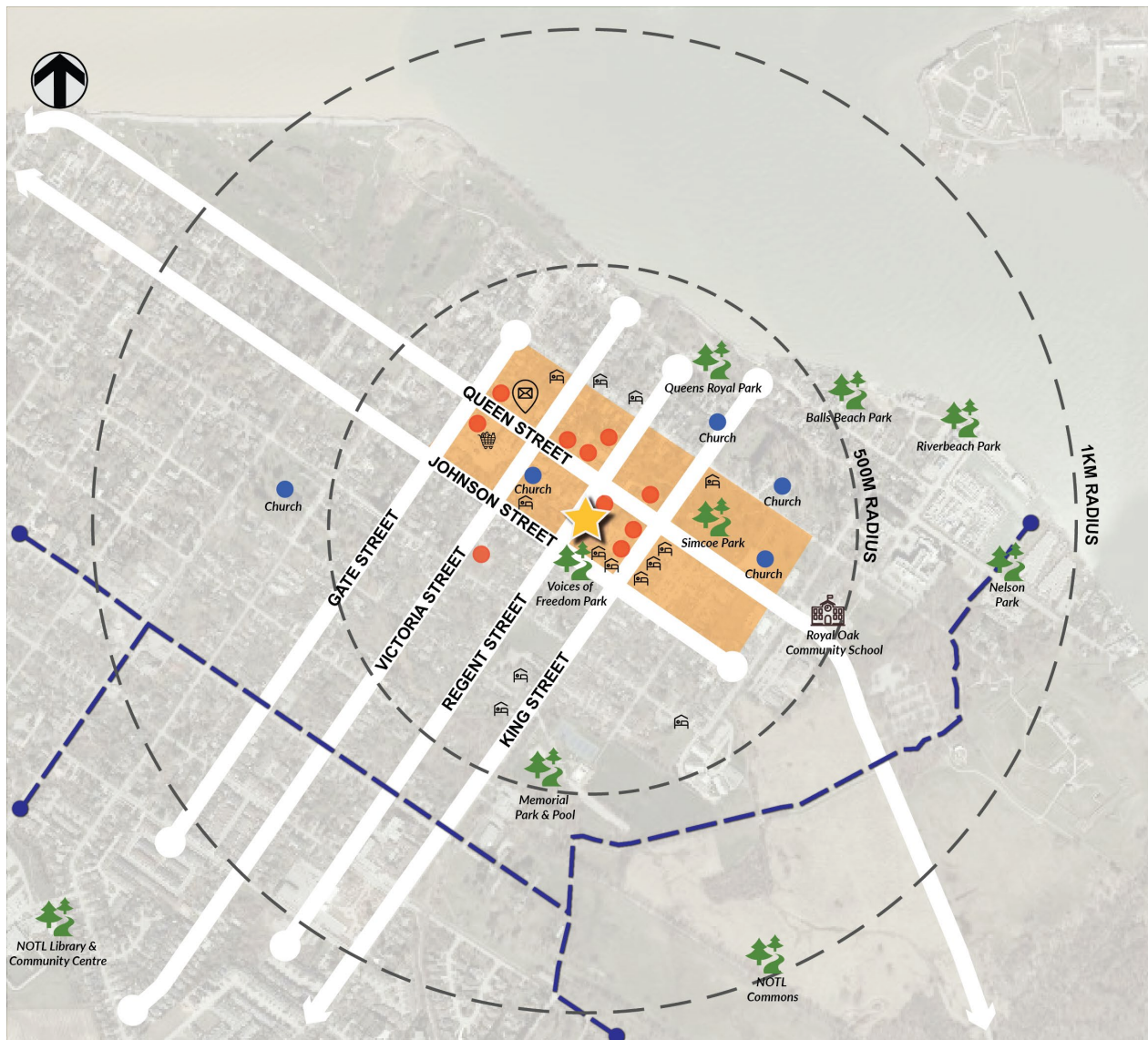


Figure 3 – Site Context and Surrounding Uses

2.3 Site Photos

The following photos were taken during a site visit on May 6th, 2025 and help further contextualize the Subject Lands.

Photo 1 – View looking east from Market Street, showing the entrance to 224 Regent Street and “The Olde Angel Inn” restaurant (right).



Photo 2 – View looking north from the rear of 42 Market Street, showing the side entrance from the Angel Inn restaurant (right) and the fencing between Building A and Building B on 42 Market Street.



Photo 3 – View of the patio entrance, looking south from 42 Market Street (left) and looking north from 226 Regent Street (right)



Photo 4 – View looking south from 226 Regent Street of the patio area.



Photo 5 – View looking east from 226 Regent Street of the patio area towards the Court House Cottage, pedestrian gate, and adjacent municipal parking lot.



Photo 6 – View looking southeast from 226 Regent Street of the patio area and wooden deck.

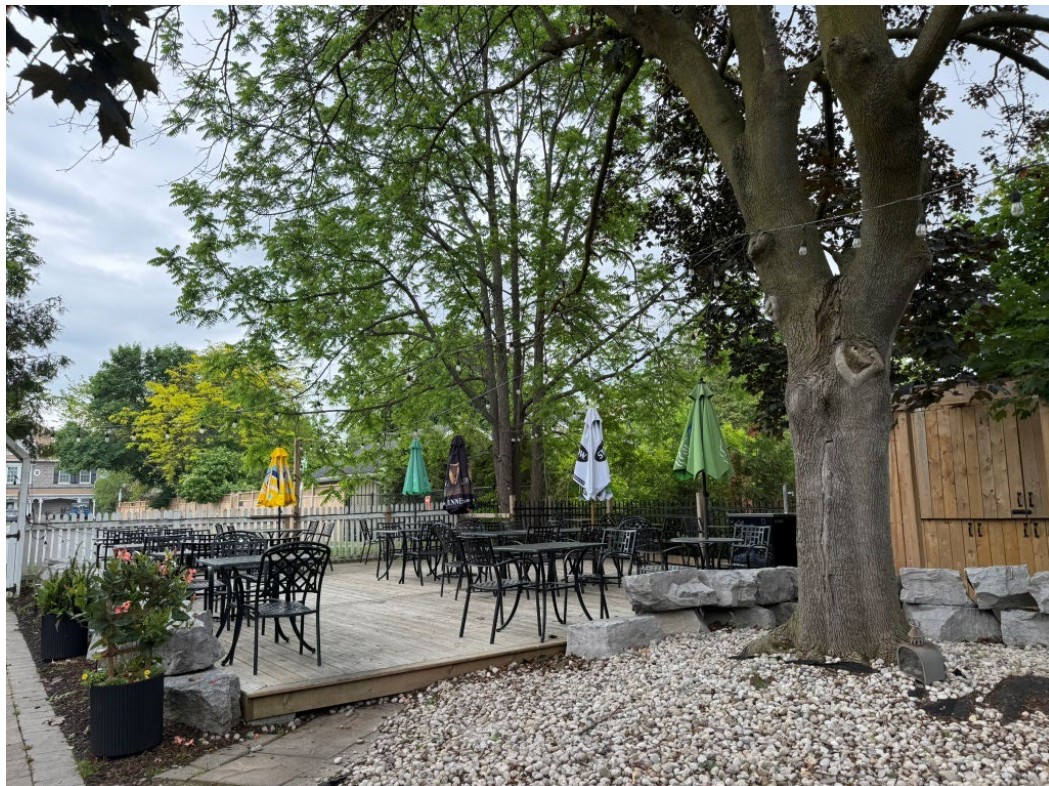


Photo 7 – View looking west from 226 Regent Street towards Regent Street showing the patio area and Swayze Cottage.



Photo 8 – View looking north from 226 Regent Street of the south-facing Court House Cottage.



Photo 9 – View looking south from 226 Regent Street of the existing landscape and fencing interface between the patio area and the Voices of Freedom Park.



Photo 10 – View looking west from 226 Regent Street towards Regent Street of the landscape interface at the southwest corner.



Photo 11 – View looking north from the sidewalk on Regent Street along the southwest corner of 226 Regent Street.



Photo 12 – View looking east from the sidewalk on Regent Street of the southwest corner of 226 Regent Street.



3.0 Proposed Development

1939592 Ontario Inc. is proposing an Application for a Zoning By-law Amendment (ZBA) to implement the conversion of the existing temporary patio for the Angel Inn restaurant to a permanent outdoor patio, and to recognize and permit the existing cottage rentals on 226 Regent Street (“proposed development”). No new buildings or structures, or alterations to the buildings or patio are proposed.

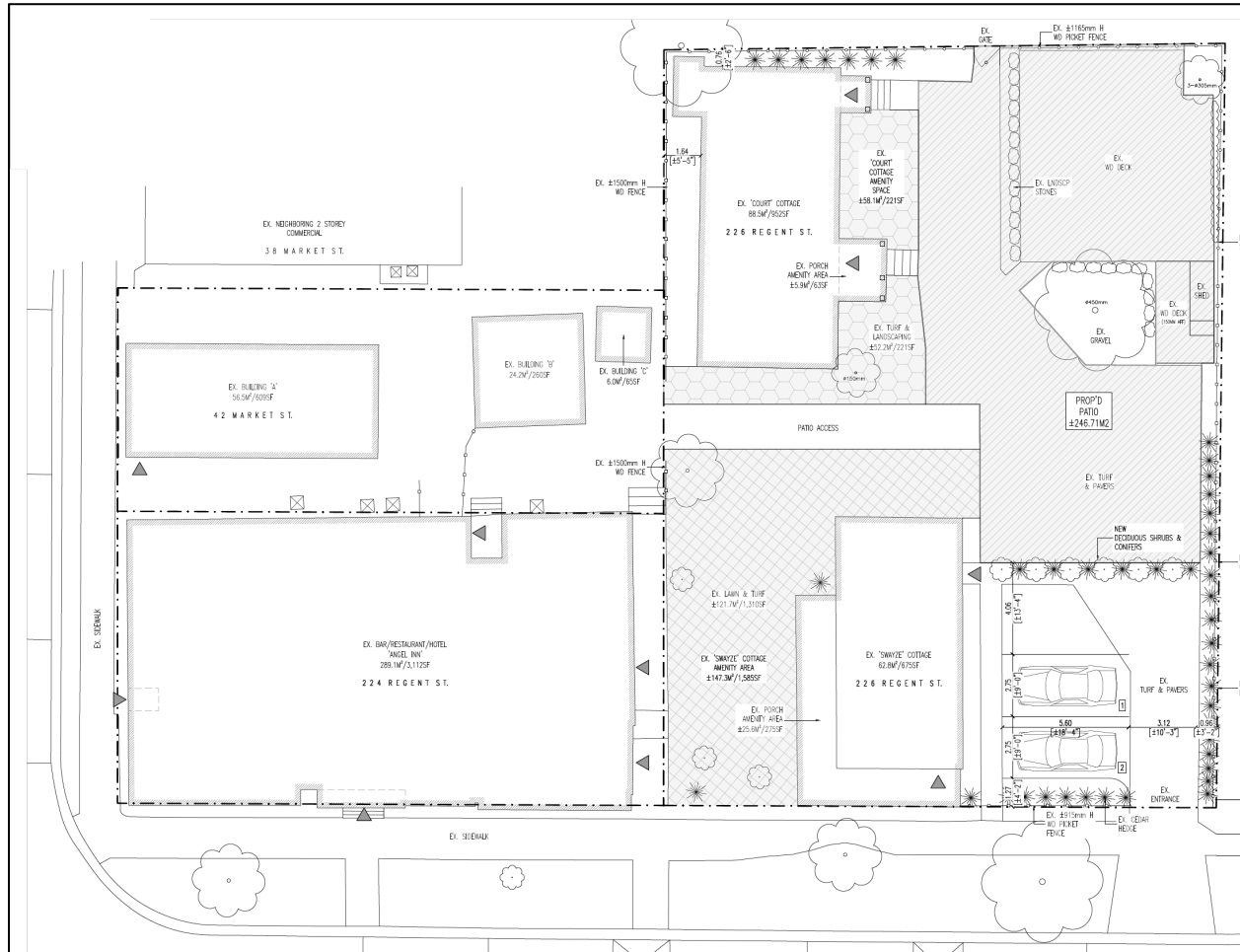


Figure 4 – Site Plan by 2M Architects Inc.

Outdoor Patio

The patio measures 246.71 m² and is located at the southeast corner of 226 Regent Street, consisting of the wooden deck and portions of the concrete walkway between the two cottage rentals and cottage rental driveway (see **Figure 3**). The outdoor patio will serve as a secondary use to the existing Angel Inn restaurant at 224 Regent Street, and will accommodate no more than 50% of the licensed capacity of the restaurant, which is approximately 68 seats. The total licensed capacity will remain at 137 seats and will not be increased beyond 137 seats.

The outdoor patio abuts a municipal parking lot to the east and a park zoned for residential purposes to the south. To the north, it faces the Court House Cottage and its associated amenity space, and is bounded by the existing driveway and the two (2) parking spaces for the cottage rentals to the west. Along the southern property boundary, where the patio abuts the park, the interface consists of metal and chain-link fencing complemented by landscaping in the form of deciduous hedges and tall cedars. The existing landscaping provides partial, and in some areas, full screening from the views of the park from the patio.

The proposal will provide a landscaped buffer composed of deciduous shrubs and conifers that will separate the patio area from the cottage rental parking area. The existing pedestrian access to the patio through the Angel Inn restaurant seating area will be retained, which will direct patrons through the rear yard of 42 Market Street and connect to the patio entrance at 226 Regent Street. An existing gate along the eastern property line will serve as an emergency exit only and will not be available for patron access. This gate will be used exclusively by staff.

No parking spaces are proposed for the outdoor patio, with an exemption from parking requirements requested as part of this proposal.

Cottage Rentals

The existing cottage rentals consist of the Court House Cottage and the Swayze Cottage, both of which have short-term rental licenses and contain two bedrooms within each cottage. The Court House Cottage is a one-storey dwelling that is approximately 88.5 m² in size, whereas the Swayze Cottage is a two-storey dwelling that is approximately 62.8 m² in size. Access to the cottage rentals is from the existing driveway from 226 Regent Street.

The existing amenity spaces for the two cottage rentals at 226 Regent Street will be maintained. For the Court House Cottage, this includes a 5.9 m² porch and 52.2 m² of existing landscaping along the south and west building elevation, for a total of 58.1 m². For the Swayze Cottage, this includes a 25.6 m² porch and 121.7 m² of landscaped area along the north and west elevations, for a total of 147.3 m². Patio access is provided between the two accommodations and their associated amenity areas, resulting in distinct pockets of amenity areas for each cottage. Landscaping between the accommodations and the patio access includes plantings that create a physical barrier, providing additional screening for the accommodations from the patio use. It is important to note that the cottage rentals, their associated amenity areas and the patio space are existing uses that are supporting a thriving business. The current location and orientation of the amenity areas have no significant negative impact on the experience of guests staying in the cottage rentals. Guests primarily visit Niagara-on-the-Lake to explore the Town and its surrounding attractions, resulting in limited demand for exclusive private amenity areas.

There are two (2) parking spaces, located on the asphalted area on 226 Regent Street directly south of the Swayze Cottage, intended for the sole use of the cottage rentals.

Zoning By-law Amendment

The Subject Lands are presently zoned Queen Picton Commercial (QPC). The Application for a Zoning By-law Amendment proposes to rezone the Subject Lands from the current Queen Picton Commercial (QPC) Zone to a site-specific Queen Picton Commercial (QPC-XX) with site-specific exceptions from the General Provisions and Zone Requirements related to the following:

General Provisions

- Recognize existing conditions related to sight triangle and fencing.
- Provide relief for outdoor patio requirements related to patio size, location abutting a residential zone, and number of parking spaces for patio use.
- Provide relief for cottage rental requirements regarding on-site amenity area and number of cottage rentals permitted on a property.
- Provide relief for length and location of parking spaces, width and location of drive aisle, and exemption from bike parking space and accessible parking space.

Zone Requirements

- Address deficiencies related the existing buildings and lot fabric including lot frontage, lot depth, lot coverage, rear yard setback, and buffer strip.
- Permit the conversion to a permanent outdoor patio.
- Permit the existing cottage rentals.

Future Requirements to Implement the Permanent Patio and Cottage Rentals

In addition to the Zoning By-law Amendment, the proposed development will require a heritage permit and be subject to a future Application for Site Plan Approval (“SPA”).

3.1 Pre-Consultation Summary

A pre-consultation meeting with the Town was held on May 1, 2025, to discuss the proposed Zoning By-law Amendment Application and Site Plan Approval Application.

The following reports/plans are required at the Zoning By-law Amendment stage for a complete application:

- Planning Justification Report (PJR)
- Community Benefit Analysis (as part of the PJR)
- Draft Zoning By-law Amendment
- Parking Impact Analysis
- Site Plan
- Floor Plans
- Preliminary Landscape Plan
- Property Index Map and Parcel Registers

The following reports/plans are required at the Site Plan Approval stage for a complete application:

- Site Plan
- Detailed Landscape Plan
- Floor Plans
- Property Index Map and Parcel Registers

The pre-consultation agreement identified the potential need for an Archaeological Assessment and Ministry Letter(s) if the proposal involved ground disturbance. In this case, the proposed transition from a seasonal to permanent use of the outdoor patio will not result in any soil disturbance or impact to any potential archaeological resources. No work is planned for the existing buildings. Accordingly, an Archaeological Assessment is not provided as part of this submission.

The pre-consultation agreement also identified the requirement to provide building elevations if any new structures are proposed. With the exception of landscape enhancements between the parking area and the outdoor patio, there are no new buildings or structural development proposed as part of this application. Therefore, building elevations are not provided as part of this submission.

The Subject Lands are located within the Queen-Picton (Old Town) Heritage Conservation District, which is currently undergoing review. In addition, the Angel Inn building is designated under Part V of the *Ontario Heritage Act*, which will require heritage permit approvals for the proposed development. A heritage permit application will be submitted once the new Queen-Picton Heritage Conservation District Plan is in place.

The aforementioned studies have been included in this submission and are summarized in Section 4.

4.0 Supporting Studies Review

4.1 Parking Impact Analysis

A Parking Letter has been prepared by UrbanTrans Engineering Solutions Inc., dated August 22, 2025, in support of the proposed Zoning By-law Amendment Application. The following points can be summarized from the letter:

- The proposed permanent patio will function as a secondary use to the restaurant, providing additional outdoor seating when weather permits. In accordance with the AGCO license, the indoor capacity of the restaurant will remain unchanged, at 137 seats.
- As confirmed with Town staff, the Subject Lands have legal non-conforming parking status of zero spaces for the restaurant, which may be carried forward, without requiring the owner to address existing deficiencies.
- Parking demand generated by restaurant patrons will continue to be accommodated through the existing paid on-street municipal parking facilities in the surrounding area.

The parking letter confirms that the conversion from a temporary to a permanent patio does not generate the need for additional parking spaces, as the number of patrons accommodated by the restaurant will not increase.

The parking condition for the restaurant, including the permanent patio, will therefore continue the legal non-conforming status at zero parking spaces. The parking letter recommends this status be carried forward, without requiring the owner to rectify or provide for historical parking deficiencies.

4.2 Community Benefits Analysis

NPG conducted a community benefit analysis based on the proposal to convert the existing temporary outdoor patio to a permanent outdoor patio associated with the Angel Inn's existing restaurant at 224 Regent Street. The proposal in relation to the reduced parking spaces provides several community benefits that align with the Town's policies for supporting tourism, heritage conservation, and commercial viability in Old Town, as informed through By-law No. 3093-97 (Policy No. PDS-PLG-001).

The relevant considerations from By-law No. 3093-97 are discussed below:

Support for Tourism and Commercial Viability

- The Queen-Picton Commercial District is recognized as the focus for tourist-serving commercial uses, being the largest commercial area and a key tourism draw in the Town. Enhancing the established restaurant use with a permanent outdoor patio directly contributes to the vibrancy of the area.
- The proposed permanent patio provides outdoor dining opportunities that improves the commercial viability of the restaurant and ensures its continued contribution to the local economy and the tourism sector.

- The lands are of a sufficient size to accommodate the proposed outdoor patio, which represents an efficient use of space in a compact heritage district and downtown core. The patio allows for outdoor seating by utilizing the existing restaurant facilities without an increase in capacity, making efficient use of the available land within this historic commercial area.

Parking Considerations

- The Town has advised that the parking requirement associated with the proposed outdoor patio size is nine (9) spaces. The parking letter confirms that there are existing paid on-street municipal parking facilities in the surrounding area that can be utilized for the parking needs of the Subject Lands. Section 2.2 of this Report further details various existing municipal parking lots and on-street parking spaces within the vicinity of the Subject Lands, demonstrating the availability of public parking within close proximity to the site.
- The existing Angel Inn restaurant at 224 Regent Street is built to the property boundary, leaving no opportunity for on-site parking. This restaurant use has operated in this manner since it was established with legal non-conforming parking at zero spaces. The proposed outdoor patio would be considered a secondary use accessory to the established restaurant use. Similar to the restaurant use, there is no room to accommodate parking spaces for the proposed outdoor patio. Importantly, the number of licensed patrons is not changing, only the location where they may be seated is updated to reflect the patio that has existed as a temporary use. For the past four years, the temporary patio has operated without generating any parking-related issues, demonstrating there is no additional need for parking for the proposed permanent patio. Additionally, any attempt to provide on-site parking would also compromise the historic streetscape character along Market Street and Regent Street, which are within the Queen-Picton Heritage Conservation District.
- There are various available parking facilities in close proximity to the Subject Lands to accommodate the nine (9) spaces required by the outdoor patio use. Furthermore, the accompanying parking letter, prepared by UrbanTrans Engineering Solutions Inc., dated August 22, 2025, confirms that the conversion of the existing temporary patio to permanent patio does not generate the need for additional parking as the restaurant capacity will not increase, recommending that the current legal non-conforming status at zero parking spaces be carried forward for the proposed patio use.

Compatibility with the Heritage District

- 224 Regent Street consists of the Angel Inn building, which is designated under Part V of the *Ontario Heritage Act*. No demolition or alteration of the designated building is proposed through this application.

- The patio represents a less intensive form of development that avoids construction or ground disturbance, while retaining the historic setting, streetscape, and built form of the existing heritage district.
- The proposed permanent patio is screened from public view within the Queen-Picton Heritage Conservation District by the surrounding heritage buildings, fencing and existing landscaping. This means that the location of the permanent patio maintains the character of the heritage streetscape.

Safety and Accessibility

- The patio layout is designed to maintain safe pedestrian circulation by directing patrons through controlled entry/exit points through the Angel Inn restaurant, which is accessed from the municipal sidewalk.
- The patio is at-grade, except for a single step leading to the existing wooden deck (See **Photos 5** and **6**). The seating configuration ensures that individuals with mobility challenges can safely access and enjoy the space.
- Emergency access is provided through an existing gated entrance along the eastern property line and the driveway at the southwest corner of 226 Regent Street.

Landscaping Enhancements

- Existing and proposed landscaping, including shrubs, hedges, and trees will contribute to screening the patio space from the adjacent park, and internally to the parking area.
- The separation of spaces using landscaping materials provide both functional separation and aesthetic improvement to the proposed patio use.

Evaluation of Alternatives

- Alternatives to the patio, such as additional building expansion, would result in more significant heritage impact. The patio represents the least intensive option to provide options for patrons while preserving the heritage character of the area.

In summary, the permanent outdoor patio supports the Town's objectives by reinforcing the Queen-Picton Commercial District as a tourist-serving commercial hub, preserving heritage resources, and ensuring safety and functionality. The proposal balances the operational needs of the restaurant with broader community benefits, while continuing the legal non-conforming status for on-site parking requirements.

5.0 Planning Policies

This Planning Justification Report provides an analysis of the proposed development and evaluates the appropriateness of advancing an Application for a Zoning By-law Amendment in the context of the *Planning Act*, Provincial Planning Statement (“PPS”), Niagara Official Plan (“NOP”), the Town of Niagara-on-the-Lake Official Plan (“Town OP”), and Town of Niagara-on-the-Lake Draft Official Plan (“Town’s Draft OP”). The following provides an overview and thorough analysis of these documents in the context of the proposed development.

5.1 Planning Act

The *Planning Act*, R.S.O. 1990, Chapter P.13, provides provincial legislation that establishes the requirements for land use planning in Ontario. The Act describes how land uses may be controlled, and who may control them.

Section 2 of the *Planning Act* (“the Act”) outlines the matters of provincial interest that Council shall have regard for in carrying out their responsibilities under the Act. Included in these matters are:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest*
- (h) the orderly development of safe and healthy communities*
- (k) the adequate provision of employment opportunities*
- (l) the protection of the financial and economic well-being of the Province and its municipalities*
- (p) the appropriate location of growth and development*
- (r) the promotion of built form that:*
 - i. is well-designed*
 - ii. encourages a sense of place*
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant*

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

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

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

Matters of provincial interest are articulated in Provincial, Regional, and Town planning documents, and discussed in this Planning Justification Report. In summary, the Application provides for the conservation of cultural heritage and archaeological resources by retaining the existing Angel Inn building and cottage buildings, with no development, alteration, or ground disturbance proposed. The Application supports the Town's economic well-being, strengthening the tourism focus of the area, supporting the local economy, and providing employment opportunities in an appropriate location in the Town. The proposed permanent patio and cottage rentals are located on lands already designated and zoned for commercial use within the Queen-Picton Commercial District . The patio allows for outdoor seating by utilizing the existing restaurant facilities without an increase in capacity, making efficient use of the available land. Furthermore, the patio is well-designed, appropriately sited and scaled to complement the existing restaurant, with a combination of fencing and landscaping that creates a cohesive and functional outdoor area while ensuring compatibility with adjacent properties. By retaining the existing buildings and recognizing the legal non-conforming parking, the proposal also preserves the established streetscape character along both Market and Regent Streets, reinforcing the heritage character of the Queen-Picton Heritage Conservation District.

For these reasons, the Application has regard for matters of provincial interest as considered throughout this Report. Consistency and conformity with Provincial, Regional and Town policies are discussed in-depth in the subsequent sections of this Report.

5.2 Provincial Planning Statement (2024)

The Provincial Planning Statement (2024), hereinafter referred to as PPS, sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long term economic prosperity.

The Subject Lands are located within a Settlement Area. The following policies apply.

5.2.1 Settlement Areas

Section 2.3 of the PPS provides the following policies regarding settlement areas:

POLICY

2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

1. *Settlement areas shall be the focus of growth and development.*
3. *Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

ANALYSIS

The Subject Lands are located within the Delineated Built-Up Area and Urban Area Boundary of the Town of Niagara-on-the-Lake, where growth and development are to be directed. The lands are designated General Commercial, which permits the existing restaurant and allows the proposed permanent outdoor patio as an accessory use. The designation also allows for the temporary accommodation of the travelling public.

Both the patio and the cottage rentals are located on lands already designated and zoned for commercial use within the Queen-Picton Commercial District, which is recognized as a focus for tourist-serving commercial activities. The proposed development utilizes the lands efficiently by ensuring appropriate growth occurs in a location suitable for commercial development, while being compatible with the nearby residential properties, heritage resources, and open space.

5.2.2 Employment

Section 2.8 of the PPS provides the following policies regarding employment:

POLICY

2.8 Employment

2.8.1 Supporting a Modern Economy

1. Planning authorities shall promote economic development and competitiveness by:

a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;

ANALYSIS

The Application to convert the Angel Inn restaurant's temporary outdoor patio to a permanent outdoor patio, and to permit the existing cottage rentals supports the Town's local economy and tourism by facilitating a different location of seating options for existing patrons and offering short-term accommodations for the travelling public close to the commercial core.

5.2.3 Sewage, Water and Stormwater

Section 3.6 of the PPS provides the following policies regarding sewage, water and stormwater services:

POLICY

3.6 Sewage, Water and Stormwater

2. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.

ANALYSIS

The patio and cottage rentals are currently serviced by existing municipal infrastructure, which aligns with the preferred servicing approach for settlement areas.

5.2.4 Cultural Heritage and Archaeology

Section 4.6 of the PPS provides the following policies regarding cultural heritage and archaeology:

POLICY

4.6 Cultural Heritage and Archaeology

- 1. Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.*
- 2. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

ANALYSIS

The Subject Lands are designated under Part V of the *Ontario Heritage Act*, as it is located within the Queen-Picton Heritage Conservation District. No development or site alteration is proposed – the proposed conversion from a temporary to a permanent outdoor patio and recognition of the existing accommodations as cottage rentals will not result in any soil disturbance or adverse impacts on cultural heritage resources or potential archaeological resources. Accordingly, an Archaeological Assessment was not required for this submission. A future heritage permit is required once the new Queen-Picton Heritage Conservation District Plan is in place.

SUMMARY

Based on the foregoing, the proposed Application is consistent with the PPS as it will not include any development or ground disturbance, contributing to the conservation of the cultural heritage and archaeological resources in the Town. Moreover, the Application supports the Town's tourism and local economy by facilitating seating location options for patrons at the Angel Inn restaurant and providing short-term accommodation options for the travelling public in Old Town.

5.3 Niagara Official Plan (2022)

The Niagara Official Plan (“NOP”) is Niagara’s long-term, strategic policy planning framework for managing growth in the region. It contains objectives, policies and mapping that implement the Region’s approach to provide for managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure.

As outlined in **Table 1** and shown in **Appendix 2**, the Subject Lands are located within the Delineated Built-up Area and are within an Area of Archaeological Potential.

Table 1 – NOP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
<i>Schedule B: Regional Structure</i>	Delineated Built-up Area
<i>Schedule K: Areas of Archaeological Potential</i>	Subject Lands are within an Area of Archaeological Potential

5.3.1 Managing Urban Growth

Section 2.2 of the NOP provides the following policies regarding managing urban growth:

POLICY

2.2 Regional Structure

2.2.1 Managing Urban Growth

2.2.1.1 *Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

b. a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;

e. built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;

j. conservation or reuse of cultural heritage resources pursuant to Section 6.5;

k. orderly development in accordance with the availability and provision of infrastructure and public service facilities; and

ANALYSIS

In accordance with Policy 2.2.1.1 b), the permanent patio and the two (2) existing cottage rentals will continue as will the existing restaurant use. Th cottage rentals provide short-term accommodation options. This will serve both local residents and tourists, contributing to the vibrancy of the Queen-Picton commercial area.

With regard to Policy 2.2.1.1 e) and k), both the cottage rentals and patio are located on lands already designated and zoned for commercial use. It will rely on the existing municipal water, wastewater, and servicing infrastructure, optimizing current municipal investments, reducing servicing costs and supporting the financial well-being of the Town and Region.

Lastly, as previously noted, no development or ground disturbance is proposed, ensuring the preservation of cultural heritage resources.

5.3.2 Infrastructure

Section 5.2 of the NOP provides the following policies regarding infrastructure:

POLICY

5.2 Infrastructure

5.2.2 Municipal Water and Wastewater Servicing within Urban Areas

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

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

ANALYSIS

The permanent patio, together with the cottage rentals, rely on the existing municipal water and wastewater servicing infrastructure of the property, in accordance with Policy 5.2.2.2 and 5.2.2.4.

5.3.3 Archaeology

Section 6.4 of the NOP provides the following policies regarding archaeology:

POLICY

6.4 Archaeology

6.4.2 Conservation in Accordance with Provincial Requirements

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

6.4.2.3 *Archaeological assessments are required as part of Niagara Region public works projects with ground disturbance and/or work on undisturbed ground in areas of archaeological potential.*

6.4.2.6 *Where a site proposed for development is located within an area of archaeological potential, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an area of archaeological potential as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.*

ANALYSIS

Schedule K of the NOP identifies the Subject Lands as being within an area of archaeological potential. The proposed transition from a seasonal to a permanent outdoor patio, along with the continued use of the two existing accommodations as cottage rentals will not result in any soil disturbance or adverse impacts on potential archaeological resources. Accordingly, an Archaeological Assessment was not required for this submission.

5.3.4 Cultural Heritage

Section 6.5 of the NOP provides the following policies regarding cultural heritage:

POLICY

6.5 Cultural Heritage

6.5.1 Cultural Heritage Resources

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

ANALYSIS

The Subject Lands are located within the Queen-Picton (Old Town) Heritage Conservation District Study area, and the Angel Inn building is designated under Part V of the *Ontario Heritage Act*. No construction or site alteration is proposed. A future heritage permit is required once the new Queen-Picton Heritage Conservation District Plan is in place.

SUMMARY

Based on the foregoing, the proposed Application conforms to the policies of the Niagara Official Plan by supporting the enhancement of the existing restaurant and cottage rental uses that contributes to a vibrant public realm, utilizing existing municipal infrastructure, and conserving cultural heritage and archaeological resources.

5.4 Town of Niagara-on-the-Lake Official Plan (Office Consolidated 2017)

The Town of Niagara-on-the-Lake Official Plan (“Town’s OP”) sets out policies that deal with legislative and administrative concerns, policies to guide physical growth and policies to express a wide variety of social, economic and environmental concerns.

As outlined in **Table 2** and shown in **Appendix 3**, the Subject Lands are located within the Urban Area and Built-Up Area, designated General Commercial, and within an Area of Archaeological Potential. Regent Street and Market Street are both identified as local roads.

Table 2 – Town’s OP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
<i>Schedule B: Land Use Plan</i>	General Commercial
<i>Schedule G: Transportation Plan</i>	Regent Street and Market Street are Local Roads
<i>Schedule H: Archaeological Potential</i>	Subject Lands are within an Area of Archaeological Potential
<i>Schedule I-1</i>	Subject Lands are within the Urban Area Boundary and Built-Up Areas

5.4.1 Archaeological Survey

Section 6.1 and 18 of the Town’s OP provides the following policies regarding archaeological survey.

POLICY

6.1 ARCHAEOLOGICAL SURVEY

As a condition of a planning application for the development or redevelopment of land, the municipality in consultation with the authority having jurisdiction may require the proponent to undertake an Archaeological Survey for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found.

ANALYSIS

Schedule H of the Town’s OP identifies the Subject Lands as being within an area of archaeological potential. The pre-consultation agreement, dated May 1st, 2025, identified the potential need for an Archaeological Assessment and Ministry Letter(s) if the proposal involved ground disturbance. The Application to convert the outdoor patio from temporary

to permanent use and to permit the two existing cottage rentals will not result in any soil disturbance or impact to any potential archaeological resources. Town staff confirmed that an Archaeological Assessment is not required with this submission as no development or ground disturbance is proposed. Should the design of the patio be modified in the future that would involve ground disturbance, an Archaeological Assessment may then be required.

5.4.2 Land Use Compatibility

Section 6.7 of the Town's OP provides the following policies regarding land use compatibility.

POLICY

6.7 DEVELOPMENT OF NON-RESIDENTIAL USES

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

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

ANALYSIS

The proposed permanent patio and the two existing cottage rentals are located at 226 Regent Street, which abuts the Voices of Freedom Park to the south. The park functions as a public park and open space, is designated Open Space and Community Facilities in the Town's OP, and is unlikely to change its current use. The park is zoned Established Residential 61 (ER-61) in the Town's Zoning By-law 4316-09. As such, the proposal must be assessed as a non-residential use abutting a residential zone, even though the abutting parcel is not residential in nature. In this context, the relevant interface is the southerly interior side yard of 226 Regent Street, and the analysis considers compatibility from Swayze Cottage (the closer of the two cottages) and the proposed permanent patio.

- **Swayze Cottage:** The southerly setback from Swayze Cottage to the property line is greater than 10 metres. A 0.96-metre planting strip containing a row of tall cedar hedge provides effective visual screening from the abutting lands. Although the two (2) parking spaces are located between the cottage and the interior side yard, the hedge serves as a buffer, mitigating potential light trespass and minimizing visual impacts on adjacent lands.
- **Outdoor Patio:** Along the southern property boundary, where the patio abuts the park, the interface consists of metal and chain-link fencing complemented by

landscaping in the form of deciduous hedges and tall cedars. The existing landscaping provides partial, and in some areas, full screening from the views of the park from the patio. There are no parking spaces located adjacent to the patio. Lighting associated with the patio will be limited to decorative fixtures, which are largely screened by existing landscaping and will not create adverse impacts on the abutting parcel.

Furthermore, it should be noted that the existing cottages predate the Voices of Freedom Park, which was established in 2018. The outdoor patio use has operated compatibly with the Voices of Freedom Park without any issues or concerns throughout its duration.

5.4.3 Planning Impact Analysis

Section 6.23 of the Town OP provides policies regarding a Planning Impact Analysis, which requires the submission of “a *Planning Impact Analysis*[...]as part of any application for an Official Plan and/or Zoning change.” The Official Plan further notes the purpose of the Impact Analysis as follows:

The Impact Analysis is required to determine the appropriateness of the proposed change and to identify ways of reducing any adverse impact on surrounding land uses. It is understood and expected that the Planning Impact Analysis will address broader issues when development is proposed that requires an amendment to this Plan. In the same sense, a minor application will not be expected to provide the level of detailed analysis as would be required for significant developments. Town Council shall be the final arbiter in determining the level of analysis required.

Table 3 below provides a review and discussion of the matters to be considered for a Planning Impact Analysis in the context of the proposed Applications.

Table 3 – Planning Impact Analysis

No.	Policy Requirement	Proposed Development
a)	<i>Compatibility of the proposed use with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area and on the character and stability of the surrounding neighborhood. Where developments require an amendment to this Plan and are considered significant in terms of land area or impact the effect on the community and municipality must be addressed;</i>	The proposed Application is compatible with the surrounding uses and would not impact the character, future land uses, and/or stability of the surrounding neighbourhood. No new buildings or structures are proposed with the Application. Retention of the Angel Inn and the cottages together with the location of the patio support the existing character of the area and streetscape being retained. The Application is proposing to convert the existing temporary outdoor patio to a permanent outdoor patio, and to permit the existing cottage rentals. The

No.	Policy Requirement	Proposed Development
		outdoor patio has existed for at least five years and the cottage rentals have existed for at least twenty-five years, both of which have operated compatibly and harmoniously with the adjacent commercial uses and park. The continuation of these uses is not anticipated to negatively impact the surrounding neighbourhood. No Official Plan Amendment is required for this application.
b)	<i>The height, location, and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</i>	No new buildings or structures are proposed – the current buildings would remain. This is not anticipated to result in any impacts on surrounding land-uses. The existing streetscape on Market and Regent is being maintained.
c)	<i>The extent to which the proposed development provides for the retention of existing vegetation or natural features that contribute to the ecological integrity and visual character of the surrounding area;</i>	The Application proposes to retain all existing vegetation as well as to provide additional landscaping to further screen the outdoor patio use with the Swayze Cottage and parking area of the cottage rentals. This maintains the existing vegetation of the Subject Lands, while effectively buffering the different uses, and contributing to the aesthetic value and visual character of the property. There are no identified natural heritage features on the Subject Lands.
d)	<i>Where a medium density residential development is proposed: the proximity to public open space and recreational facilities, community facilities and transit services, and the adequacy of these facilities and services;</i>	Medium density residential is not proposed in this Application.
e)	<i>The physical suitability of the land for such proposed use and any anticipated environmental effects. In the case of land exhibiting a potential</i>	The Subject Lands are physically suitable for the proposed permanent outdoor patio and existing cottage rentals. No new uses, buildings, or

No.	Policy Requirement	Proposed Development
	<i>hazard, consideration shall be given to;</i> <i>(i) the existing environmental and/or physical hazards.</i> <i>(ii) the potential impacts of these hazards.</i> <i>(iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices.</i> <i>(iv) the costs and benefits in monetary, social and environmental terms of any engineering works needed to overcome the hazard.</i>	structures are proposed that would impact the suitability of the Subject Lands. There are no known environmental or physical hazards on the Subject Lands.
f)	<i>The size and shape of the parcel of land on which the proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use.</i>	No new uses, buildings, or structures are proposed with this Application. The outdoor patio use and cottage rentals have existed compatibly on the Subject Lands.
g)	<i>The potential effect of the proposed use on the financial position of the municipality where a development is of a size that would have an impact in this regard.</i>	The proposed Application would not have an adverse impact on the financial position of the Town. It would support the Town's tourism and local economy by retaining existing commercial uses.
h)	<i>The adequacy of the existing roadway system to accommodate the proposed use and the location of vehicular access points and the likely impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties.</i>	The Subject Lands front onto Regent Street and Market Street. 226 Regent Street contains an existing driveway with two parking spaces for the cottage rentals. 224 Regent Street and 42 Market Street are street-oriented buildings that do not contain parking facilities. Furthermore, the Angel Inn restaurant has legal non-conforming parking status of zero (0) parking spaces. The Application is proposing to

No.	Policy Requirement	Proposed Development
		retain the current number of patrons and provide a permanent outdoor patio. As such, the Application is not expected to generate adverse impacts on traffic.
i)	<i>The regulations of the Regional Niagara Policy Plan, Niagara Peninsula Conservation Authority, the Niagara Escarpment Commission, Niagara Parks Commission, Provincial Policy and the requirements or regulations of any other applicable government department or agency.</i>	The Provincial and Regional regulations, policies, and plans pertaining to the Applications have been addressed in Sections 5.2 to 5.3 of this Report, which concludes that the proposed Applications are consistent with and conform to the applicable policies of these plans.
j)	<i>The servicing capabilities of the area and capacity of municipal services to accommodate the proposed use which shall include the drainage of the property and address the need for a storm water management plan.</i>	The Subject Lands are connected to existing municipal services; no changes are proposed. No development or changes to grading is proposed with this Application that would impact the drainage.
k)	<i>The location and adequacy of lighting, screening, and parking areas.</i>	No changes are proposed to the lighting and parking areas as part of this Application. The existing driveway will clearly indicate the two (2) parking spaces accessible from Regent Street, solely for the use of the cottage rentals. Existing vegetation and fencing screen the outdoor patio and cottage rentals from adjacent uses. The Application is proposing additional landscaping between the outdoor patio and the cottage rental parking area to further buffer these uses and clearly demarcate the outdoor patio.
l)	<i>Provisions for landscaping and fencing.</i>	There is existing landscaping and fencing on the Subject Lands that will be maintained. Additional landscaping is proposed between the outdoor patio and the cottage rental parking area for additional screening.

No.	Policy Requirement	Proposed Development
m)	<i>The location of outside storage, garbage and loading facilities.</i>	No new outside storage, garbage, or loading facilities are proposed with this Application.
n)	<i>The need and desirability of the use.</i>	The proposed Application is desirable as it would support commercial uses in the Town and positively contribute to the local economy and tourism sector. Located in Old Town, the outdoor patio use would provide patrons with seating options, enhancing the existing restaurant use, whereas the existing cottage rentals would continue to provide short-term accommodation options for tourists, which is highly desirable and appropriate.
o)	<i>The effect on the agricultural land base.</i>	This is not applicable as the Subject Lands are located within the Urban Area.
p)	<i>The identification of environmental, archaeological and heritage resources in the area and how the development will impact on those resources.</i>	There are no known environmental resources on the Subject Lands. The Subject Lands are located within an area of archaeological potential as identified in both the NOP and the Town's OP. Furthermore, the Subject Lands are located in the Queen-Picton Heritage Conservation District, designated under Part V of the <i>Ontario Heritage Act</i>. No new uses, buildings, structures, or ground disturbance is proposed with this Application. Therefore, any potential archaeological resources will not be impacted and an Archaeological Assessment is not required as part of this Application. Furthermore, it has been noted in the pre-consultation agreement that this Application will require a future heritage permit in order to facilitate the proposal, which will ensure that heritage resources are protected.
q)	<i>The availability of alternative sites where the application proposes an</i>	This is not applicable as the Applications are not proposing an

No.	Policy Requirement	Proposed Development
	<i>amendment to the Official Plan to change a land use designation or expand an urban boundary.</i>	Official Plan Amendment nor an urban boundary expansion.
r)	<i>Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified in the Planning Impact Analysis including the submission of detailed plans sufficient to show how the items of this policy have been complied with.</i>	The proposed permanent outdoor patio and recognition of the existing cottage rentals are not anticipated to generate adverse impacts on the surrounding land-uses and streets. The outdoor patio has existed for at least five years and the cottage rentals have existed for at least twenty-five years, both of which have operated compatibly and harmoniously surrounding uses. The continuation of these uses is not anticipated to negatively impact the surrounding neighbourhood. In addition, the proposal maintains the established streetscape by preserving the Angel Inn buildings and the cottages, which collectively contribute to the character of the area. Additional landscaping is proposed between the outdoor patio and the cottage rental parking area for further screening between these uses.

5.4.4 Cottage Rentals

Section 6.37 of the Town's OP provides the following policies regarding Cottage Rentals.

POLICY

6.37 COTTAGE RENTALS

A Cottage Rental shall be subject to licensing and may be permitted in all areas of the Town where Bed and Breakfast homes are currently permitted.

By limiting the number of rooms to a maximum of three (3) bedrooms and other factors such as dedicated parking spaces, proper local management and licensing, Cottage Rentals are intended to remain

compatible in a residential neighbourhood, ensuring that disruptions such as noise, are limited.

In addition, the existence of Cottage Rentals in designated heritage residential dwellings, or those that have the potential for designation, could contribute to the conservation of their heritage character and provide financial support for the ongoing maintenance of the heritage features of the property.

ANALYSIS

The two (2) cottage rentals on the Subject Lands both have existing licenses. As cottage rentals are not a permitted use within the commercial zone, the proposed Zoning By-law Amendment seeks to introduce a site-specific permission to recognize these existing uses. While cottage rentals are permitted in residential areas, the Subject Lands abut a residential neighbourhood to its west and directly to its south. The continued operation of the cottages balances the commercial character of the property, while being compatible with and providing small-scale short-term accommodations in the adjacent residential neighbourhood. Furthermore, the Subject Lands are located within the Queen-Picton Heritage Conservation District. The use of these buildings as cottage rentals contributes to the conservation of Old Town's heritage and historic character.

POLICY AND ANALYSIS

In addition to these policies, the Town OP provides that applications for cottage rentals will be considered in the context of a review process, involving compliance with the criteria adopted to protect the residential character of the neighbourhood as outlined in **Table 4** below:

Table 4 – Cottage Rental Requirements Analysis

No.	Policy Requirement	Proposed Development
i)	<i>There is sufficient lot area to comfortably accommodate the required number of parking spaces.</i>	The Subject Lands at 226 Regent Street have an area of approximately 830 square metres (rectangular property with 24.53 m frontage x 33.91 m lot depth). This provides sufficient space to accommodate two (2) dedicated parking spaces and an associated driveway for the exclusive use of the cottage rentals.
ii)	<i>A usable outdoor amenity area must be provided for the activities and relaxation of guests. The amenity area should not consist of areas contained in the front or side yards and setback areas around parking</i>	Each cottage is provided with an outdoor amenity space. Swayze Cottage has an amenity area of approximately 147.3 m ² , while Court House Cottage provides 58.1 m ² . Although the amenity area for Court

No.	Policy Requirement	Proposed Development
	<i>spaces. Outdoor amenity space is to be provided on-site. A minimum outdoor area of 135m² (1453 ft²) should be provided. All on-site facilities, such as outdoor patios, amenity areas etc. are for the exclusive use of overnight guests of the Cottage Rental.</i>	House Cottage is less than the required 135 m ² , it has proven to be sufficient given the nature of the use, with no issues or adverse impacts on guests. Additionally, the existing amenity areas are contained in the side yard for Swayze Cottage and in the front of Court House Cottage. The existing spaces have supported a thriving business without significantly impacting guest experience. Guests primarily visit Niagara-on-the-Lake to explore the Town and its surrounding attractions, resulting in limited demand for exclusive private amenity space. There are various open space areas and parks located in close proximity to these cottage rentals, including the Voices of Freedom Park, Simcoe Park, and the Heritage Trail, providing additional recreational and leisure opportunities.
iii)	<i>No signage indicating that the building is a Cottage Rental or that rooms are for hire shall be displayed anywhere within the Municipality, other than signs permitted in accordance with the Town's Sign By-law and site plan requirements.</i>	Signage for the cottage rentals are reviewed and addressed through the licensing process, ensuring compliance with municipal requirements.
iv)	<i>A Cottage Rental must front on a public road.</i>	Both accommodations are located on 226 Regent Street, which fronts onto Regent Street, a local road as identified in Schedule G of the Town's OP (see Appendix 3).

5.4.5 General Commercial Policies

Section 10.3 of the Town's OP provides the following policies regarding the General Commercial designation:

POLICY

10.3 LAND USE DESIGNATIONS

10.3.1 GENERAL COMMERCIAL

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

Main Uses:

- Retail Commercial Uses

Secondary Use:

Uses permitted with a Main Use:

- accessory buildings and structures

(2) The implementing Zoning By-law may exclude specific uses or categories of uses which are considered to be incompatible with the goals, objectives and policies of the Plan, particularly in the Queen-Picton Heritage Conservation Area where the focus is on pedestrian-oriented shopping.

(4) To provide for a balance of commercial uses, Tourist commercial uses may be restricted in the implementing Zoning to specific locations, leaving other commercial areas devoted to serving other needs.

10.4 COMMERCIAL POLICIES

(2) To provide for differing ranges of commercial use and differing forms of development, there are five Commercial designations:

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

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

(4) Adequate off-street parking shall be provided for all new commercial development. In existing developed commercial areas, where inadequate parking has been provided, and where additional off-street parking is difficult to achieve, or would negatively affect the pedestrian character of the area, Council may consider accepting payments of cash-in-lieu of parking spaces from new or intensified commercial development.

(6) Off-street parking areas for commercial uses will be designed to facilitate the efficient offstreet movement of vehicles and not to negatively impact on abutting or near-by residential uses.

(8) Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the "greening" of commercial areas and to protect adjoining residential areas from the effects of commercial activity shall be applied in all new commercial development or redevelopment.

(9) Every effort shall be made to preserve heritage resources if they are affected by an application for commercial development or redevelopment and an inventory of heritage features deemed by Town Council to be impacted by a development application shall be made before changes are undertaken and the conservation of such features shall be encouraged.

ANALYSIS

The Subject Lands are designated General Commercial in Schedule B of the Town's OP. Per Policy 10.3.1(4), this designation primarily provides for a wide range of commercial uses to serve local residents, while also permitting tourist-related uses as established in the Zoning By-law. Accordingly, the proposed outdoor patio which is secondary to the existing restaurant use, and the two (2) existing cottage rentals, are permitted in this designation.

Town staff have advised that the proposed permanent outdoor patio requires nine (9) parking spaces per the Town's Zoning By-law. No parking spaces are proposed for the outdoor patio. The Subject Lands are located in Old Town, within the established commercial core of the Queen-Picton Commercial District, which offers a wide range of pedestrian-oriented commercial uses and establishments. Providing for additional on-site parking spaces is difficult to achieve due to the site constraints, would be detrimental to the pedestrian character of the area and impact the streetscape on Regent Street and Market Street. The Parking Impact Analysis letter prepared by UrbanTrans Engineering Solutions dated August 22, 2025, confirms that conversion of the existing temporary patio to permanent patio does not generate the need for additional parking. Furthermore, there are existing paid on-street public parking available in the vicinity to support the proposed patio use along with various municipal parking lots.

The cottage rentals have two (2) dedicated parking spaces at 226 Regent Street, located immediately south of Swayze Cottage, with one parking space dedicated to each cottage rental. The existing 3.12-metre-wide driveway provides sufficient functionality for access and maneuvering, in accordance with Policy 10.4(6). Existing fencing and a cedar hedge abutting the driveway provides additional buffering from the street and adjacent lands. The proposed parking configuration for the cottage rentals is in keeping with the character

of the commercial area and its surrounding uses, promoting a cohesive, pleasant, and pedestrian-oriented streetscape.

Policy 10.4(8) requires the application of building setbacks, landscaped areas, and buffer strips to protect abutting residential areas. As detailed in Section 6.0 of this report, existing building setbacks are maintained. While no minimum landscaped area requirements apply, the Subject Lands maintain existing landscaped areas and mature trees, with additional landscaping enhancements proposed through this Application. Buffering is achieved along the southern property line abutting Voices of Freedom Park, where fencing and a combination of deciduous hedges and cedar plantings provide partial to full screening. Additional screening is also provided between the parking area and the patio, addressing the intent of Policy 10.4(8) to enhance the "greening" of commercial areas and mitigate impacts on adjoining residential uses.

The Subject Lands contain existing heritage resources, and therefore, in accordance with Policy 10.4(9), heritage permits will be required at subsequent stages of the development approvals process.

5.4.6 Heritage Conservation

Section 18 of the Town's OP provides the following policies regarding Heritage Conservation.

POLICY

18.2 GOALS AND OBJECTIVES

(2) In the Queen-Picton Heritage Conservation District the design of new buildings and structures shall also be subject to the requirements of the Queen-Picton Street Heritage District Plan.

(3) To prevent the demolition, destruction or inappropriate alteration or use of heritage resources.

18.3 HERITAGE POLICIES

(4) Criteria for Assessing New Development

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

a) The impact of the development on existing heritage resources

b) The proposed building design and its effect on the historic character of abutting properties and the streetscape.

18.4 GENERAL HERITAGE CONSERVATION POLICIES

(2) It shall be the policy of Council to encourage the preservation of buildings and sites having historical and/or architectural values.

18.5 ARCHAEOLOGICAL PLANNING

(1) An archaeological resource assessment may be required by the Regional Municipality of Niagara as the delegated authority (Planning and Development Department) in consultation with Town of Niagara-on-the-Lake as a result of a planning application should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule “H” to this Official Plan or where an archaeological site has been previously registered on the property.

(4) Small-scale applications such as minor variance, land severance or minor zoning amendments, will be reviewed and an archaeological assessment may be required by the Town and Regional Municipality of Niagara (Planning and Development Services Department) as the delegated authority.

ANALYSIS

As previously noted, the Subject Lands are located within the Queen-Picton Heritage Conservation District, which is currently undergoing an expansion review. In addition, the Angel Inn building is designated under Part V in the *Ontario Heritage Act*. Accordingly, the proposed permanent patio will require heritage permit approval. A heritage permit application will be submitted to Town heritage staff, with final approvals to be granted once the updated Queen-Picton Heritage Conservation District Plan is in effect.

The proposal will also be circulated to public bodies for review and comment through the Town's standard application circulation process. The Municipal Heritage Committee, serves as the commenting agency and will have an opportunity to review the application and provide input, as per Policy 18.3(4) of the Official Plan.

There are no new buildings or structures proposed as part of this Application. As such, the proposed conversion from a temporary to permanent use of the outdoor patio and recognizing the two (2) existing cottage rentals will not result in adverse impacts to existing heritage resources, the historic character of abutting properties, or the established streetscape. Based on Queen-Picton HCD Study Report, the cottage rental buildings have been in existence since the district's periods of significance in the 1800s and early 1900s, and have long been part of the local streetscape. The Application does not propose to alter their built form in any way and is only intended to recognize their ongoing use as cottage rentals.

Similarly, the proposed permanent outdoor patio is a low intensity use that does not have direct street frontage. It is buffered by a landscaped strip and the existing buildings, which minimizes its visibility and ensures no significant impact on the adjacent streetscapes. The proposal therefore maintains compatibility with the heritage resources and is not anticipated to negatively affect the historic character of adjacent properties or the established streetscape.

Furthermore, the Application will not result in any soil disturbance or impacts on potential archaeological resources. As such, an archaeological assessment was not required under the relevant policies of Section 18.5 of the Town's OP and as determined in consultation with Town staff.

SUMMARY

Based on the foregoing, the proposed Application conforms to the relevant policies of the Town's OP by providing for commercial uses that contribute to the Town's local economy and tourism sector, maintaining the pedestrian-oriented commercial character of Old Town, ensuring compatibility with adjacent uses, and conserving and enhancing cultural heritage resources and archaeological resources.

5.5 Town of Niagara-on-the-Lake Official Plan (DRAFT)

The Town is undertaking an update to its Official Plan, a critical document that will guide growth, development, and municipal priorities for the next 25 years and beyond. The first Redlined Draft Official Plan (or “Town’s Draft OP”) has been released for review and comment. This Draft focuses on the Official Plan Update theme areas of: Growth Management, Employment/Economy, Climate Change, Cultural Heritage, Transportation/ Infrastructure, among other things. Although the Town’s Draft OP is not final and in-effect, the following Section provides a summary and analysis of the Town’s Draft OP as it relates to the Application.

As outlined in **Table 5** and shown in **Appendix 4**, the Subject Lands are located within the Built-Up Area of Old Town and designated Commercial. The Subject Lands are located within an Area of Archaeological Potential, the Queen-Picton Heritage Conservation District, the National Heritage District, Downtown Character Area, and are adjacent to a Part IV designated property (Court House building) under the *Ontario Heritage Act*. Regent Street and Market Street are both identified as local roads, with Market Street identified as having a right-of-way width of 16.46 metres.

Table 5 – Town’s Draft OP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
<i>Schedule B2: Land Use Plan – Old Town</i>	Commercial
<i>Schedule B7: Growth Plans</i>	Built Up Area of Old Town
<i>Schedule D1 & D2: Heritage Resources & Archaeology</i>	Queen-Picton Heritage Conservation District, Area of Archaeological Potential, and adjacent to Part IV designated property (Court House)
<i>Schedule D3: Heritage Resources – Old Town</i>	Queen-Picton Heritage Conservation District, National Heritage District, and adjacent to OHA Part IV designated property (Court House)
<i>Schedule D4: Areas of Heritage Significance</i>	Downtown Character Area
<i>Schedule E1: Transportation Network</i>	Market Street and Regent Street are local roads

SCHEDULE	SUBJECT LAND DESIGNATION
<i>Schedule E2 (i): Transportation Network – Road Right-of-Way Widths (Municipal Roads Section)</i>	Market Street: 16.46 metres

5.5.1 Complete Communities and Framework for Development

Sections 1.6 and 3.2 of the Town's Draft OP provides the following policies regarding complete communities and framework for development:

POLICY

1.6 Complete Communities

1.6.1 Sustainability

1.6.1.1 *The concept of a sustainable community is one that directs growth to well-planned built-up areas and protects the integrity of the agricultural sector. Compact development within settlement areas is key to growth management in the Town. In managing growth to the year 2051, the Town will continue to direct growth to the settlement areas and maintain a balance of residential and employment opportunities.*

1.6.1.3 *Sustainability is achieved through a variety of initiatives that can include:*

g) *making efficient use of public infrastructure by focusing on a compact, mixed use, walkable, and connected community, and support for active transportation alternatives;*

h) *having vibrant downtowns and attractive public spaces;*

3.2 Framework for Development

3.2.3 *Development within the settlement areas will be planned to support transit, active transportation opportunities and improved pedestrian and vehicular circulation. It must also ensure the conservation of cultural heritage resources.*

3.2.4 *It is the goal of this Plan that the settlement areas in the Town continue to evolve into complete communities where there is:*

g) *a range of cultural and recreational opportunities and facilities;*

ANALYSIS

The proposal makes use of commercially designated lands, in a compact and efficient manner. The proposal maximizes the use of existing land without needing new infrastructure, in accordance with Policy 1.6.1.3 g). Further, Policy 1.6.1.3 h), supports the achievement of sustainable communities through having vibrant downtowns and attractive public spaces. The permanent outdoor patio strengthens the vibrancy of the Queen-Picton area by providing a welcoming gathering space.

As per Policy 3.2.3, both the patio use and cottage rentals maintain safe and convenient pedestrian access by being connected to the municipal sidewalk. With regards to ensuring the conservation of cultural heritage resources, heritage permit approvals will be required at later stages of the development application. As such, there are no new buildings or structures proposed as part of this Application. Landscape enhancements are proposed between the parking area and the outdoor patio to provide for additional screening and aesthetic treatment. The proposal is not anticipated to result in new or negative impacts to the Queen-Picton Heritage Conservation District.

Finally, in accordance with Policy 3.2.4, the proposed permanent patio and cottage rentals will provide an accessible and attractive recreational experience for locals and tourists to enjoy.

5.5.2 Commercial Areas

Section 3.10 of the Town's Draft OP provides the following policies regarding commercial areas:

POLICY

3.10 Commercial Areas

3.10.2 Objectives

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

- c) To ensure in commercial areas that cultural heritage resources are conserved.*
- d) To recognize the Queen-Picton Street area as the focus of tourist- serving commercial uses in the Old Town.*
- e) To minimize the impact of commercial development on adjacent land uses and prevent the intrusion of commercial uses into residential areas unless it is demonstrated that there are no land-use conflicts.*
- f) To minimize the impact of commercial development on the traffic carrying capacity of adjacent roads.*

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

3.10.4 Permitted Uses

3.10.4.1 Commercial uses include a full range of retail commercial uses, business offices, service shops, community facilities, hotels, wineries, breweries and restaurants.

3.10.5 Policies

3.10.5.1 Adequate off-street parking shall be provided for all new commercial development. In existing developed commercial areas, where inadequate parking has been provided, and where additional off-street parking is difficult to achieve, or would negatively affect the pedestrian character of the area, the Town may consider accepting payments of cash-in-lieu of parking spaces from new or intensified commercial development.

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

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

3.10.5.5 Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the greening of commercial areas and to protect adjoining residential areas from the effects of commercial activity will be applied in all new commercial development or redevelopment.

3.10.5.6 Cultural heritage resources will be conserved. where they may be affected by an application for commercial development or redevelopment. A heritage impact assessment and/or an archaeological assessment will be required, and appropriate mitigation measures will be taken to the satisfaction of the Town.

ANALYSIS

According to Policy 3.10.4.1, a full range of commercial uses, including hotels and restaurants, are permitted in this designation. By extension, the two (2) existing cottage rentals, which provide tourist accommodations, and the permanent patio, as an extension of the existing restaurant use, are permitted. The proposed uses serve both local

residents and tourist visitors, aligning with the objective of this designation to reinforce Queen-Picton Commercial District as the focus of tourist- serving commercial uses in the Old Town.

According to Town staff, the proposed permanent outdoor patio requires nine (9) additional parking spaces per the Town’s Zoning By-law. No parking spaces are proposed as the capacity for the Angel Inn is not changing. The Subject Lands are located in Old Town, within the established commercial core of the Queen-Picton Commercial District, which offers a wide range of pedestrian-oriented commercial uses and establishments. Providing for additional on-site parking spaces is not possible to achieve due to the lot constraints, would be detrimental to the pedestrian character of the area, and would require the removal of existing buildings which would permanently alter the streetscape on Market and Regent Streets. The Parking Impact Analysis letter prepared by UrbanTrans Engineering Solutions dated August 22, 2025, confirms that conversion of the existing temporary patio to a permanent patio does not generate the need for additional parking. Furthermore, there are existing paid on-street public parking available in the vicinity to support the proposed patio use along with various municipal parking lots.

The cottage rentals provide two (2) dedicated parking spaces at 226 Regent Street, located immediately south of Swayze Cottage, with one parking space dedicated to each cottage rental. The existing 3.12-metre-wide driveway provides sufficient functionality for access and maneuvering, in accordance with Policy 3.10.5.3. Existing fencing and a cedar hedge abutting the driveway provides additional buffering from the street and adjacent lands. The proposed parking configuration for both the outdoor patio and cottage rentals is in keeping with the character of the commercial area and its surrounding uses, promoting a cohesive, pleasant, and pedestrian-oriented streetscape.

The proposal also maintains compatibility with adjacent uses through existing building setbacks, buffer strips, existing mature trees, and privacy screens. Based on the analysis conducted in the previous sections, the proposal,

- has no adverse impact on the historic character on the surrounding heritage resources,
- maintains the established streetscape, and,
- protects the character of adjacent public space through the existing fencing and landscaping.

5.5.3 Heritage and Archaeology

Sections 6 of the Town’s Draft OP provides the following policies regarding cultural heritage resources and archaeological resources:

POLICY

6.1 Cultural Heritage Resources

6.1.1 Protection of Cultural Heritage Resources

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

6.1.3 Protection of Cultural Heritage Resources

6.1.3.2 *To protect heritage resources, the Town will establish policies and procedures to:*

- g) Require a heritage permit for any work to a cultural heritage resource protected under the Ontario Heritage Act.*

6.2 Cultural Heritage Landscapes and Heritage Conservation Districts

6.2.5 Queen Picton Heritage Conservation District

6.2.5.1 *The Queen-Picton Heritage Conservation District, as shown on Schedule D3, comprises the 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.*

6.2.5.4 *Within the Queen-Picton Heritage Conservation District, the Town will:*

- b) Ensure that new development, including new infill development and redevelopment, will conserve the District's heritage values and heritage attributes.*

6.2.5.5 *All new development and redevelopment, including parks and open spaces in the Queen-Picton Heritage Conservation District will conform to the Queen-Picton Heritage Conservation District Plan policies which will take precedence over any other policies of this Plan.*

6.2.5.6 *When considering an application for development approval in the Queen-Picton Heritage Conservation District, the Town will ensure development adheres to the following criteria in addition to any development criteria in the Heritage Conservation District Plan:*

- a) The protection and conservation of any cultural heritage resources existing on and adjacent to, the site.*

b) The impact of development on the identified heritage values and heritage attributes of the District will be minimized to address:

- i. the compatibility of the proposed use;*
- ii. the capacity of the site for additional uses, parking and supporting infrastructure;*
- iii. location of parking areas, loading and access; and*
- iv. tree preservation and opportunities for landscaping and screening.*

c) Designs that are compatible in mass, scale, height, fenestration and materials.

6.3 Archaeological Resources

6.3.3 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

ANALYSIS

As per Schedule D1, D2 and D3 of the Town's Draft OP, the Subject Lands are located within Queen-Picton Heritage Conservation District, the National Heritage District and are adjacent to the Court House property, which is designated under Part IV of the *Ontario Heritage Act* (OHA). Additionally, the Angel Inn building is designated under Part V of the *Ontario Heritage Act*. Accordingly, the proposed patio will require heritage permit approvals.

No new uses, buildings, or structures are being proposed with this Application. The proposed conversion from a temporary to permanent use of the outdoor patio and recognition of the two (2) existing cottages rentals will not result in any soil disturbance or impact to any potential archaeological resources. Accordingly, an Archaeological Assessment is not provided as part of this submission. Should the design of the patio be modified in the future that would involve more extensive ground disturbance, an Archaeological Assessment may then be required.

5.5.4 Infrastructure

Sections 8 of the Town's Draft OP provides the following policies regarding transportation, water and wastewater services, and stormwater management:

POLICY

8.1 Transportation

8.1.9 Local Roads

8.1.9.1 *Schedule E1 identifies the local roads in the Town.*

a) Local roads are intended to provide access to individual properties.

c) The minimum required right-of-way width for individual local roads are listed in Schedule E2(i).

8.1.12.7 *A cash-in-lieu of parking policy and by-law, as provided for under the Planning Act, may be established to assist in the provision of parking in a planned and orderly manner, while allowing the development or redevelopment of lands in established areas of the Town.*

8.1.12.8 *As a condition of development approval, the Town may require the dedication of road widenings to achieve the right-of-way widths as set out in Schedule E2.*

8.2 Water and Wastewater Services

8.2.1 General Policies

8.2.1.1 *New development will be limited by the available capacities of services. Where, within any settlement area boundary, full municipal services are not available, development will be restricted.*

8.3 Stormwater Management

8.3.2 *No development will occur without appropriate regard for storm run-off, on- site collection and channeling of stormwater to an adequate outlet. Drainage will be to a storm sewer outlet satisfactory to the Town.*

8.3.9 *Development will be permitted only on lands having soil and drainage conditions which are suitable for development and only with appropriate stormwater management and sediment control.*

ANALYSIS

Schedule E1 of the Town's Draft OP identifies Regent Street and Market Street as local roads, which are intended to provide access to individual properties. As a corner location, the Subject Lands benefit from frontage and access along the two public roadways.

In accordance with Policy 8.1.9.1 (c), the minimum required right-of-way for Market Street is 16.46 metres. The current right-of-way achieves this minimum width; as such, a road widening was not requested through the pre-consultation agreement process.

The proposed permanent patio, together with the cottage rentals, will rely on the existing municipal water and wastewater servicing infrastructure of the property, in accordance with Policy 8.2.1.1. The proposal also maintains existing trees and plantings and incorporates additional landscaping to improve permeability and water retention. The use

of permeable surfaces, including turfs and landscaped areas will reduce runoffs and promotes on-site collection.

SUMMARY

Based on the foregoing, the proposed Application conforms to the relevant policies of the Town's Draft OP by contributing to a complete community and strengthening the vibrancy of the downtown, enhancing commercial uses that contribute to the Town's local economy and tourism sector, maintaining the pedestrian-oriented commercial character of Old Town, ensuring compatibility with adjacent uses, conserving cultural heritage resources and archaeological resources, and utilizing existing municipal services.

6.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned “Queen Picton Commercial (QPC) Zone” in accordance with Zoning By-law No. 4316-09 (see **Appendix 5 – Zoning By-law Map**). The QPC Zone does not permit a permanent outdoor patio and cottage rentals. As such, a Zoning By-law Amendment is requested to facilitate the proposed development and to rezone the Subject Lands from a QPC Zone to a site-specific QPC-XX Zone.



Figure 5 – Location Map

The Zoning By-law Amendment proposes the following:

224 Regent Street

- Provide site-specific relief for lot frontage, rear yard setback, lot coverage, and sight triangle

226 Regent Street

- Permit the permanent outdoor patio as a secondary use to the existing Angel Inn restaurant on 224 Regent Street
- Permit the existing cottage rentals
- Provide site-specific relief for lot frontage, lot depth, buffer strip, on-site amenity area for cottage rentals, number of cottage rentals on the property, fencing, patio size, patio abutting a residential zone, number of parking spaces for patio use,

length and location of parking spaces, width and location of drive aisle, and number of accessible parking spaces for patio use

42 Market Street

- Provide site-specific relief for lot frontage and rear yard setback

The following comprehensive zoning table reviews the proposal against the relevant sections of the Zoning By-law to determine compliance with these requirements:

- **Section 6** – General Provisions
- **Section 7.7** – Queen Picton Commercial (QPC) Zone

A Draft Zoning By-law Amendment has been prepared (see **Appendix 6 – Draft Zoning By-law Amendment**).

6.1 Average Block Face Calculations

Certain zoning calculations require the average values of existing lots in the same Block Face that the lot is located. In Section 5 of the Town's Zoning By-law, "Block Face" is defined as: *all land fronting on one side of a street between the nearest streets intersecting, meeting or crossing the aforesaid street.*

Based on the above definition, the land parcels included in the calculations are 224 Regent Street/46 Market Street, 42 Market Street, 38 Market Street, 226 Regent Street, and Voices of Freedom Park. These parcels were chosen as they represent QPC-zoned lots along the Market Street and Regent Street block faces where the Subject Lands are located.

The average block face calculations³ are outlined in **Table 6** below.

Table 6 – Average Block Face Calculations

ADDRESS	FRONTAGE	DEPTH	REAR YARD	EXTERIOR SIDE YARD	LOT COVERAGE
LOTS FRONTING MARKET STREET					
224 Regent Street / 46 Market Street ⁴	12.9 m	24.2 m	1.4 m	0 m	90.8%
42 Market Street	9.9 m	24.2 m	0.5 m	N/A	36.1%
38 Market Street	10.4 m	24.2 m	7.1 m	0 m	55.7%
AVERAGE	11.1 m	24.2 m	3.0 m	0 m	60.9%
LOTS FRONTING REGENT STREET					
226 Regent Street	24.5 m	33.9 m	0.3 m	N/A	18.1%
Voices of Freedom Park	37.2 m	42.0 m	N/A	N/A	N/A
AVERAGE	30.9 m	38.0 m	0.3 m	N/A	18.1%

³ The values are derived from Niagara Navigator, the Topographic Survey prepared by Suda & Maleszyk Surveying Inc., dated 2022, and the Site Plan prepared by 2M Architects Inc., dated August 19th, 2025.

⁴ Calculations for 224 Regent Street/46 Market Street are in accordance with the Zoning By-law 4316-09 definition of "lot line, front".

6.2 Comprehensive Zoning Review

Table 7 – Zoning By-law 4316-09 Zoning Compliance Review

PROVISION	REQUIREMENT	PROPOSED	COMPLY
SECTION 7. OLD TOWN COMMUNITY ZONING DISTRICT			
7.7.1 Permitted Uses	(h) outdoor patio restaurant, in accordance with Section 6.36 (k) restaurant (n) vacation apartment	<u>226 Regent Street:</u> Permanent outdoor patio for the existing restaurant use Cottage rentals	No
7.7.3 Required Lot Frontage and Lot Depth	Average of the lot frontages of existing lots in the same Block Face that the lot is located. According to the Block Face Calculations in Table 6, the average lot frontage is as follows: <u>Market Street:</u> 11.1 m <u>Regent Street:</u> 30.9 m	<u>224 Regent Street:</u> 12.9 m <u>42 Market Street:</u> 9.9 m <u>224 Regent Street:</u> 24.5 m	No
	Average of the lot depths of existing lots in the same Block Face that the lot is located According to the Block Face Calculations in Table 6, the average lot depth is as follows: <u>Market Street:</u> 24.2 m <u>Regent Street:</u> 38.0 m	<u>224 Regent Street:</u> 24.2 m <u>42 Market Street:</u> 24.2 m <u>226 Regent Street:</u> 33.9 m	No, for 226 Regent Street
7.7.4 Required Yard Setbacks	Average of the rear yard setbacks within	<u>226 Regent Street:</u> 1.4 m	No, for 226 Regent Street and 42 Market Street

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	the same Block Face that the lot is located According to the Block Face Calculations in Table 6, the average rear yard setback is as follows: <u>Market Street:</u> 3.0 m <u>Regent Street:</u> 0.3 m	<u>42 Market Street:</u> 0.5 m <u>226 Regent Street:</u> 0.3 m	
	Exterior side yard setback of existing buildings on the other lots in the same intersection. According to the Block Face Calculations in Table 6, the average exterior side yard setback is as follows: <u>Market Street:</u> 0 m <u>Regent Street:</u> N/A	<u>46 Market Street:</u> 0 m <u>42 Market Street:</u> N/A <u>226 Regent Street:</u> N/A	Yes
	There shall be no front yard or interior side yard requirements for buildings located within the Queen Picton Commercial (QPC) Zone.	Noted	N/A
7.7.5 Required Building Height	Height of existing buildings in the Queen Picton Commercial (QPC) Zone shall not be increased.	No changes in height proposed	Yes
7.7.6 Required Building Lot Coverage	Maximum building coverage based on the average of the lot coverage of existing buildings within the	<u>224 Regent Street:</u> 90.8% <u>42 Market Street:</u>	No, for 224 Regent Street

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	same Block Face that the building is located. Where the building lot coverage of the properties having a location within the same Block Face cannot be determined, the maximum lot coverage shall be seventy-five per cent (75%). According to the Block Face Calculations in Table 6, the average exterior side yard setback is as follows: <u>Market Street:</u> 60.9% <u>Regent Street:</u> 18.1%	36.1% <u>226 Regent Street:</u> 18.1%	
7.7.7 Buffer Strip	Where an interior side yard or rear yard of a lot located within the Queen Picton Commercial (QPC) Zone abuts a residential zone, a strip of land adjacent to the adjoining lot line being a minimum of 1.524 m (5 ft) in width shall be used as a buffer strip and shall consist of a continuous natural living fence and be in accordance with Section 6.6.	<u>226 Regent Street:</u> 0.96 m	No, for 226 Regent Street
SECTION 6. GENERAL PROVISIONS			
	(a) (1) Not more than eight per cent (8%) of the lot area is occupied	<u>42 Market Street:</u> 7.9%	Yes

PROVISION	REQUIREMENT	PROPOSED	COMPLY
6.1 ACCESSORY BUILDINGS AND STRUCTURES	by the accessory buildings or structures. However, an outdoor in-ground swimming pool may be permitted to exceed eight per cent (8%) of the lot area in accordance with Section 6.1 (e) below;		
	(a) (2) No detached building or structure shall be located closer than 1.2 m (3.94 ft) to a main building;	<u>42 Market Street:</u> 4.1 m	Yes
	(a) (3) Except as otherwise provided, shall not be located in a front yard.	Not located in the front yard	Yes
	(b) Unless otherwise specified in this By-law, an accessory building or structure shall not exceed 6 m (19.69 ft) to the peak of the roof in height except as provided for in Section 6.21, Height Restrictions Exceptions;	Height is no more than 6 m	Yes
6.6 BUFFER STRIP	(a) Comprehensive Zoning By-Law 4316-09, as amended Where a buffer strip is required in any zone, it shall be of a minimum width and height as specified in the provisions of that zone;	<u>226 Regent Street:</u> 0.96 m	No, for 226 Regent Street
	(b) A buffer strip shall be located within the zone for which it is	Noted.	Yes

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	required. It shall be planted, nurtured and maintained by the owner of the lot on which the buffer strip is located and the replacement of trees and plants shall be made when such plants have died or been removed; and		
	(c) A buffer strip may form part of any required landscaped open space.	Noted.	Yes
6.10 COTTAGE RENTAL	(a) Where “Cottage Rental” is a permitted use, it shall only be permitted in a single detached dwelling and shall not contain more than three bedrooms;	<u>226 Regent Street</u> The existing built form is of two (2) single detached dwellings, consisting of two (2) bedrooms in each dwelling	Yes
	(b) There shall be no less than two off-street parking stalls available on-site;	<u>226 Regent Street</u> Two (2) off-street parking spaces provided on-site, with one (1) parking space allocated to each cottage rental	Yes
	(c) A “Cottage Rental” shall have a minimum on-site amenity area(s) of 135 m ²	<u>226 Regent Street</u> Court House Cottage: 58.1 square metres Swayze Cottage: 147.3 square metres	No, for Court House Cottage
	(d) A “Cottage Rental” must front on a public road and be fully	<u>226 Regent Street</u>	Yes

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	serviced with water and sewage disposal services approved by the Town on lands within the urban boundary	Both cottage rentals are located on 226 Regent Street with frontage on Regent Street and are both municipally serviced	
	(e) A maximum of one “Cottage Rental” per lot is permitted and no other use of the property is permitted, including secondary residential units or suites, a second “Cottage Rental”, “Villa”, or secondary uses;	<u>226 Regent Street</u> Two (2) cottage rentals exist on 226 Regent Street. The permanent outdoor patio is proposed on 226 Regent Street as a secondary use to the Angel Inn restaurant on 224 Regent Street.	No, for 226 Regent Street
	(f) A “Cottage Rental” must be licensed appropriately with the Town of Niagara-on-the-Lake.	The cottage rentals have existing short-term rental licenses.	Yes
6.14 EXISTING LOTS	Legally created existing lots as of the date of passing of this By-law having less than minimum lot frontage or lot area required by this By-law, may be developed for the use(s) permitted in the zone within which the lot is zoned, provided all other regulations of this By-law are satisfied, and such lots can be safely serviced.	Noted.	Yes
6.17 FENCING	Where a fence is constructed, the height	Noted.	N/A

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	and location will be determined as regulated in the Town's Fence By-law, as revised from time to time.		
	<u>Fence By-law (4778-14)</u> 5 (a) No person shall construct or permit to be constructed or maintained any fence or hedge within a sight triangle that is more than 1.0 meter above the adjoining ground level.	226 Regent Street is not a corner lot.	N/A
	5 (b) Where a driveway and a fence and/or a hedge run parallel to each other, no person shall construct or permit to be constructed or maintained a fence or hedge that is more than 1.0 meter above the adjoining ground level, from the street line to a point 4.5 meters back along the fence or hedge.	<u>226 Regent Street:</u> There is a combination of chain link fence (1 m in height) and existing cedar bushes. <u>Existing Hedge:</u> Significantly taller than 1 m based on Photo 10 & 12 (refer to Section 2.3 of this Report).	No, for 226 Regent Street
	6 (a) FRONT YARD: No person shall construct or permit to be constructed or maintained any fence or hedge that is more than 1.0 meter above the adjoining ground level, in a front yard.	<u>226 Regent Street:</u> There is a combination of picket fence and existing cedar hedge along the front lot line. Existing Picket Fence:	No, for 226 Regent Street

PROVISION	REQUIREMENT	PROPOSED	COMPLY
		0.9 m in height Existing Hedge: Significantly taller than 1 m based on Photo 10 & 12 (refer to Section 2.3 of this Report).	
	6 (b) SIDE AND REAR YARDS: No person shall construct or permit to be constructed or maintained any fence or hedge that is more than 2.0 meters above the adjoining ground level, in a side or rear yard.	<u>226 Regent Street:</u> Existing Chain Link Fence Along the Side Yard: 1 m in height Existing Steel Fence Along the Side Yard: 1 m in height Existing Picket Fence Along the Rear Yard: 1.2 m in height Existing Hedge: Significantly taller than 2.0 m based on Photo 10 & 12 (refer to Section 2.3 of this Report)	No, for 226 Regent Street
6.19 GARBAGE AND REFUSE STORAGE	No garbage or refuse shall be stored on any lot in any Enterprise, Commercial, Industrial or Institutional Zone except within the principal building or an accessory building or structure on such lot, or in a container in the interior or exterior side yard or rear yard of	<u>224 Regent Street and 42 Market Street</u> Outdoor patio's waste collection is associated with the existing restaurant use, with waste collection internal to the restaurant building and in the	Yes

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	such lot in accordance with the following: (a) A garbage and refuse storage area, including any garbage loading or unloading area, which is visible from an adjoining residential land use or from a public open space, the Niagara River or from a public street, other than a lane, shall have a visual screen; and (b) A dumpster or garbage container shall be regulated in the same manner as an accessory building or structure in the zone in which it is located.	buildings on 42 Market Street. <u>226 Regent Street</u> Cottage Rentals will have their own waste collection internally.	
6.25 LANDSCAPED OPEN SPACE	Landscaped open space shall be provided in accordance with the provision set out in each zone category and in accordance with the following: (a) Any part of a lot which is not occupied by buildings, structures, parking area, loading spaces, driveways, excavations, agricultural uses or permitted outdoor storage areas, shall be maintained as	Noted.	Yes

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	landscaped open space; (b) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space; (c) Where landscaped open space of any kind, including a buffer strip is required adjacent to any lot line or elsewhere on a lot, nothing in this By-law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways; (d) No part of any driveway, parking area, loading space, stoop, roof top terrace, balcony, other than a landscaped area above an underground parking area, shall be considered part of the landscaped open space; and (e) Commercial, industrial and multiple residential zones may require additional		

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	landscaping as required by the provisions of a Site Plan Control Agreement, pursuant to Section 41 of the Ontario Planning Act.		
6.33 NON-COMPLYING LOTS, BUILDINGS, OR STRUCTURES	(a) Nothing in this By-law shall apply to prevent the continued existence of a lot, building, or structure which complied to the applicable regulations and general provisions when the lot was created or the building or structure constructed so long as any changes to the lot, building or structure comply with the regulations and general provisions of this By-law;	The buildings and structures on the Subject Lands date back at least 25 years prior to the passing of the current Zoning By-law. No changes are proposed.	Yes
6.36 OUTDOOR PATIO RESTAURANT	(a) No outdoor patio restaurant shall accommodate more than fifty per cent (50%) of the licensed capacity of the restaurant or dining lounge with which the patio is associated to a maximum size of 90 m ² Capacity of existing restaurant: 137 persons	<u>226 Regent Street</u> Capacity of Patio: Not more than 50% of the current restaurant capacity Patio Size: 246.71 m ²	No, for 226 Regent Street
	(b) No outdoor patio restaurant shall be permitted in a yard that	<u>226 Regent Street</u>	No, for 226 Regent Street

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	abuts a residential zone;	Abuts a public park (Voices of Freedom Park) that is zoned Estate Residential 61 (ER-61)	
	(c) An outdoor patio restaurant shall be located a minimum of 3.0 m (9.84 ft) from any loading area, parking spaces, internal road or driveway located on the lot;	4.06 metres	Yes
	(d) No commercial cooking equipment is permitted on an outdoor patio restaurant;	No commercial cooking equipment is proposed for outdoor patio.	Yes
	(e) Any outdoor lighting shall be directed toward or onto the patio area and away from adjoining properties and streets;	Noted. This will be reviewed in detail at the Site Plan Application stage.	N/A
	(f) Despite Section 6.27, Loading Spaces Requirements, no additional loading space shall be required for an outdoor patio restaurant;	No loading spaces proposed.	Yes
	(g) Parking spaces shall be required for the gross leasable floor area associated with the outdoor patio restaurant at a rate of one (1) space for every 30 m ² of outdoor patio area;	<u>226 Regent Street</u> Zero (0) spaces	No, for 226 Regent Street

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	Required parking: 246.71 m ² /30 m ² = 8.22 = 9 spaces		
	(h) An outdoor patio restaurant shall be defined by a wall or fence with a minimum height of 0.8 m (2.62 ft) above the patio floor;	<u>226 Regent Street</u> Eastern Fence: 1.165 m Southern Fence: Combination of steel and chain link fence, 1 m high Western Fence: New deciduous shrubs and conifers	Yes
	(i) No outdoor patio restaurants shall operate before 8:00 a.m. and after 11:00 p.m., and seasonally each calendar year before March 1 and after October 31;	Noted.	Yes
	(j) Outdoor entertainment, public address or music systems shall not be permitted in conjunction with an outdoor patio restaurant;	Noted.	Yes
	(k) The surface of an outdoor patio restaurant shall be limited to a maximum height of 1 m (3.28 ft) above grade.	The patio is constructed largely at-grade, with only a single step up to the existing wooden deck (as shown in Photo 6 in Section 2.3 of this Report)	Yes
	(a) Off-street parking areas shall be located	Provided parking spaces and	Yes

PROVISION	REQUIREMENT	PROPOSED	COMPLY
6.38 PARKING REQUIREMENTS	on the same lot as the use requiring the parking unless otherwise provided for in this By-law, and shall not infringe on any required loading spaces; (d) Except for a single detached dwelling, all off-street parking areas shall be provided with adequate means of ingress and egress to and from a street or lot, and shall be arranged so as not to interfere with the normal public use of a street.	associated driveway is within the extents of 226 Regent Street. There is no loading space required for the existing uses.	
	(c) Despite any provisions of this By-law, uncovered surface parking areas shall be permitted as required in the specific zone categories;	Noted.	Yes
	Table 6-3: PARKING SPACE DIMENSIONS <u>90° Parking Alignment</u> Min Width: 2.75 m Min Length: 6.0 m Min Driveway/Aisle Width: 6.0 m	<u>226 Regent Street:</u> Min Width: 2.75 m Min Length: 5.6 m Min Driveway/Aisle Width: 3.12 m	No, for 226 Regent Street
	(i) Any parking area or access driveway provided in the front yard or exterior side	The existing driveway is finished with a combination of turf and pavers.	Yes

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	yard of a lot in a non-residential zone, or in any yard of a non-residential use adjacent to a residential use, shall be paved with asphalt, concrete or paving stones		
6.39 PARKING SPACE REQUIREMENTS	<u>Table 6-4 COMMERCIAL AND INDUSTRIAL PARKING RATIOS</u> Restaurant, Outdoor Patio: 1 per 30 m² GFLA of outdoor patio area in addition to the requirements for a restaurant Required Spaces = 246.71 m²/ 30 = 9 spaces Note: There are no parking requirements for cottage rentals/vacation rental included in Table 6-4, 6-5, 6-6. Parking for cottage rentals is addressed in Section 6.10 above.	<u>226 Regent Street</u> Outdoor Patio: Zero (0) spaces Cottage Rentals: 2 parking spaces	No, for 226 Regent Street Yes
6.40 PARKING SPACE REQUIREMENTS, ADDITIONAL PROVISIONS	(b) Where a building or structure has insufficient parking spaces on the date of passing of this By-law to comply to the requirements of this By-law, this By-law shall not be interpreted to require that the	Noted.	Yes

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	deficiency be made up prior to the construction of any addition or a change of use provided, however, in the event that any additional spaces required by this By-law for such addition or change of use, these shall be provided in accordance with all provisions respecting parking spaces and areas;		
	(i) Notwithstanding the yard and setback provisions of this By-law, uncovered surface parking areas shall be permitted in the required yards in the area between the road or street line and the required setback, provided that no part of any parking area, other than a driveway, is located closer than 2 m to any front or exterior lot line, and no closer than 1 m to any rear or interior side lot line.	<u>226 Regent Street</u> 1.27 m from front lot line	No, for 226 Regent Street
	(j) A driveway shall be setback a minimum of 8.0 m from an exterior property line and 1.0 m from an interior property line.	<u>226 Regent Street</u> 0.96 m from the southerly interior side yard	No, for 226 Regent Street

PROVISION	REQUIREMENT	PROPOSED	COMPLY
6.42 PARKING, ACCESSIBLE SPACE REQUIREMENTS	Table 6-8 <u>ACCESSIBLE PARKING RATIOS</u> For 1 - 25 Total Required Regular Parking Spaces: 1 Accessible Parking Space Required	<u>226 Regent Street:</u> Zero (0) spaces provided	No, for 226 Regent Street
6.49 SECONDARY USES	(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.	N/A as the provisions of Section 6.36 Outdoor Patio Restaurant regarding coverage have been assessed.	N/A
	(b) The secondary use is subordinate to the principal permitted use.	Yes, the outdoor patio use is secondary to the principal restaurant use.	Yes
	(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.	N/A as the provisions of Section 6.36 Outdoor Patio Restaurant have been assessed.	N/A
6.52 SIGHT TRIANGLE	On a corner lot within the sight triangle, no hedge, shrub, tree, ornamental structure, statue or fence shall be planted, maintained or erected which will obstruct the vision of, or cause safety	<u>224 Regent Street</u> No sight triangle is provided, as the existing Angel Inn building is constructed up to the front property line.	No, for 224 Regent Street

PROVISION	REQUIREMENT	PROPOSED	COMPLY
	concerns regarding vehicular traffic		

6.3 Planning Justification

6.3.1 Permitted Uses

Proposed: *Outdoor Patio Restaurant, Secondary to Restaurant Use on 224 Regent Street or 46 Market Street*

Two (2) Cottage Rentals

Section 7.7.1 currently permits “outdoor patios restaurants”. The request is to convert the existing temporary outdoor patio to a permanent outdoor patio. The proposed use is appropriate, as the Subject Lands are designated and zoned for commercial purposes, and an outdoor patio restaurant is already permitted in the uses in the Queen-Picton Commercial Zone, subject to the General Provisions in Section 6.36. The outdoor patio will be subordinate to the established restaurant use on 224 Regent Street (46 Market Street).

Further, Section 7.7.1 lists “vacation apartments” as a permitted use but does not provide for other forms of short-term rental accommodation. The request is to recognize the existing cottage rentals in the amending by-law. The proposed use is appropriate as the nature of the use (short-term accommodation for the travelling public) is supported by the Town’s OP and Zoning By-law. As detailed in previous sections of this Report, the existing cottage rentals are not anticipated to have any significant impacts beyond the established operation. The cottage rentals are licensed by the Town currently, complying with the Town’s requirements.

Based on the above analysis, the proposed permanent outdoor patio restaurant and cottage rentals should be permitted through this Application.

6.3.2 Required Lot Frontage and Lot Depth

Required:

REQUIREMENT	MARKET STREET	REGENT STREET
<i>Average Lot Frontage</i>	11.1 m	30.9 m
<i>Average Lot Depth</i>	24.2 m	38.0 m

Proposed:

REQUIREMENT	224 REGENT STREET (46 MARKET STREET)	MARKET STREET	REGENT STREET
Average Lot Frontage	12.9 m	9.9 m	24.5 m
Average Lot Depth	24.2 m	24.2 m	33.9 m

The lot frontages and lot depths on the Subject Lands represent existing conditions and define the streetscape on both Market and Regent Streets. Within the overall block, lot frontages on Market Street range from 9.9 metres to 12.9 metres, and lot frontages on Regent Street range from 24.5 metres to 37.2 metres. The lot depth for Market Street is 24.2 metres for all properties within this block, and range between 33.9 metres and 42 metres for Regent Street. These variations from the average calculations are minor and do not present a substantial deviation from the lot fabric in the neighbourhood. Furthermore, no development is proposed on the Subject Lands that would change the existing lot frontage and depth. As such, the requested variance reflects the existing lot configuration and can be supported.

6.3.3 Rear Yard Setback**Required:**

REQUIREMENT	MARKET STREET
Average Rear Yard Setback	3 m

Proposed:

REQUIREMENT	224 REGENT STREET (46 MARKET STREET)	42 MARKET STREET
Average Rear Yard Setback	1.4 m	0.5 m

Similar to the above, the average rear yard setbacks for the Subject Lands are existing conditions that represent very little deviation from other lots within this block. The rear yard setbacks are representative of commercial lots in pedestrian-oriented downtown areas that are more built-up. No negative impacts are anticipated due to the existing rear yard setbacks. The requested variance reflects the existing condition of the Subject Lands and can be supported.

6.3.4 Lot Coverage

Required:

REQUIREMENT	MARKET STREET
Maximum Lot Coverage	60.9%

Proposed:

REQUIREMENT	224 REGENT STREET (46 MARKET STREET)
Maximum Lot Coverage	90.8%

Based on the Block Face calculation provided in **Table 6** of this report, the average lot coverage for properties fronting Market Street is 60.9%, while the average for properties fronting Regent Street is 18.1%. 224 Regent Street (46 Market Street) has a lot coverage of 90.17%, as the building is built to the lot line. 224 Regent Street is comprised of the Angel Inn restaurant and overnight accommodations, which is a key commercial use and historical building in Old Town. The requested variance proposes to recognize the existing condition of the building.

6.3.5 Buffer Strip

Required: 1.524 m continuous along interior side yard where abutting a residential zone

Proposed: 0.96 m for majority of interior side yard where abutting a residential zone

Section 7.7.7 of the Town's Zoning By-law requires a minimum 1.524 metres wide buffer strip along the interior side yard or rear yard of a lot within the QPC Zone when abutting a residential zone. Section 6.6(a) further specifies this requirement under the provisions of the QPC Zone. 226 Regent Street abuts a lot (Voices of Freedom Park) zoned ER-61 and currently provides a buffer strip of 0.96 metres along the southerly lot line adjoining the residentially zoned lands.

It should be noted that although the Voices of Freedom Park is zoned residential, it is a park and open space use, which is public use and not private property. The requested variance is intended to recognize this relationship as well as the existing buffering

provided, which is sufficient. Along the southern property boundary, where the patio interfaces with the park, the transition is defined by a combination of metal and chain-link fencing, as well as landscaping elements including deciduous hedges and tall cedars. This existing landscaping offers a significant, and in some areas full visual screening between the patio and the adjacent park. This offers the appropriate screening and separation distance between the Subject Lands and the Voices of Freedom Park. Furthermore, the Subject Lands and Voices of Freedom Park have existed compatibly with one another without issues. As such, the existing buffer strip and fencing configuration abutting the Voices of Freedom Park is appropriate.

6.3.6 On-Site Amenity Area for Cottage Rentals

Required: *135 m² of on-site amenity area for each cottage rental*

Proposed: *205.4 m² total of on-site amenity area for two (2) cottage rentals*

Section 6.10(c) of the Town's Zoning By-law requires a minimum outdoor amenity area of 135 square metres per cottage rental. Both cottages provide dedicated amenity spaces: Swayze Cottage offers approximately 147.3 m², exceeding the requirement, while the Court House Cottage provides 58.1 m². Although the amenity area for the Court House Cottage is less than the required standard, the existing amenity area has successfully supported the continued operation of the cottage rental business without negatively impacting guest experience. In practice, guests primarily visit Niagara-on-the-Lake to enjoy the Town and its surrounding attractions, which reduces the demand for large, exclusive on-site amenity areas. Furthermore, there are various open space areas located in close proximity to these cottage rentals, including the Voices of Freedom Park, Simcoe Park, and the Heritage Trail, providing additional recreational and leisure opportunities.

6.3.7 Number of Cottage Rentals on the Property

Required: *Maximum of one (1) cottage rental on a property with no other use of the property is permitted*

Proposed: *Maximum of two (2) cottage rentals on a property with an outdoor patio restaurant permitted*

Section 6.10(e) of the Town's Zoning By-law permits only one (1) cottage rental per property and prohibits any other use, including secondary uses. 226 Regent Street currently accommodates two (2) cottage rentals, in addition to an outdoor patio functioning as a secondary use to the established restaurant use. The existing cottage rentals are legal non-conforming uses; the proposal is to establish both as permitted uses.

The existing cottage rentals have coexisted on the property for an extended period of time without any significant impacts on surrounding uses. Both cottage rentals operate under valid licenses and comply with municipal requirements, indicating that the property can accommodate more than one cottage rental. As previously mentioned, the proposed uses have coexisted on the property and have provided tourist accommodation without significantly impacting guest experience due to the presence of two cottage rentals.

As such, the requested variance recognizes an existing functional arrangement that is appropriate for the property and should therefore be permitted.

6.3.8 Fencing

Required: *Fencing and landscaping in accordance with the Town's Fence By-law*

Proposed: *Exemption from the Town's Fence By-law due to recognize existing conditions*

Section 6.17 of the Town's Zoning By-law requires that when a fence is constructed, its height and location must comply with the Town's Fence By-law. Specifically, Sections 5(b) and 6(a) of Fence By-law 4778-14 require that all fencing or hedges located adjacent to a driveway and/or parallel to a street line not exceed 1 metre in height and be set back at least 4.5 metres from the street line. The intent of these provisions is primarily to ensure visibility and safety by avoiding obstructions that could create hazards for vehicles and pedestrians.

At 226 Regent Street, the proposal includes a parking area situated along the front lot line, bordered by a combination of a picket fence and a cedar hedge. The setback from the edge of the street line to the front lot line measures 5.58 metres, which exceeds the 4.5-metre requirement. The picket fence, at 0.915 metres in height, complies with the by-law requirements. However, the cedar hedge located along the frontage exceeds the 1 metre height limit.

The taller cedar hedge is an existing condition and provides visual buffering from the parking area. This maintains the character of the existing streetscape by preserving the landscaped frontage rather than exposing surface parking. The hedge is not anticipated to interfere with sightline visibility for vehicles or pedestrians due to the generous setback from the street.

In addition, Section 6(b) of the Fence By-law requires all fencing or hedges along the side and rear lot lines to not exceed 2 metres in height. At 226 Regent Street, the cedar hedge along the southerly lot line significantly exceeds the 2-metre height limit, as seen in Photos 10 and 12 (refer to Section 2.3 of this report). This hedge forms a mature landscaped buffer between the patio and the adjacent park, which is zoned residential. The taller hedge contributes positively by providing partial to full screening of the patio from the park.

Both cases demonstrate an existing and beneficial condition that contributes to maintaining the streetscape character, while providing adequate buffering and ensuring safety of pedestrian and vehicles. The requested variance is reasonable and should be permitted.

6.3.9 Size of Patio

Required: *Maximum of 90 m²*

Proposed: *Maximum of 246.71 m²*

Section 6.36 of the Town's Zoning By-law requires that an outdoor patio restaurant shall not exceed a maximum size of 90 m². The proposed outdoor patio measures 246.71 m² in area and does not increase the seating capacity of the restaurant's licensed capacity. The proposed patio functions as a secondary use, subordinate to the primary restaurant use. The proposed patio use is a low-intensity, open-air space that makes efficient use of the commercially designated lands, without requiring additional municipal infrastructure. The patio offers patrons an alternate seating option that capitalizes on its location in Old Town and proximity to other commercial and open space uses, contributing to the vibrancy of the downtown core and ensuring that there are no adverse impacts on adjacent uses.

The cottage rentals are located on the same property. Existing and proposed landscaping provides screening between these two uses. The combination of the outdoor patio and cottage rentals on the same lot create a synergy that supports both the local economy and tourism sector in Old Town. Overall, the requested increase in patio size is not anticipated to have any adverse impacts on adjacent uses, supports the Town's economy, and does not increase the restaurant's licensed capacity.

6.3.10 Patio Abutting a Residential Zone

Required: *Outdoor patio is not permitted in a yard abutting a residential zone*

Proposed: *Outdoor patio in a yard abutting a residential zone*

Section 6.36(b) of the Town's Zoning By-law prohibits an outdoor patio restaurant from abutting a residential zone. At 226 Regent Street, the proposed patio abuts the parcel to the south, which is the Voices of Freedom Park. While this parcel is technically zoned Established Residential 61 (ER-61), it operates as a public open space. It is highly unlikely that the park will transition to residential use in the future.

The proposed patio is appropriate in this context based on the following reasons:

- Although the adjacent parcel has residential zoning, its actual use is a municipal park. As such, it does not create land use conflicts typically associated with residential properties.
- The southern interior lot line, where the patio interfaces with the park, is buffered by a landscaped edge consisting of deciduous hedges and tall cedars. The existing landscaped buffer provides both partial and, in some areas, full visual screening between the patio and the park.

The intent of the provision is still maintained, in spite of the technical zoning classification of the abutting parcel. The requested variance is appropriate and should be permitted.

6.3.11 Number of Parking Spaces for Patio Use

Required: *One (1) space for every 30 m² of outdoor patio for a total of 9 spaces*

Proposed: *Zero (0) spaces for outdoor patio area*

Section 6.36 (g), Table 6-4 and 6.39 (b) of Town's Zoning By-law, requires nine (9) additional parking spaces for the proposed patio use. However, no parking spaces are provided for the patio use through this Application, and an exemption from parking requirements is being requested.

The existing restaurant at 224 Regent Street (46 Market Street) is built to the property boundary, leaving no opportunity for on-site parking. This restaurant use has been successfully operating under this condition since its establishment, with the zero (0) parking spaces for the Angel Inn recognized as a legal non-conforming condition. The proposed outdoor patio is considered a secondary use, accessory to the existing restaurant use. No increase in capacity is proposed for the restaurant as a result of the outdoor patio use. The outdoor patio would only provide alternate seating arrangements for patrons within the existing licensed capacity of the Angel Inn. This variance is about where people have the opportunity to sit and not about a change in capacity of the Angel Inn.

Similar to the restaurant, there is no available space on 226 Regent Street to accommodate additional parking. Furthermore, it would not be desirable to provide parking facilities on both properties. Located in the heart of Old Town, the buildings fronting Market Street and Regent Street contribute to a pedestrian-oriented experience and vibrant public realm within the commercial core. The buildings are part of the established streetwall in the Queen Picton Heritage Conservation District. The Angel Inn restaurant and overnight accommodations, along with the existing cottage rentals, are important commercial uses that celebrate the historic character of the Town, while positively contributing to the Town's economy and boosting the tourism sector. The provision of on-site surface parking would detrimentally impact the pedestrian-oriented nature of these commercial uses.

In addition to this, the Parking Impact Analysis prepared by UrbanTrans Engineering Solutions Inc., dated August 2025, noted various existing parking facilities within close proximity of the Subject Lands, while confirming that the conversion from a temporary to a permanent patio does not generate the need for additional parking spaces. There are existing municipal parking lots and paid on-street public parking available in the vicinity to support the patio use. The parking letter recommends that the legal non-conforming parking condition at zero (0) spaces for the restaurant be carried forward for the permanent outdoor patio. Accordingly, the requested parking exemption is considered appropriate and desirable with no anticipated adverse impacts, as the restaurant capacity is not increasing with the outdoor patio, and there are various existing parking facilities in close proximity of the outdoor patio.

6.3.12 **Length of Parking Space and Width of Driveway Aisle**

Required: *2.75 m width x 6.0 m length for a 90° parking alignment*

6.0 m minimum driveway/aisle width for a 90° parking alignment

Proposed: *2.75 m width x 5.6 m length for a 90° parking alignment*

3.12 m minimum driveway/aisle width for a 90° parking alignment

Table 6-3 of the Town's Zoning By-law requires a parking space length of 6 metres and an associated driveway aisle width of 6 metres. The proposed parking spaces measure 5.60 metres in length and the driveway width measures 3.12 metres in width. The slight reduction in length is minor and appropriate given that the parking area accommodates only two (2) spaces, which will serve the two (2) existing cottage rentals.

The 6 metres driveway aisle is intended for two-way traffic. However, with only two parking spaces, a one-way drive aisle is sufficient. The proposed 3.12 m width provides adequate space for vehicles to enter, exit, and maneuver safely.

Based on this, the reductions in both parking space length and drive aisle width are minor, and the intent of Table 6-3 is maintained. The requested relief should therefore be permitted.

6.3.13 *Location of Parking Area*

Required: *2 m to front lot line for uncovered surface parking area*

Proposed: *1.27 m to front lot line for uncovered surface parking area*

Section 6.39(i) of the Town's Zoning By-law requires uncovered parking areas to be setback a minimum of 2 metres from the front lot line, with the intent of providing adequate space to accommodate buffering techniques to minimize the visibility of parking areas from the streetscape.

In this case, the setback measures 1.27 metres from the front lot line of 226 Regent Street. The intent of the provision is met through the existing cedar hedge, which provides screening from the parking area and maintains the streetscape character. On this basis, the reduced setback is an existing condition that maintains the intent of Section 6.39(i), and therefore, the requested relief should be permitted.

6.3.14 *Location of Driveway*

Required: *1 m to interior property line*

Proposed: *0.96 m to interior property line*

Section 6.39(j) of the Town's Zoning By-law requires a minimum 1-metre setback for driveways abutting an interior side lot line. In this case, the driveway is setback 0.96 metres from the southerly interior side yard.

This minor reduction should be permitted as it reflects an existing condition. The current setback, where the patio abuts the park, provides sufficient space to include fencing and landscaped buffers in the form of deciduous hedges and tall cedars. The existing landscaped buffer provides partial to full screening of the patio from the park space.

The reduced side yard setback from the driveway is an existing condition that maintains the intent of Section 6.39(j), and therefore, the requested relief should be permitted.

6.3.15 Accessible Parking Space

Required: *One (1) accessible space required for outdoor patio*

Proposed: *Zero (0) accessible space provided for outdoor patio*

Section 6.42 of the Town's Zoning By-law requires one (1) accessible parking space for parking areas consisting of 1–25 spaces. While the outdoor patio restaurant would typically require one (1) accessible space, there is no space on 226 Regent Street to provide an accessible space without impacting the functionality of the site. Furthermore, as previously noted in Section 6.3.11 above, the restaurant has a legal non-conforming parking status of zero (0) parking spaces overall. The outdoor patio is secondary to the restaurant use and does not constitute an increase in restaurant capacity. Given the existing property constraints and the secondary use to the restaurant, an exemption from the accessible parking requirement is appropriate.

6.3.16 Sight Triangle

Required: *No building, structure, or landscaping shall be erected on a corner lot within the sight triangle*

Proposed: *Existing building on 224 Regent Street (46 Market Street) within sight triangle*

Section 6.52 of the Town's Zoning By-law requires a sight triangle on corner lots to ensure safe vehicle and pedestrian visibility. 224 Regent Street (or 46 Market Street), being a corner lot, does not have an area designated for a sight triangle. The existing building is built to the property line. This condition has existed for at least for decades without adverse impacts. Furthermore, commercial buildings within a downtown area are typically built close to or on the street line, which activates the streetscape and contributes to a pedestrian-scale environment. This is an existing condition that is characteristic of other commercial buildings in the downtown core, and should be permitted to remain.

7.0 Summary and Conclusion

The proposed Zoning By-law Amendment Application would permit the conversion of an existing temporary outdoor patio to a permanent outdoor patio, as well as recognize existing cottage rentals that would enhance commercial uses that contribute to the Town's local economy and tourism sector, maintain the pedestrian-oriented commercial character of Old Town and preserves the streetscape along Market Street and Regent Street in the Queen-Picton Heritage Conservation District, ensure compatibility with adjacent uses, conserve cultural heritage resources, and utilize existing municipal services.

It is our opinion that the proposed Zoning By-law Amendment represent good land use planning, is in the public interest, and should be approved for the following reasons:

1. The Application is consistent with the *Planning Act*, Provincial Planning Statement (2024) conforms with the Niagara Official Plan, the Town of Niagara-on-the-Lake Official Plan, and the Town of Niagara-on-the-Lake draft Official Plan;
2. The Application will conserve cultural heritage resources in the Town, while supporting the Town's tourism and local economy, enhancing the existing commercial uses, contributing to a vibrant public realm, and utilizing existing municipal infrastructure; and,
3. Land use compatibility between the proposed outdoor patio and existing cottage rentals with the adjacent uses is achieved and enhanced through existing and proposed landscaping treatments and appropriate separation distances between the uses.

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Appendices

Appendix 1: Conceptual Site Plan

Appendix 2: Niagara Official Plan Schedules

Appendix 3: Town of Niagara-on-the-Lake Official Plan Schedules

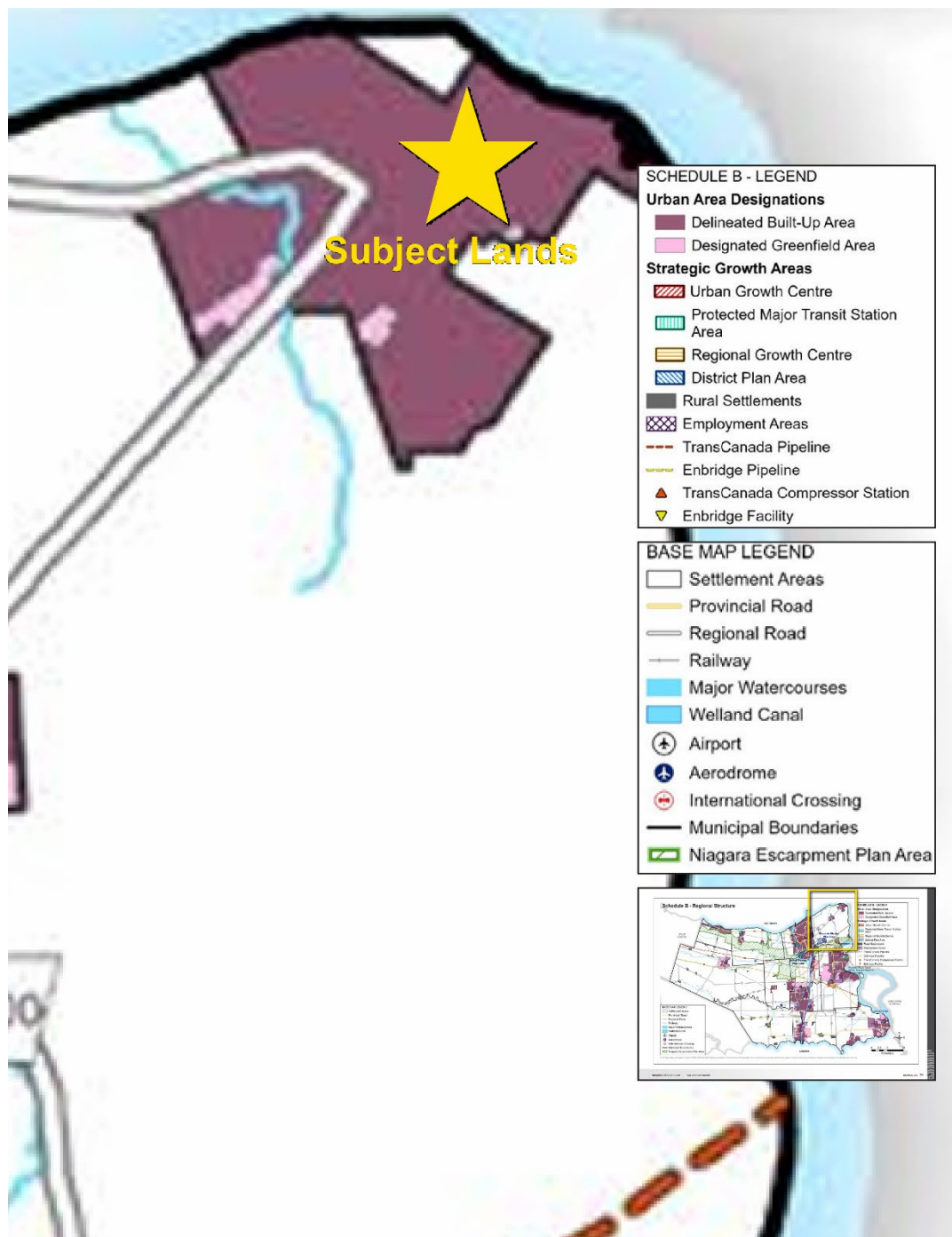
Appendix 4: Town of Niagara-on-the-Lake Draft Official Plan Schedules

Appendix 5: Town of Niagara-on-the-Lake Zoning By-law Map

Appendix 6: Draft Zoning By-law Amendments

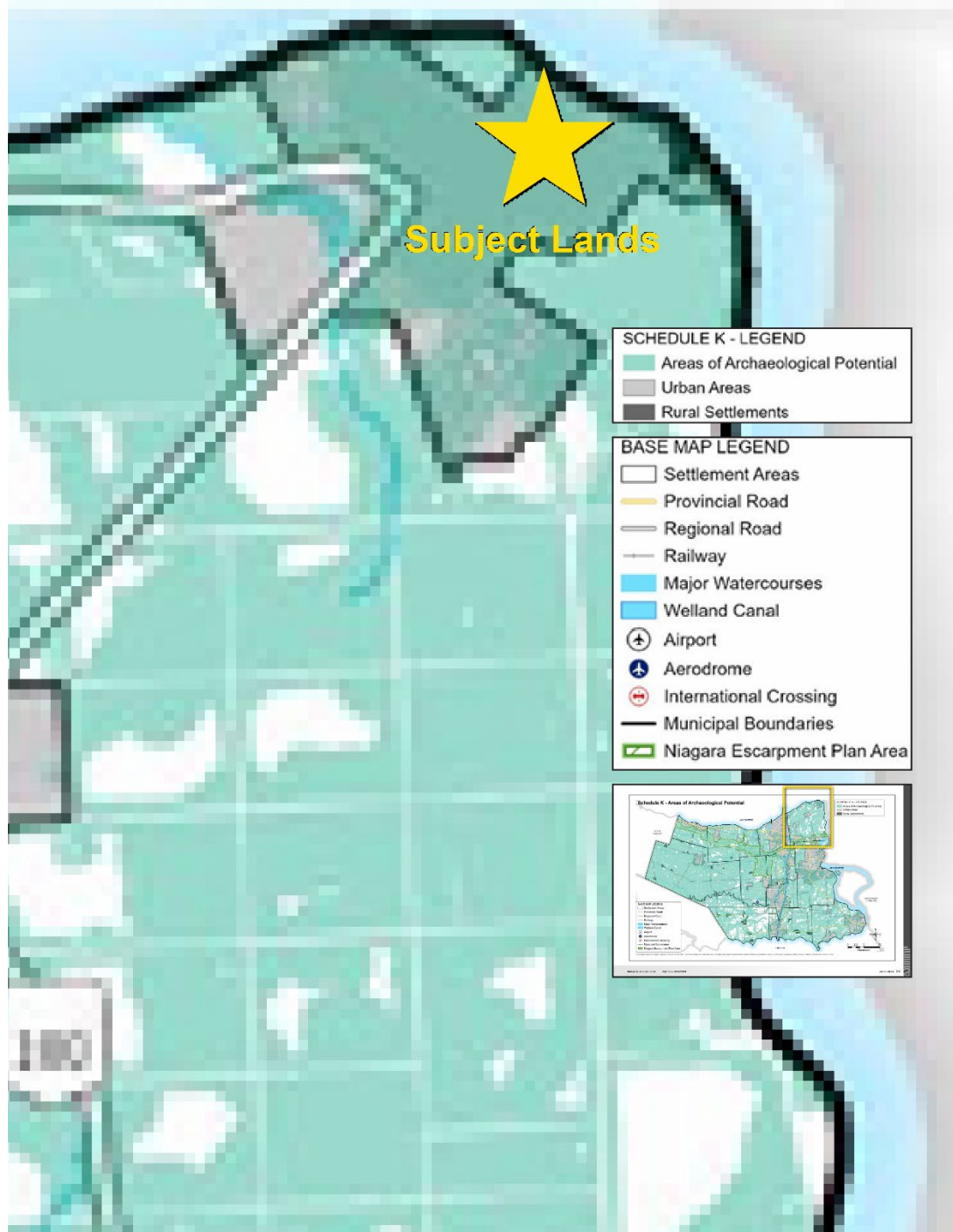
Appendix 1: Conceptual Site Plan

Appendix 2: Niagara Official Plan Schedules



Schedule B – Regional Structure

Schedule J2 – Strategic Cycling Network



Schedule K – Areas of Archaeological Potential

Appendix 3: Town of Niagara-on the-Lake Official Plan Schedules



Schedule B – Land Use Plan



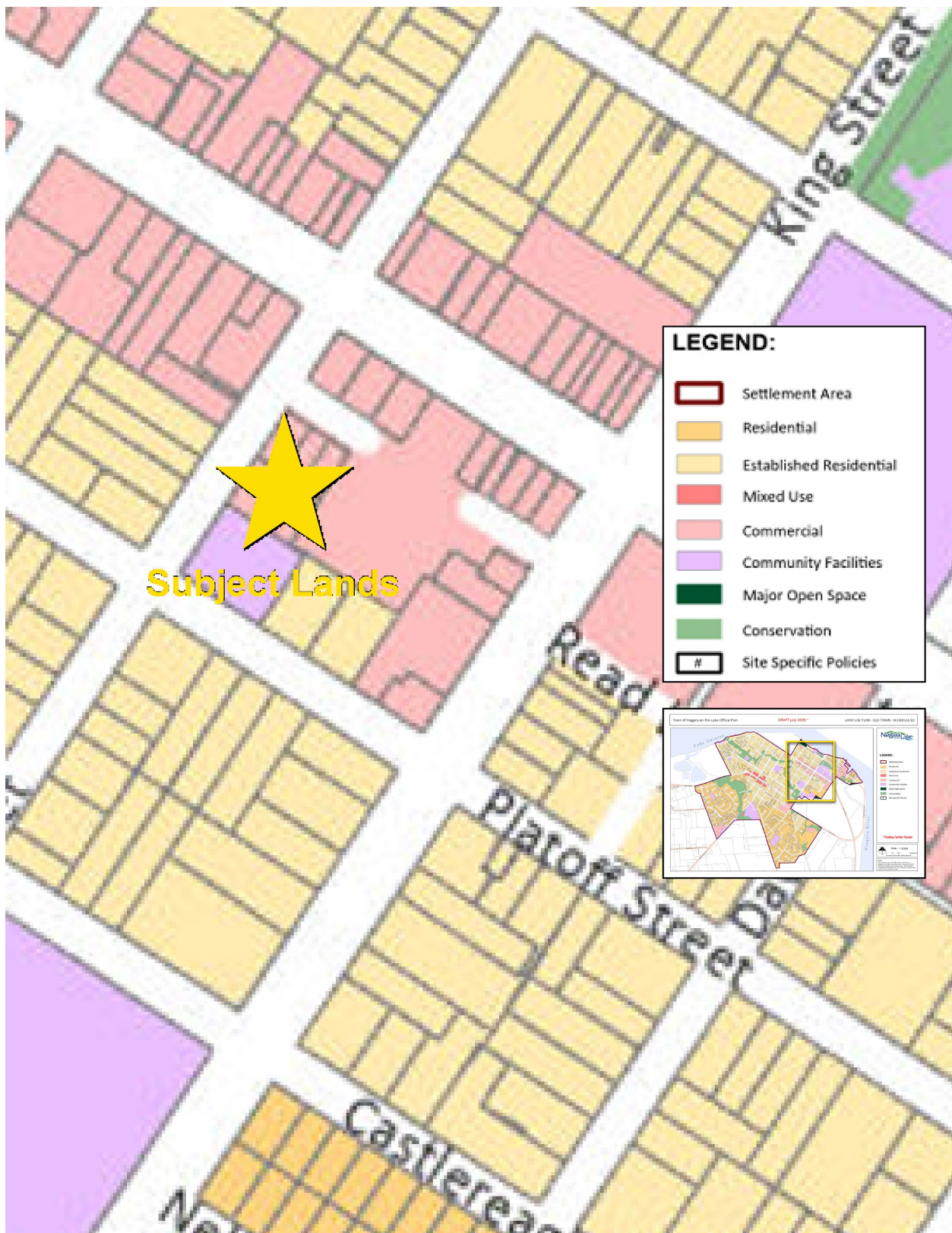
Schedule G – Transportation Plan



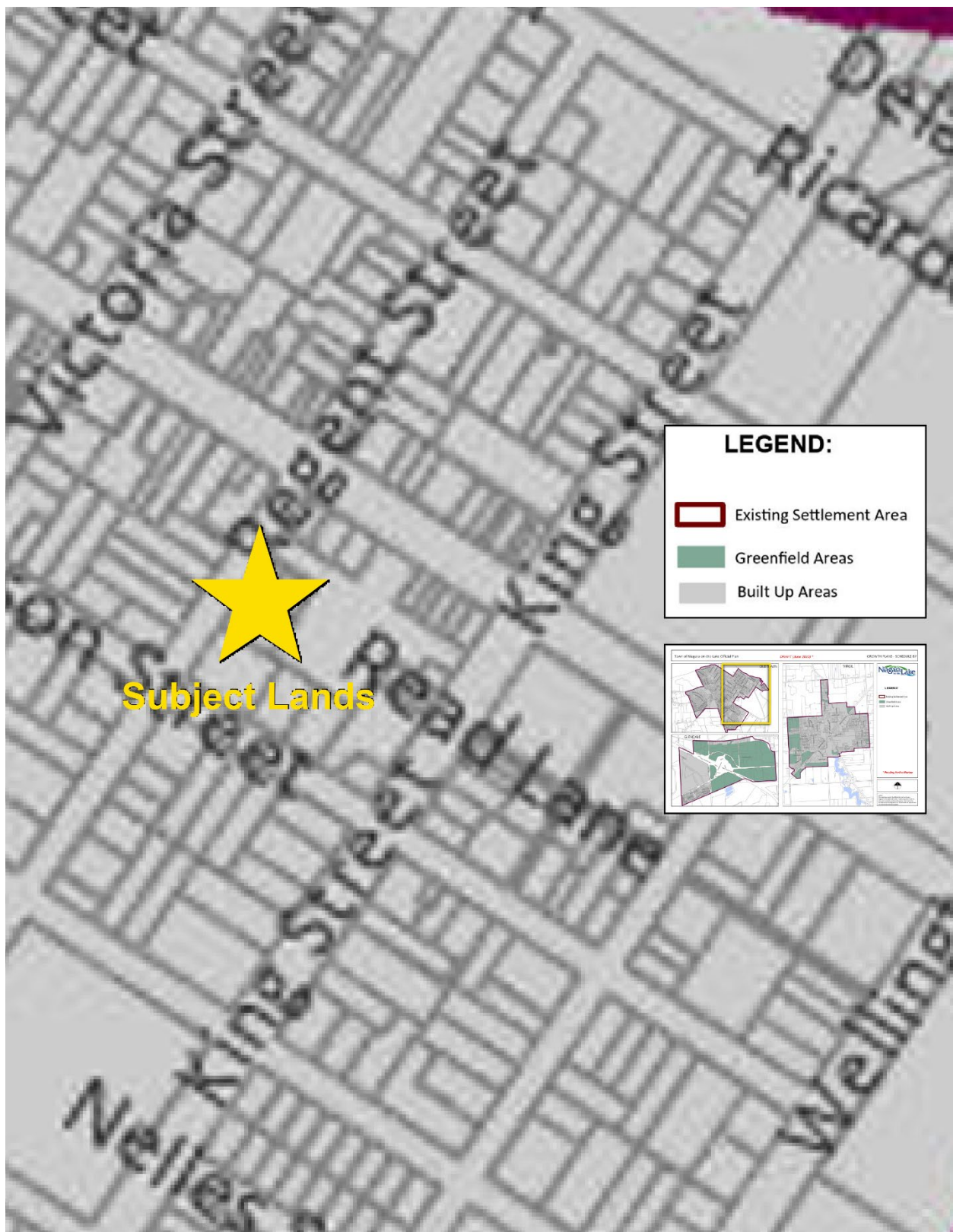
Schedule H – Archaeological Potential

95

**Appendix 4: Town of Niagara-on the-Lake Official Plan Draft Official Plan
Schedules**

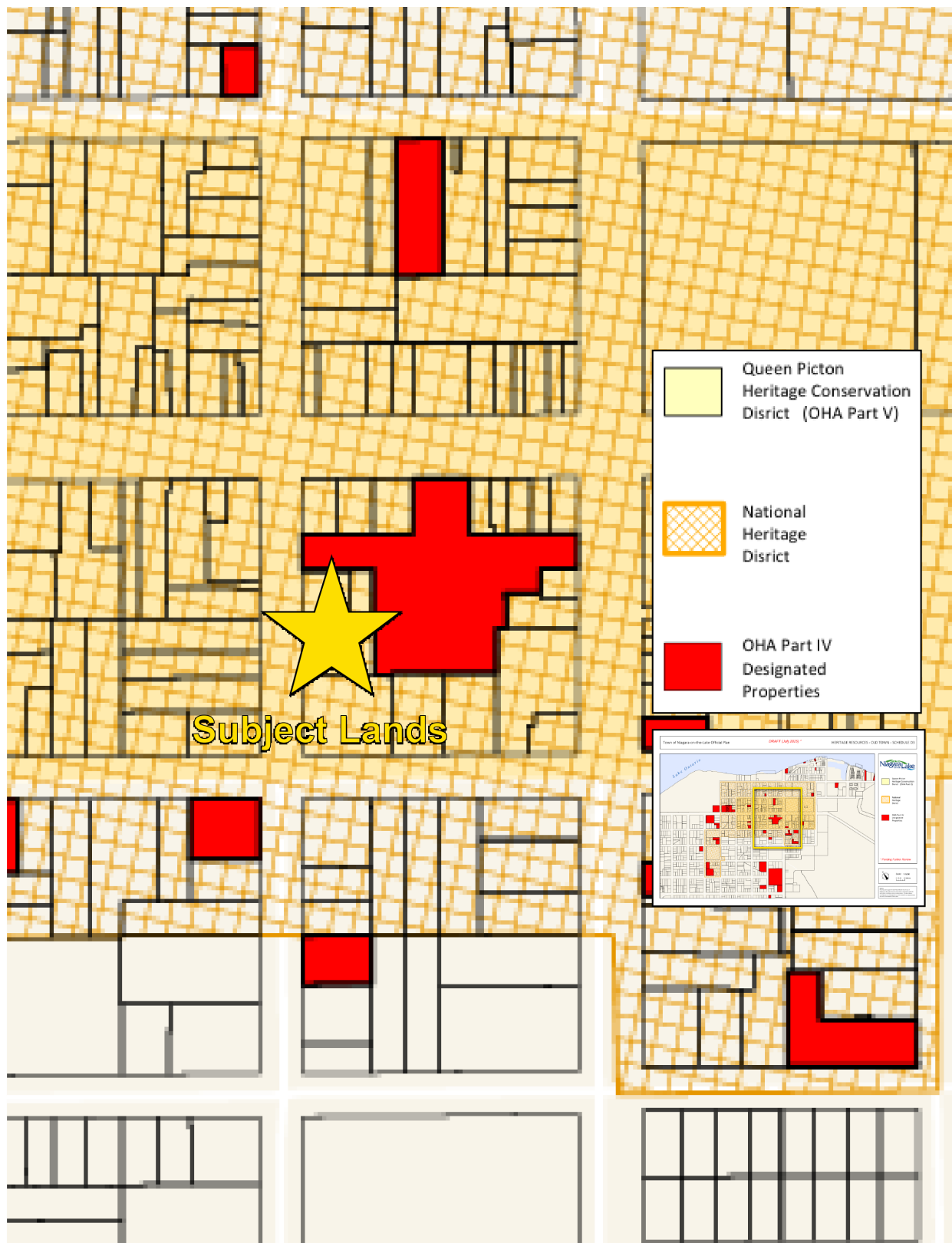


Schedule B2 – Land Use Plan – Old Town

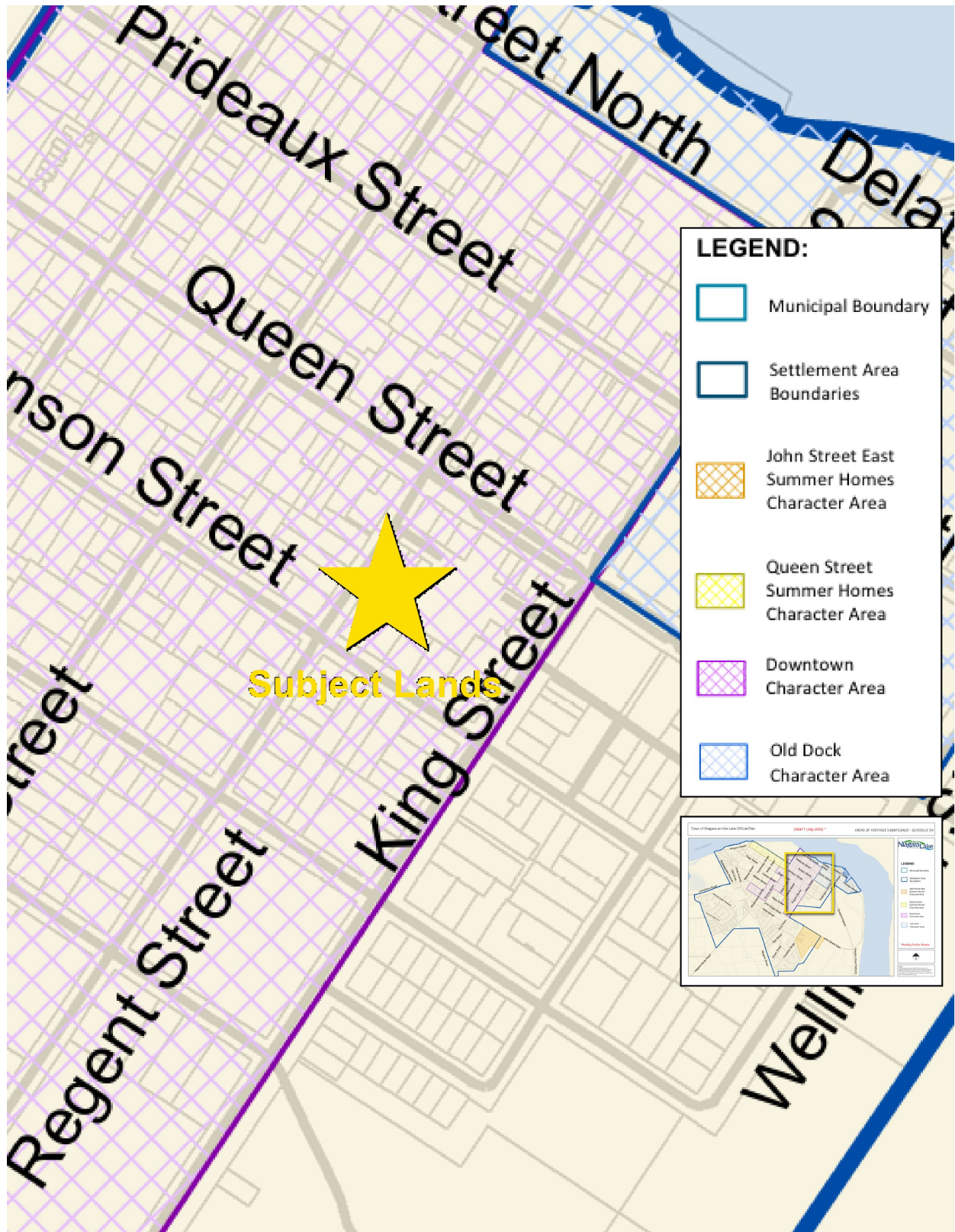


Schedule B7 – Growth Plans

99



Schedule D3 – Heritage Resources – Old Town



Schedule D4 – Areas of Heritage Significance



Schedule E1 – Transportation Network

42 Market St & 224/226 Regent Street – Planning Justification Report

Town of Niagara-on-the-Lake Official Plan

DRAFT (July 2025) *

TRANSPORTATION NETWORK - SCHEDULE E2 (i)

ROAD RIGHT-OF-WAY WIDTHS MUNICIPAL ROADS SECTION

Street/Road	From	To	Designated Road Right-of-way Width
Addison Avenue	Shakespeare Avenue	Circle Street	15.24 m (50 ft.)
Arnold Road	Concession 1 Road	Concession 2 Road	20.12 m (66 ft.)
Ball Street	Ricardo Street	Lake Ontario	20.12 m (66 ft.)
Campbell Street	Charlotte Street	Green Street	9.14 m (30 ft.)
Carlton Street Extension	Carlton St. (Reg Rd 83)	Road Road	20.12 m (66 ft.)
Charlotte Street	John Street East	bend n.e. of Niagara Street	19.5 m (64 ft.)
Church Street	Road Road	Townline (Grantham) Road	20.12 m (66 ft.)
Circle Street	entire roadway		18.29 m (60 ft.)
Clarence Street	Niagara River Parkway	Front Street South	18.29 m (60 ft.)
Concession 2 Road	East and West Line	York Rd. (Reg Rd 81)	26.21 m (86 ft.)
Concession 4 Road	Niagara Stone Road (Reg Rd 55)	Line 3 Road	26.21 m (86 ft.)
Concession 6 Road	Niagara Falls/NOTL municipal boundary	East and West Line	26.21 m (86 ft.)
Cross Street	Stewart Rd. (Reg Rd 86)	Eastern terminus	18.29 m (60 ft.)
Dee Road ¹	Niagara River Parkway	Queenston Street	20.12 m (66 ft.)
DeLaeter Street	King Street	Melville Street	20.12 m (66 ft.)
Dialie Avenue	Lakeshore Road (Reg Rd 87)	Circle Street	15.24 m (50 ft.)
Dumfries Street	Niagara River Parkway	River Frontage Road	20.12 m (66 ft.)
Eastchester Avenue	Stewart Road (Reg Rd. 86)	Western terminus	20.12 m (66 ft.)
Flynn Street	Charlotte Street	Rye Street	15.24 m (50 ft.)
Freibell Avenue	Circle Street	Northern terminus	15.24 m (50 ft.)
Front Street South	York Street	Partition Street	18.29 m (60 ft.)
Front Street South	Highlander Street	Maple Street	18.29 m (60 ft.)
Green Street	Niagara Street	Flynn Street	18.29 m (60 ft.)
Irvine Road	Church Street	Lake Ontario	20.12 m (66 ft.)
Highlander Street	Niagara River Parkway	Front Street South	18.29 m (60 ft.)
Kend Street	Niagara River Parkway	Front Street South	18.29 m (60 ft.)
Lakeview Street	Orchard Drive	Niagara Boulevard	15.24 m (50 ft.)
Lansdowne Avenue	Niagara Boulevard	Palatine Place	15.24 m (50 ft.)
Lincoln Avenue	Airport Road (Reg Rd 90)	Eastern terminus	20.12 m (66 ft.)
Line 1/Panner Street	Four Mile Creek Road	Concession 6 Road	26.21 m (86 ft.)
Line 1 Road	Niagara Stone Road (Reg Rd 55)	Concession 4 Road	26.21 m (86 ft.)
Line 2 Road	Four Mile Creek Road (Reg Rd 100)	Concession 4 Road	26.21 m (86 ft.)
Line 2 Road	Niagara Stone Road (Reg Rd 55)	Concession 6 Road	26.21 m (86 ft.)
Lockhart Street	Melville Street	Northwestern terminus	20.12 m (66 ft.)
Luther Avenue	Shakespeare Avenue	Circle Street	15.24 m (50 ft.)
Market Street	Regent Street	Court House Parking Lot	16.46 m (54 ft.)
Market Street	King Street	Court House Parking Lot	16.46 m (54 ft.)
Martin Road	Queenston Road	Townline (Grantham) Road	20.12 m (66 ft.)



Street/Road	From	To	Designated Road Right-of-way Width
Maple Street	Princess Street	River Frontage Road	18.29 m (60 ft.)
McNab Road	Carlton Street (Reg Rd 83)	Lake Ontario	20.12 m (66 ft.)
Melville Street	Byron Street	Niagara River	20.12 m (66 ft.)
Nelson Street	Ricardo Street	Byron Street	23 m (75.47 ft.)
Niagara Boulevard	Palatine Place	Vincent Avenue	20.12 m (66 ft.)
Niagara Street	East and West Line	Rye Street	26.21 m (86 ft.)
Niven Road ²	Niagara Stone Road (Reg Rd 55)	Village Road	20.12 m (66 ft.)
Oak Drive	Lakeshore Road (Reg Rd 87)	Circle Street	15.24 m (50 ft.)
Orchard Drive	Lansdowne Avenue	Palatine Place	15.24 m (50 ft.)
Paffard Street	Charlotte Street	King Street	15.24 m (50 ft.)
Palatine Place	Circle Street	Niagara Boulevard	20.12 m (66 ft.)
Partition Street	Niagara River Parkway	Front Street South / Princess Street	18.29 m (60 ft.)
Paxton Lane	York Road (Reg Rd 81)	Southern terminus	20.12 m (66 ft.)
Princess Street	Partition Street	Northern terminus	18.29 m (60 ft.)
Queenston Street	Niagara River Parkway (south intersection)	Niagara River Parkway (north intersection)	20.12 m (66 ft.)
Read Road ³	Carlton Street (Reg Rd 83)	Lake Ontario	20.12 m (66 ft.)
Ricardo Street	Nelson Street	King Street	23 m (75.47 ft.)
Riverbeach Drive	Melville Street	Western terminus	20.12 m (66 ft.)
Rye Street	Niagara Street	Flynn Street	18.29 m (60 ft.)
Scott Street	Road Road	Townline (Grantham) Road	20.12 m (66 ft.)
Shakespeare Avenue	Lakeshore Road (Reg Rd 87)	Northern terminus	15.24 m (50 ft.)
Townline (Grantham) Rd	Lakeshore Road (Reg Rd 87)	Lake Ontario	20.12 m (66 ft.)
Townline (Grantham) Rd ⁴	Lakeshore Road (Reg Rd 87)	Carlton Street (Reg Rd 83)	20.12 m to 37 m (66 ft. - 116.4 ft.)
Townline (Grantham) Rd	Queenston Road	York Road (Reg Rd 81)	26 m (85.3 ft.)
Vincent Avenue	Circle Street	Shakespeare Avenue	15.24 m (50 ft.)
Walnut Street	Queenston Street	Princess Street	18.29 m (60 ft.)
Warner Road	Four Mile Creek Road (Reg Rd 100)	Queen Elizabeth Way	20.12 m (66 ft.)
Wesley Avenue	Circle Street	Northern terminus	15.24 m (50 ft.)
Wilberforce Avenue	Circle Street	Niagara Boulevard	15.24 m (50 ft.)
Wycliffe Avenue	Shakespeare Avenue	Circle Street	15.24 m (50 ft.)
All Other Rural Roads			20.12 m (66 ft.)

All Other Urban Roads except those developed under a Plan of Subdivision since 1970 (Plan of Subdivision width prevails).

- Southern edge of the required right-of-way is defined by the southern boundary (and projection thereof) of Parts 3 & 4 on Plan 30R-10329
- Full widening to be taken from the west side of Niven Rd.
- Read Road is shared with the City of St. Catharines, therefore a maximum of 50% of the widening necessary to achieve the desired road width is to be taken on the east (NOTL) side.
- Townline (Grantham) Rd. requires a variable widening along the westerly boundary of the road allowance as the municipal drainage channel occupies most of the existing right-of-way. Required widening to be measured 2.0 metres west of the existing western edge of the travelled roadway.

* Pending Further Review

Schedule E2(i) – Transportation Network – Road Right-of-Way Widths (Municipal Roads Section)

Appendix 5: Town of Niagara-on the-Lake Zoning By-law Map



Schedule A-1 Old Town Community Zoning District

Appendix 6: Draft Zoning By-law Amendments

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

BY-LAW NO. 4316##-25

224 Regent Street or 46 Market Street

Roll # 262701000309000

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO *PLANNING ACT* TO
AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE
THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS
AND STRUCTURES THEREON.

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;

AND WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. That Schedule 'A-1' of By-law 4316-09, is amended by changing the zoning of Part 1 identified on Schedule 'A' (attached to and forming part of this By-law) from "Queen Picton Commercial (QPC) Zone" to "Queen Picton Commercial (QPC-XX) – Site-Specific Zone".
2. That Section 7.14 – Site Specific Exceptions, as amended, is hereby further amended by adding the following subsection:

7.14.XX 224 Regent Street or 46 Market Street – See Map A (QPC-XX)

7.14.XX.1 QPC-XX Zone Requirements

In lieu of the corresponding provisions of Subsection 7.7, and in addition to such provisions, the following provisions shall apply on the lands identified as "Queen Picton Commercial (QPC-XX) on Schedule "A-1":

- | | |
|-------|--|
| 7.7.3 | Notwithstanding the provisions of this By-law, 224 Regent Street or 46 Market Street shall have a lot frontage recognized as existing. |
| 7.7.4 | Notwithstanding the provisions of this By-law, 224 Regent Street or 46 Market Street shall have a required rear yard setback recognized as existing. |

- 7.7.6 Notwithstanding the provisions of this By-law, 224 Regent Street or 46 Market Street shall have a required lot coverage recognized as existing.

7.14.XX.2 QPC-XX Sight Triangle

Notwithstanding the provisions of Subsection 6.52 of Zoning By-law 4316-09, as amended, a sight triangle shall not be required on the Subject Lands identified as QPC-XX on Schedule “A-1”.

3. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the lands shown on the attached Schedule.

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

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

Schedule A



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

BY-LAW NO. 4316##-25

226 Regent Street

Roll # 262701000320200

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO *PLANNING ACT* TO
AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE
THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS
AND STRUCTURES THEREON.

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;

AND WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. That Schedule 'A-1' of By-law 4316-09, is amended by changing the zoning of Part 1 identified on Schedule 'A' (attached to and forming part of this By-law) from "Queen Picton Commercial (QPC) Zone" to "Queen Picton Commercial (QPC-XX) – Site-Specific Zone".
2. That Section 7.14 – Site Specific Exceptions, as amended, is hereby further amended by adding the following subsection:

7.14.XX 226 Regent Street – See Map A (QPC-XX)

7.14.XX.1 QPC-XX Zone Requirements

In lieu of the corresponding provisions of Subsection 7.7, and in addition to such provisions, the following provisions shall apply on the lands identified as "Queen Picton Commercial (QPC-XX) on Schedule "A-1":

- 7.7.1 (o) outdoor patio restaurant only as a secondary use to the restaurant on 224 Regent Street or 46 Market Street
- (p) cottage rentals

- 7.7.3 Notwithstanding the provisions of this By-law, 226 Regent Street shall have a lot frontage and lot depth recognized as existing.
- 7.7.7 Where an interior side yard of lands municipally known as 226 Regent Street that is located within the Queen Picton Commercial (QPC) Zone abuts a residential zone, a strip of land adjacent to the adjoining lot line being a minimum of 0.96 m in width shall be used as a buffer strip along a portion of the interior side yard.

7.14.XX.2 QPC-XX Cottage Rental

Notwithstanding the provisions of Subsection 6.10 (c) and (e) of Zoning By-law 4316-09, as amended, the combined on-site amenity area for the Cottage Rentals shall be 206 m², with a maximum of two Cottage Rentals permitted on the lot on the Subject Lands identified as QPC-XX on Schedule “A-1”.

7.14.XX.3 QPC-XX Fencing

Notwithstanding the provisions of Subsection 6.17 of Zoning By-law 4316-09, as amended, the existing fencing and hedge shall be permitted on the Subject Lands identified as QPC-XX on Schedule “A-1”.

7.14.XX.4 QPC-XX Outdoor Patio Restaurant

Notwithstanding the provisions of Subsection 6.36 (a) and (b) of Zoning By-law 4316-09, as amended, the maximum outdoor patio size associated with the restaurant shall be 250 m² and be permitted in a yard that abuts a residential zone on the Subject Lands identified as QPC-XX on Schedule “A-1”.

7.14.XX.5 QPC-XX Parking Requirements

Notwithstanding the provisions of Subsection 6.38 Table 6-3 of Zoning By-law 4316-09, as amended, the minimum parking space dimensions for a parking alignment of 90 degrees on the Subject Lands identified as QPC-XX on Schedule “A-1” shall be as follows:

Width: 2.75 m

Length: 5.6 m

Minimum Driveways & Aisle Width: 3.12 m

7.14.XX.6 QPC-XX Parking Space Requirements

Notwithstanding the provisions of Subsection 6.39 Table 6-4 of Zoning By-law 4316-09, as amended, no parking spaces shall be required for the permanent

outdoor patio restaurant on the Subject Lands identified as QPC-XX on Schedule “A-1”.

7.14.XX.7 QPC-XX Parking Space Requirements, Additional Provisions

Notwithstanding the provisions of Subsection 6.40 (i) and (j) of Zoning By-law 4316-09, as amended, uncovered surface parking areas shall be permitted to be located no closer than 1.27 m to the front lot line and a driveway shall be permitted to be setback a minimum of 0.96 m from the interior side lot line, on the Subject Lands identified as QPC-XX on Schedule “A-1”.

7.14.XX.8 QPC-XX Parking, Accessible Space Requirements

Notwithstanding the provisions of Subsection 6.42 Table 6-8 of Zoning By-law 4316-09, as amended, no accessible parking spaces shall be required for the permanent outdoor patio restaurant on the Subject Lands identified as QPC-XX on Schedule “A-1”.

3. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the lands shown on the attached Schedule.

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

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

Schedule A



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

BY-LAW NO. 4316##-25

42 Market Street

Roll # 262701000308900

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO *PLANNING ACT* TO
AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE
THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS
AND STRUCTURES THEREON.

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;

AND WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. That Schedule "A-1" of By-law 4316-09, is amended by changing the zoning of the Subject Lands identified on Map "A" (attached to and forming part of this By-law) from "Queen Picton Commercial (QPC) Zone" to "Queen Picton Commercial (QPC-XX) – Site-Specific Zone".
2. That Section 7.14 – Site Specific Exceptions, as amended, is hereby further amended by adding the following subsection:

7.14.XX 42 Market Street – See Map A (QPC-XX)

7.14.XX.1 QPC-XX Zone Requirements

In lieu of the corresponding provisions of Subsection 7.7, and in addition to such provisions, the following provisions shall apply on the lands identified as "Queen Picton Commercial (QPC-XX) on Schedule "A-1":

- 7.7.3 Notwithstanding the provisions of this By-law, 42 Market Street shall have a lot frontage recognized as existing.
- 7.7.4 Notwithstanding the provisions of this By-law, 42 Market Street shall have a required rear yard setback recognized as existing.

3. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the lands shown on the attached Schedule.

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

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

Schedule A

