



Official Plan Review Background Report

February 2014

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Introduction

An Official Plan is a broad, flexible, municipal policy document that provides a vision, goals and policies for future land use. It should be firm in principles, flexible in details, provide continuity and reflect reality. An Official Plan is prepared with input from the community, in order to ensure that it meets the community's specific needs.

Section 16 of the Planning Act, 1990 states that an Official Plan:

- shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it, or an area that is without municipal organization; and
- a description of the measures and procedures proposed to attain the objectives of the plan and a description of the measures and procedures for informing and obtaining the views of the public in respect of a proposed amendment to the official plan or proposed revision of the plan or in respect of a proposed zoning by-law.

An Official Plan considers issues such as:

- where new housing, businesses, and community facilities should be located,
- what infrastructure such as roads, watermains, and sewers will be needed, and
- when, and in what order, parts of the Town will grow.

Policy Context

An Official Plan is part of a policy framework set out by the Province through the Planning Act. An Official Plan must be consistent with Provincial Policies and Plans including,

- the Provincial Policy Statement (PPS) which is a statement of the government's policies on land use planning and provides direction for the entire province on matters of provincial interest related to land use planning (the PPS is currently under review),
- the Greenbelt Plan which provides protection for the agricultural land base and the ecological features and functions occurring on lands surrounding the Greater Golden Horseshoe, and
- Places to Grow (the Growth Plan for the Greater Golden Horseshoe) which provides regional growth management policy to revitalize downtowns, create complete communities, provide diversity in housing options, and curb sprawl.

An Official Plan must also be consistent with regional policies and plans.



Why is an Official Plan needed?

Aside from being a requirement identified within the Planning Act, an Official Plan:

- encourages transparent decision-making at the development stage by providing both developers and the public with a policy basis that guides decisions,
- ensures that growth is coordinated and meets the Town's needs,
- allows all citizens of the Town to understand how their land will be used in the future,
- encourages inter-departmental coordination in designing and deciding the location of roads watermains, sewers, and parks,
- provides a framework for establishing and updating zoning by-laws, which set local regulations and standards, including building footprints, the size of lots, and the height of buildings, and
- ensures that regional and provincial interests are met through the Town's decision-making.

Existing Town of Niagara-on-the-Lake Official Plan

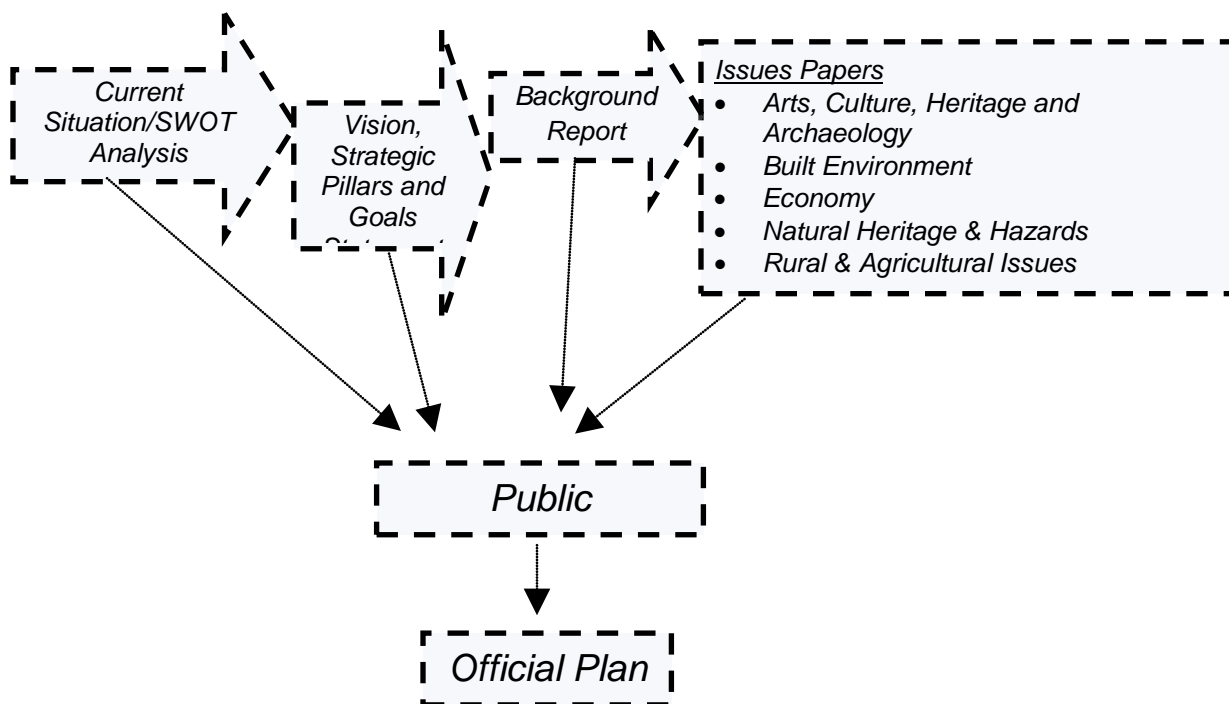
The Town's existing Official Plan was adopted in 1994. Since that time, Provincial and regional policies guiding local land use decision-making have changed substantially.

Since the existing Official Plan was adopted, there have been significant changes within the Town, including demographic shifts and development pressures. There has also been significant policy reform at the provincial and regional levels including amendments to the *Planning Act* for second units, comprehensive reviews of the PPS, the adoption of a Growth Plan and Greenbelt Plan, and changes to the *Ontario Heritage Act*. Additionally, the Region has adopted changes to its Regional Policy Plan; some of

the more significant ones pertain to value added activities in order to encourage and assist with the long term viability of agriculture, cultural plan implementation, supportive bicycle policies and sustainable community policies. The Region is also in the process of developing a nodes and corridors Regional Policy Plan Amendment (RPPA) and phasing policies to guide future residential and employment development. The Region intends to work towards a RPPA to guide economic development for non-economic gateway municipalities including Niagara-on-the-Lake.

Process

The Town's approach to its Official Plan review can be broken down into five (5) distinct stages: SWOT analysis, vision statement, background report, and issues papers. These reports will be presented to the Public for comments and recommendations, and lead to the final Official Plan as per the diagram below.



Current Situation Report and Strengths, Weaknesses, Opportunities and Strengths (SWOT) Analysis

The Current Situation Report, completed in June 2012, provided a “snapshot” of Niagara-on-the-Lake and was intended to be used as a tool for determining a vision for the future. The “SWOT”, which forms a part of the report, was an analysis of Strengths, Weaknesses, Opportunities, and Threats facing the Town.

Vision, Strategic Pillars and Goals

The Current Situation Report and SWOT analysis were used as tools to guide a visioning process. On August 28th and 29th 2012, the Town of Niagara-on-the-Lake hosted four (4) focus groups, representing the following interests:

- Agriculture and Rural Business Group
- Arts, Culture and Heritage Group
- Development and Business Group
- Youth, Seniors and Accessibility Group

In addition to the focus groups, there were two (2) workshops, three (3) Community Advisory Committee meetings, and two (2) public open houses that were held in support of the community visioning process.

Through the process a vision statement was developed, to guide the Official Plan:

“Niagara-on-the-Lake is a fiercely independent, economically empowered town offering a rich tapestry of recreational, historical, cultural, and educational opportunities, public green spaces and a uniquely valuable agricultural area. Our stunning landscape offers a rich experience where the journey equals the destination. We are a community for everyone. We are a resilient, distinctive and dynamic town in which to live, work and learn. Through responsible stewardship we preserve the balance of values that makes us a world-class destination. Although we dream big, we stay true to our small town roots.”

In addition to vision statement, eight (8) strategic pillars and 81 goals based on these strategic pillars were created. The following are the strategic pillars developed as part of the visioning process:

- **Strategic Pillar 1: A Prosperous and Diverse Economy** - A globally competitive, resilient town with a strong and diverse economy; a town that offers attractive employment opportunities, where people want to live, work and conduct business.
- **Strategic Pillar 2: Strong Environmental Stewardship** - A town that protects its environment for present and future generations through creative stewardship of land, water and air.
- **Strategic Pillar 3: An Inclusive, Integrated, Healthy Town** - A welcoming town built on mutual respect that nurtures people of all ages, backgrounds and abilities; a community where accessible health care, housing, education, and other lifestyle services support overall health and well-being.

- **Strategic Pillar 4: A Centre for Culture, Heritage, and Recreation** - A thriving international destination for culture and heritage with a variety of recreation choices.
- **Strategic Pillar 5: Mobility Choices** - A town with viable, safe and accessible transportation options.
- **Strategic Pillar 6: A Well Planned Built Environment** - A beautiful town that respects its unique rural and historical character and manages growth in a balanced manner meeting resident and business needs.
- **Strategic Pillar 7: A Prosperous and Sustainable Agriculture Sector** - A premiere agricultural area where agriculture and farming thrive.
- **Strategic Pillar 8: Well Managed Municipal Finances** - A fiscally responsible, financially resilient town prepared to flourish over the long-term.

Both the Vision Statement and the eight (8) strategic pillars have since been approved by Council and are intended to guide the background report and issues reports for the Official Plan.

Background Report

This background report is intended to elaborate on the work that has been completed, and provide an overview of policy, population data, and best practices that have been identified to achieve the outcomes of the community vision and goals. The report also provides topics and questions that will spark further discussion and require further investigation.

Issues Papers

The issues papers provide in-depth analysis of the topics in the background report, and investigate topics that require further investigation.

Community Engagement

The Town has designed a draft public participation strategy for the Official Plan review. This strategy focuses on engaging residents, with particular attention being paid to youth. The strategy involves branding, a communications program and marketing materials.

Strategic Pillar 1: A Prosperous and Diverse Economy

The economic development of Niagara-on-the-Lake is heavily influenced by global trends including the internationalization of production, rapid technological changes,



trade liberalization, and the increasing power and influence of transnational corporations. It is not possible to accurately predict global economic response to global trends, nor how the Town will respond to such trends. The role of the Town should be to create an environment for the economy to be resilient, and adapt and flourish in the context of an evolving global economy. The key to a resilient economy is diversity. There are many industries currently generating wealth for the

Town, including tourism, agriculture, wineries, post-secondary education, the service sector, and technology. Each of these industries will respond differently to global economic events. If one is no longer viable, it is important that the others are still able to contribute to wealth production and that new industries are encouraged to establish themselves in Niagara-on-the-Lake.

Policy Tools and Trends

Employment Lands

The PPS requires planning authorities to promote economic development and competitiveness by “*planning for, protecting and preserving employment areas for current and future uses.*” Planning authorities may only permit the conversion of lands within employment areas to non-employment uses through a comprehensive review and only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion. With Bill 51, which amended the *Planning Act*, the right of appeal regarding the conversion of employment lands for private applicants was removed.

The Provincial Growth Plan provides further direction for how employment lands should be planned. These policies pertain to preferred locations, form and desired use, and are as follows:

- Municipalities are encouraged to designate and preserve lands within settlement areas in the vicinity of existing major highway interchanges, ports, rail yards and

airports as areas for manufacturing, warehousing, and associated retail, office and ancillary facilities, where appropriate.

- In planning for employment land, municipalities will facilitate the development of transit-supportive, compact built form and minimize surface parking.
- Municipalities are required to provide for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs.

In 2009, Hemson Consulting was retained to prepare an employment lands study for the Town, for the purposes of developing new policies for employment lands. Most of the designated employment land in Niagara-on-the-Lake is located in four (4) areas: Glendale, Virgil Business Park, St. Davids Industrial Area, and the lands around the Niagara District Airport. The study summarized the constraints and opportunities pertaining to the designated employment lands:

- Most of the Town's employment land is located in Glendale (140 net ha). Employment lands in Glendale have a competitive advantage, due to their proximity to the QEW, and lack of physical and servicing constraints.
- Employment land in Virgil is almost entirely developed. Of the 20 net ha of employment land 15 ha are developed, and the remaining does not have ideal transportation access.
- There is the potential for 20 net ha of additional employment lands at the Niagara District Airport. Not all of these lands are zoned for industrial uses and are located outside the urban service area boundary.

Although the focus of the study was on designated employment lands, there was recognition that many jobs were not located in designated employment lands, including those in agriculture, jobs serving the resident population, and jobs in tourism.

Non-Gateway Municipalities

The Growth Plan for the Greater Golden Horseshoe recognizes the importance of cross-border trade with the United States, and as such, the plan recognizes a Gateway Economic Zone and Centre near the Niagara-US border. The Growth Plan requires that planning and economic development in these areas will support economic diversity and promote increased opportunities for cross-border trade, movement of goods and tourism. Local municipalities, for which a portion overlaps the boundaries of the Gateway Economic Zone and Centre, are considered gateway municipalities by the Region. A RPPA (RPPA 1-2012) was developed to recognize the Gateway Economic Zone and Centre and implement the policies of the Growth Plan. The Niagara Region is developing a similar process for non-gateway municipalities which includes Niagara-on-the-Lake. This process commenced with an employment lands strategy which considers issues and opportunities, recommendations and implementation.

Tourism

Tourism is a significant draw for Niagara-on-the-Lake, with much of the industry focused primarily on cultural heritage and wineries. Although wine tourism, heritage and cultural tourism may be conceived of as separate experiences, the report entitled “Energizing Niagara’s Wine Country Communities”¹, commissioned by the Niagara Economic Development Corporation suggests that each type enhances the other. The following is a non-comprehensive list of tourism categories that contributes to Niagara-on-the-Lake’s economy, which should be considered for planning purposes:



- *Culinary Tourism* - Culinary tourism is travel in which the regional foods and beverages are direct draws for tourism activity. Nearly 100% of all tourists dine-out when travelling. Also, food and beverage as a category consistently ranks first and foremost in visitor spending, more so than even lodging. Aside from the economic

argument, culinary tourism is important from a promotional/marketing perspective, since many people travel to Niagara-on-the-Lake specifically for the purpose of participating in culinary tourism².

- *Cultural Tourism* - The Region's Culture Plan promotes cultural tourism and suggests that a coordinated approach to promoting and marketing the Region's unique cultural assets will be essential in encouraging local residents and visitors to see and do more³. Examples of attractions include the Shaw Festival, the Niagara Pumphouse Arts Centre and the Niagara's Community Orchestra.
- *Greater Niagara Circle Route* – Niagara Region supports the development of the Greater Niagara Circle Route in their Regional Policy Plan, connecting the Welland Canals and the Niagara River to form a coherent, continuous scenic drive and recreational trail system, which is partly intended to foster the growth

¹ Niagara Economic Development Corporation, "Energizing Niagara's Wine Country Communities," Peter J. Smith and Company: 12.

² Theodore J. Noseworthy, David W. Martin "Culinary Tourism: A Localized Economic Impact Assessment of Niagara-on-the-Lake," ASAC, (2005) 41-41.

³ Niagara Region. "Culture Plan: Creative Niagara: Economy, Places, People, Identity," (Niagara Region, 2010)

of tourism in Niagara. Strengthening design guidelines and providing tourism amenities along the circle route may be an opportunity to improve the tourism experience.

- *Heritage Tourism* - Heritage tourism involves travelling to experience the places



and activities that authentically represent the stories and people of the past. This type of tourism is a significant draw to Niagara-on-the-Lake, much of which has been concentrated in “Old Town”, and has contributed to its transformation into a “Heritage Shopping Village.”

The undesirable impacts of crowding, congestion and the destruction of Old Town’s historic character⁴ need to be mitigated. The Town’s existing Official Plan partially addresses this through its goal “to adequately provide for local-serving commercial areas and, where necessary, to prevent their use for tourist-serving uses”.

- *Wine Country Tourism* - Wine tourism is a significant draw to Niagara-on-the-Lake and the Region as a whole.

This industry is expanding as a growing number of well educated and affluent individuals seek high quality cultural experiences, amenities and attractions⁵. Niagara Region has adopted a regional approach to support this industry through its Regional Policy Plan, which aims to enhance “Wine Country” communities as wine and culinary tourism destinations.



⁴ Clare J. A. Mitchell, R. Greg Atkinson, Andrew Clark, "The creative destruction of Niagara-on-the-Lake," *The Canadian Geographer* 45,2, (2001): 285-299.

⁵ *ibid.*, p. 4

Value Added Agriculture

The Greenbelt Plan supports secondary uses such as home occupations, home industries and uses that produce value added agricultural products from the farm operation on a property. RPPA 6-2009 provides greater specificity and supports uses that enable farmers to:

- *become more competitive, sustainable and environmentally friendly,*
- *adapt to new and changing markets,*
- *diversify into and take advantage of new agricultural opportunities,*
- *improve the understanding of agriculture by the general public, and*
- *broaden operations to diversify economic activity and add value to their primary products.*



The Region does not identify which uses are permitted; but provides municipalities with a framework for making decisions. The Town should consider how to incorporate value added agriculture into its Official Plan, and how such uses may contribute to economic development.

Vintners Quality Alliance (VQA) Wines

VQA wines are Ontario wines made entirely from Ontario-grown grapes, which have been approved through strict quality standards. VQA is increasingly becoming a standard by which people choose their wines. The most recent annual report (2011-2012) of the Liquor Control Board of Ontario indicates that their sales of VQA wines are up by more than 100% since the 2006-2007 annual report⁶. Further, between 2008 and 2013, the number of wineries that were registered as participants in the VQA program increased from 102 to 140 wineries⁷. The amount of revenue has increased for VQA wineries from \$179.5 million in 2007 to \$268.5 million in 2011⁸. These figures are indicators that Ontario wines are becoming stronger as a brand. Policy development through the Official Plan review should consider the economic changes that are

⁶ LCBO Annual Report 2011-2012

⁷ VQA 2013 Annual Report, and VQA 2008 Annual Report

⁸ KPMG "Study of the Ontario Economic Impact of Ontario VQA Wines," 2011, http://www.winecouncilofontario.ca/content/KPMG_-_Wine_Council_of_Ontario_-_Economic_Impact_of_VQA_-_Nov_2011.pdf

occurring as a result of the strengthening demand for VQA wines, and planning policies that may respond to growing demand for Ontario wines.

Creative Economy

The Niagara Region's Culture Plan supports the development of a "Creative Economy." The Culture Plan defines it as *"an economy driven by ideas, innovation, knowledge, diversity, collaboration and creativity."* This type of economy encompasses creative industries in which ideas and intellectual property produce value and generate wealth. Such industries are characterized as businesses that make products requiring constant and continual adaptation and include science and engineering; business and finance; law; health care and related fields; architecture and design; education; and information. In order to support creative culture industries, the Regional Policy Plan states that through their Official Plans and Zoning By-laws local municipalities should define, categorize and plan for creative cultural industries in urban areas.

The growth of these industries is dependent on the attraction and retention of creative and highly educated people⁹. According to Richard Florida, creative people are attracted to places that are innovative, diverse and tolerant. Therefore, in part, developing a creative economy is about developing an environment that attracts the people necessary to support it.

Much like creative people have a niche environment, so do creative industries. Richard Florida writes that similar firms tend to cluster to capture efficiencies which are generated from linkages; benefit from face-to-face contact; and draw from concentrations of talented people¹⁰. The Region recognizes "cultural clustering" in its Plan, and supports local municipalities in their approach to identify locally significant clusters and to develop planning tools to support the incubation of ideas, innovation and development of new products.

Topics for Further Investigation

- How have employment lands been developing since the 2009 Hemson Study? What should be the overall "vision" that guides the development of the Town's employment lands, particularly in Glendale?
- How can Town planning support the development of the Greater Niagara Circle Route? What are the opportunities for the Town's industries to benefit from the development of the Greater Niagara Circle Route?
- What are the economic impacts of strengthening demand for VQA wines? What policies may respond to growing demand for Ontario wines?

⁹ Florida, Richard, "Cities and the Creative Class", City and Community, 2, 1 (2003), 3-19.

¹⁰ Florida, Richard, "Cities and the Creative Class", City and Community, 2, 1 (2003), 3-19.

- How can the Official Plan support heritage tourism, agricultural tourism and cultural tourism?
- What are some opportunities to support and strengthen creative and agricultural industries through the Official Plan review?

Strategic Pillar 2: Strong Environmental Stewardship

Environmental stewardship needs to be considered both locally and globally. At the local scale, it involves protecting significant ecological features such as natural systems, the shoreline, and key hydrological features. It is also important to address the relationship between local action and the cumulative global impacts of climate change, water quality, land degradation, and declining biodiversity. As such, environmental stewardship has three (3) objectives:

- *protecting ecologically significant features,*
- *reducing cumulative environmental impacts, and*
- *adapting to environmental change.*

Protecting Ecologically Significant Features

Natural Heritage

The PPS calls for the protection of natural features and areas for the long term, and prohibits development or site alteration in significant habitat of endangered and threatened species, wetlands, woodlands, valleylands, wildlife habitat, and areas of natural and scientific interest. Further, the diversity and connection between such features should be maintained, restored or, where possible, improved. The Greenbelt Plan provides further detail and identifies a continuous Natural System to support ecological health. The Natural System is made up of the Natural Heritage System and the Water Resource System. The Natural Heritage System includes areas of the protected countryside with high concentration of the most sensitive and/or significant natural features and functions.



Although agriculture and agriculture-related and secondary uses are permitted within natural heritage systems, new activities cannot negatively impact natural heritage features or hydrological features. There are more restrictive policies for lands that are identified as either a “key natural heritage feature” or a “key hydrological feature”, including mandatory setbacks for new development. The Region’s policies are consistent with the PPS and Greenbelt Plan; however, there are additional requirements for a Tree-Saving Plan in sites adjacent to the Core Natural Heritage System and setbacks from municipal drains. None of the policies prevent the continuation of existing agricultural operations.

Provincially Significant Wetlands

New development is prohibited in Provincially Significant Wetlands, which are considered a natural heritage feature under Section 2.1 of the PPS. In 2003, the Ministry of Natural Resources (MNR) began updating its mapping of all the wetlands in the Region. New Provincially Significant Wetland Mapping was released for the Town in February 2013. As a result of the mapping, there has been an increase in the number of Provincially Significant Wetlands in Niagara. The Town will need to revise its mapping to indicate the locations of Provincially Significant Wetlands. For lands that are identified as a Provincially Significant Wetland, the Greenbelt Plan requires a 30-metre vegetative protection zone.

Non-Provincially Significant Wetlands

The Region provides further policy direction for wetlands that are considered non-provincially significant and The Regional Policy Plan supports efforts to achieve a 30-metre wide naturally vegetated buffer along 70% of the length of first to third order streams in Niagara through the development and implementation of watershed and environmental planning studies, and through voluntary landowner stewardship and restoration. Agricultural uses may continue within this buffer.

Shoreline Area

The Greenbelt Plan contains policies to protect the shoreline areas of lands within the Greenbelt, and requires that municipalities and conservation authorities shall ensure that new development is integrated with existing or proposed parks and trails and does not constrain ongoing or planned stewardship or remediation efforts. The Greenbelt Plan allows for minor rounding out, infill development, redevelopment and resort development along the shoreline, but also calls for a 30-metre setback for land use conversions, redevelopments and/or resort development along a shoreline. The “Shoreline Areas” in Niagara-on-the-Lake are considered Niagara Peninsula Conservation Authority (NPCA) regulation areas in the Zoning By-law and Conservation in the Official Plan. The Greenbelt Plan provides the minimum requirements for proposals for land use conversions, redevelopments and/or resort development in these areas including:



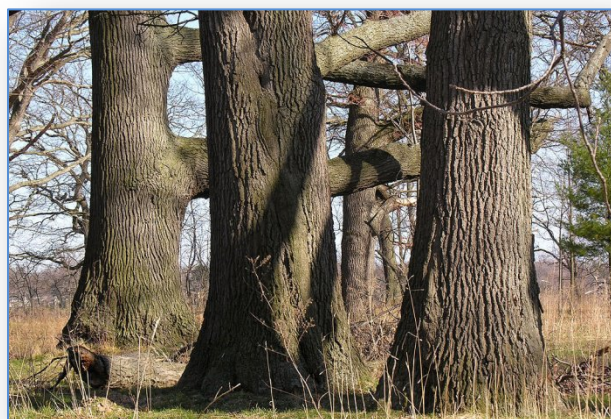
- *Establish or increase the extent and width of a vegetation protection zone along a shoreline to a minimum of 30 metres.*
- *Increase or expand the extent of fish habitat in the littoral zone.*
- *Minimize erosion, sedimentation and the introduction of nutrient or other pollutants and promote planning, design and construction practices that maintain or improve water quality,*
- *Improve the efficiency of sewage disposal facilities in order to reduce nutrient inputs to groundwater and the lake.*
- *Integrate landscaping and habitat restoration into the design of the proposal to enhance the ability of native plants and animals to use the shoreline as both wildlife habitat and a movement corridor.*

The Regional Policy Plan provides further direction to maintain and enhance public access to Niagara's shorelines. The Plan also has requirements for major development that is proposed along Niagara's shorelines including the provision of public access, maintaining views of the shoreline beyond development, maintaining or restoring shorelines to a naturally vegetated state, and dedicating shorelines to an appropriate public agency where lands would provide public benefits or are identified as a public trail system.

As an initiative to further improve public access to Niagara's Shorelines, the Region has developed a Lakefront Enhancement Strategy. Its goal is to articulate a vision and strategies to allow people to experience the Lakefront in meaningful ways.

Environmental Protection Areas

The Regional Policy Plan identifies Environmental Protection Areas. These areas include provincially significant wetlands, provincially significant Life Science Areas of



Natural and Scientific Interest (ANSI), and significant habitat for threatened and endangered species. Within the Greenbelt Natural Heritage System Environmental Protection Areas also include wetlands; significant valleylands; significant woodlands; significant wildlife habitat; habitat of species of concern; publically owned conservation lands; savannahs and tall grass prairies; and alvars ¹¹. Development in environmental

¹¹ An Alvar is an ecosystem based on a limestone plain with thin or no soil.

protection areas is not permitted, unless it is for forest, fish and wildlife management, conservation and erosion control projects, and small scale passive recreation uses. An Environmental Impact Study (EIS) is required for any development applications within 50 metres of an Environmental Protection Area. Environmental Protection Areas should be mapped in the new Official Plan, and policies must be consistent that of the Region and the NPCA.

Environmental Conservation Areas

In addition to Environmental Protection Areas, the Region also identified Environmental Conservation Areas. Environmental Conservation Areas allow for a lower level of protection than Environmental Protection Areas. Development in Environmental Conservation Areas may be permitted with an Environmental Impact Study. Further, similar to an Environmental Protection Area, an Environmental Impact Study is required for any development applications within 50 metres of an Environmental Conservation Area. Environmental Conservation Areas include significant woodlands, significant wildlife habitat and significant habitat of species of concern, regionally significant Life Science ANSIs, other evaluated wetlands, significant valleylands, savannahs, tallgrass prairies, alvars, and publicly owned conservation lands.

Environmental Impact Studies, Watershed Studies, Environmental Planning Studies, Site Specific Studies for Individual Planning Applications

The Region provides guidelines for a variety of studies in its Regional Policy Plan. Although some of these studies are mentioned in the Town's Official Plan, it does not provide guidelines and policies. The Town's Official Plan should provide guidelines and policies regarding environmental studies that are consistent with those of the Region.

Pits, Quarries and Aggregates

Section 2.5.2.4 of the PPS states: "mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact." The PPS also provides three (3) tests to determine whether development and activities would be permitted which would preclude or hinder the establishment of new operations or access to mineral aggregates:

1. resource use would not be feasible; or
2. the proposed land use or development serves a greater long-term public interest;
and
3. issues of public health, public safety and environmental impact are addressed.

The Official Plan should include mapping of aggregate resources, as well as processes for evaluating potentially incompatible uses.

Reducing the Cumulative Environmental Impacts

Renewable (Alternative) Energy

Renewable energy projects are reviewed by the Minister of the Environment in consultation with municipalities. Under the *Environmental Protection Act* (Regulation 359/09), a person that proposes to engage in a renewable energy project shall submit

- a project description report,
- an archeological assessment if the project may have an impact on archaeological resources,
- a heritage impact assessment if the project may have an impact on the heritage resources,
- any written comments provided by the MNR in respect of the natural heritage assessment, and
- a consultation form.

Through the municipal consultation form, the Town has some limited opportunities to provide technical comments in regard to a proposed renewable energy project. Through the Official Plan review, it may be beneficial to develop policies in regard to the town's priorities regarding renewable energy projects, in particular to how they pertain to landscaping and heritage.

There are two (2) programs that may increase the demand for renewable energy projects:

- Feed-in-Tariff (FIT) – program for renewable energy projects including solar, wind, waterpower and bio-energy, with a proposed capacity that is greater than ten (10) kilowatts, and
- MicroFIT – program that provides applicants with the opportunity to develop a small or “micro” renewable electricity generation project that is less than ten (10) kilowatts.

Through both programs the Ontario Power Authority purchases electricity that is produced and delivered to the Province's electricity grid.

Tree Protection

There are many old and mature trees that contribute to the character of Niagara-on-the-Lake. The Regional Policy Plan encourages local municipalities to adopt By-laws protecting trees and woodlands not



covered by the Regional Conservation By-law, or delegate this authority to the Region. With increasing development pressures, the Town may consider how old, mature and significant trees should be protected. If tree protection is considered a priority, the new Official Plan could provide future direction to develop a Tree Preservation By-law.

Adapting to Environmental Change

Climate Change Adaptation

Municipalities are beginning to adapt to increasingly unpredictable and variable weather. This proactive approach to adapting to climate change is supported by the Region, and considers the ways in which the Town may be at risk of climate change and the actions the Town needs to take to reduce its vulnerability. The Federation of Canadian Municipalities recommends that in part, reducing vulnerability to climate change requires municipalities to “embed climate change adaptation in policy by identifying climate-change risks and ensuring appropriate assessment of their impact.”¹² Clean Air Partnership, an organization dedicated to improving air quality, summarizes some of the policies that municipalities have undertaken to adapt to climate change. The following are some adaptation actions that have been identified by Clean Air Partnership that Niagara-on-the-Lake may consider when developing policies for its new Official Plan:¹³

- implement sustainable urban drainage systems including permeable pavements, green-roofs, storm water retention ponds, wetlands and swales to respond to stormwater/flooding;
- increase street tree-planting and maintenance to reduce the urban heat, and demand for air conditioning;
- improve transit to reduce air pollution impacts; and
- encourage distributed energy systems such as cogeneration and local renewable energy systems to reduce vulnerability to transmissions disruptions.

Natural Hazard Sites and Lands

Section 3.1 of the PPS generally prohibits development on *hazardous lands*¹⁴, adjacent to the shorelines, rivers, streams, small inland lake systems, or on lands unsafe for

¹² Federation of Canadian Municipalities, “Climate Change Adaptation: Taking Action,” 2013, <http://www.fcm.ca/home/issues/environment/climate-change-adaptation/taking-action.htm>

¹³ Clean Air Partnership, “Cities Preparing for Climate Change”, 2007, http://www.cleanairpartnership.org/reports_cities_preparing

¹⁴ The PPS defines *Hazardous Lands* as “lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the

development due to unstable soils or bedrock, except for instances when a Special Policy Area is approved by the Minister of Municipal Affairs and Housing and Natural Resources. The Regional Policy Plan provides further direction and allows for development on lands that are considered *hazardous sites*¹⁵, if a geotechnical study is prepared by a qualified engineer and has satisfied the NPCA that the development will be in accordance with,

1. *development and site alteration will be in accordance with provincial flood proofing standards, protection works standards and access standards;*
2. *vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;*
3. *new on-site or off-site hazards will not be created or existing ones aggravated; and*
4. *no adverse environmental impacts will result.*

Through the Conservation Authority Act, the Niagara Peninsula Conservation Authority is delegated the responsibility to control development on Hazard Lands. The Town is responsible for ensuring that Hazard Lands are mapped in the Official Plan. Through the process, the Town may also consider developing policies to encourage the restoration of disturbed hazard lands to a more natural state.

Topics for Further Investigation

- What opportunities are there to balance environmental and agricultural issues?

shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.”

¹⁵ The PPS defines *Hazardous Sites* as “property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).”

Strategic Pillar 3: An Inclusive, Integrated, Healthy Town

An inclusive, integrated and healthy town is one where nobody is left out. In particular, it is about accepting, respecting and valuing individual differences, and also capitalizing on the diverse background of the citizens. It is a Town that identifies, and removes barriers through plans and policies where appropriate, and also encourages meaningful participation and inclusion of ideas from a range of perspectives.

In part, the process through which such a Town can be achieved, as identified in the visioning sessions, is through “mutual respect.” Meaningful participation means that the vision of achieving an inclusive Town is more than providing services;

but is also actively listening and providing a voice to those that are often not heard in decision-making. Demographic information, as well as provincial and regional policies and plans, should be a starting point. Policies that encourage active engagement of people of all ages, backgrounds and abilities, with a particular focus on reaching out to people that have traditionally not participated, should be included in the Official Plan.



Policy Tools

The following are policy tools that affect the Town's ability to achieve an “inclusive, integrated, healthy town.”

Second Unit Policies

With amendments to the *Planning Act*, through the *Strong Communities through Affordable Housing Act*, municipalities are now required to establish official plan policies and zoning by-law provisions allowing second units in single-detached, semi-detached and townhouse dwellings, as well as in accessory structures. Municipalities may have

policies that identify the most appropriate locations for second units, and may also identify constraints that would make second units not appropriate. These second unit policies are beneficial for a number of reasons as identified by the Province¹⁶:

- increasing the stock of affordable rental accommodation, which helps create an income-integrated community,
- helping homeowners meet the cost of homeownership, by allowing them to earn an extra income,
- providing housing for elderly parents, live-in caregivers, and young people, and
- increasing densities, which makes public transit more feasible, therefore improving accessibility for people without cars.

Local Appeal Bodies

Under Bill 51, municipalities may set up independent appeal bodies to hear minor variance and consent appeals from committees of adjustment. Local appeal bodies would substitute the current right of appeal to the Ontario Municipal Board. In part, the amendment to the *Planning Act* to permit local appeal bodies was a reaction to lobbying from opponents of the Ontario Municipal Board that claim it is “beholden to the development industry and is antidemocratic”¹⁷. Aaron Moore provides a counterpoint to this claim and suggests that bias cannot be attributed to a pro-development sentiment. Rather, decisions are made on planning rationale, and the reason that the Ontario Municipal Board appears to have a pro-development stance is because developers can outspend municipalities and residents on planning expertise. Rather, the Board is biased against individuals lacking the requisite knowledge of planning.

Although a local appeal body may provide the Town with more autonomy regarding decision-making, such a body does not come without drawbacks. First, the cumulative monetary costs of appeals to a local appeal body will not necessarily be less expensive for the Town than cumulative cost of appeals to the Ontario Municipal Board for the following reasons:

- It would simplify and quicken the process, making appeals more feasible options for many proposals, which may increase the number of appeals;
- There are costs to the Town for establishing and administering a local appeal body; and

¹⁶ Ministry of Municipal Affairs and Housing. “Second Units”, 2008, <http://www.mah.gov.on.ca/Page9575.aspx>

¹⁷ Moore, Aaron, “Villain or Scapegoat”, The Munk School, http://www.munkschool.utoronto.ca/imfg/uploads/177/villain_or_scapegoat_moore_final.pdf

- Local appeal bodies only have jurisdiction for appeals regarding consents and minor variances, and do not include other types of applications.

Second, a local appeal body may be more easily swayed. One of the criticisms of the Ontario Municipal Board is that it is “undemocratic.” Although this is true, the Ontario Municipal Board is not intended to be democratic but to act as an adjudicative tribunal by making fair decisions grounded in law, fact and good planning. For smaller towns, members of a local appeal body may often not be far enough removed from an application, and therefore may be influenced by local pressures.

Affordable Housing

The PPS provides two (2) definitions of affordable, as follows:

- a) *in the case of ownership housing, the least expensive of:*
 - 1. *housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or*
 - 2. *housing for which the purchase price is at least ten (10) percent below the average purchase price of a resale unit in the regional market area;*
- b) *in the case of rental housing, the least expensive of:*
 - 1. *a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or*
 - 2. *a unit for which the rent is at or below the average market rent of a unit in the regional market area.*

Under the PPS (Policy 1.4.3), planning authorities are required to establish and implement minimum targets for the provision of housing which is affordable to low- and moderate-income households. The PPS is ambiguous as to whether this is a requirement of lower- or upper-tier municipalities. However, the policy also states that “where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target which shall represent the minimum target for these lower-tier municipalities.” To date, there have not been affordable housing targets established by the Region of Niagara.

The Growth Plan provides further requirements regarding affordable housing for upper-tier Municipalities, and requires that upper-tier municipalities develop a housing strategy in consultation with lower-tier municipalities, the Ministry of Municipal Affairs and Housing and other appropriate stakeholders. Part of the strategy will include policies for the Official Plans to meet the needs of all residents. The Region has developed such a strategy, which is entitled Niagara's Housing and Homelessness Action Plan. The “vision” of the plan is “a home for all.” Some of the actions that are relevant to the Official Plan review are as follows:

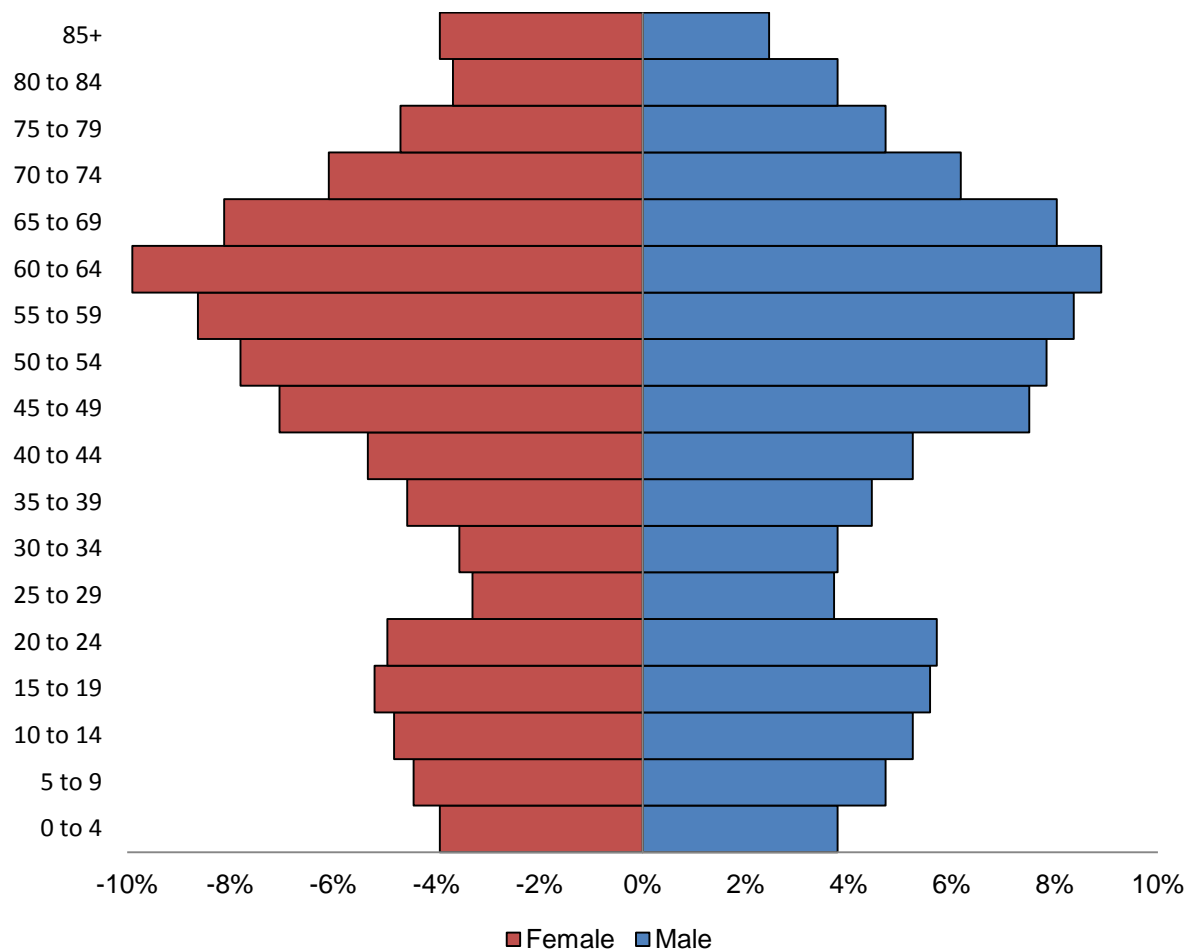
- continuing to implement policies which promote rental housing options by limiting rental housing conversions to condominiums; encouraging investment in existing rental stock; supporting second suites, single-room occupancies and rooming, boarding and lodging homes, mixed use developments and encouraging adaptive reuse of non-residential buildings;
- incorporating accessibility and energy efficiency standards into all private market housing supply initiatives and programs;
- encouraging the promotion and streamlining approval for secondary suites;
- incorporating housing as a priority for surplus property in Regional and Municipal By-Laws; and
- implementing policies at the local level which promote a range of ownership housing options by sustaining existing stock through renovation, pursuing alternative development standards, promoting small lot singles, piloting innovative seniors housing options and establishing affordability targets.

Trends

An Aging Population

As of 2011, there was a much larger proportion of seniors than youth in the Town. The following figure is a Population Pyramid of the Town. The pyramid suggests that primarily pre-retirement and seniors reside in Niagara-on-the-Lake. Furthermore, the Town's median age is 51.0, which is much older than the regional and the provincial median, 44.1 and 40.4, respectively.

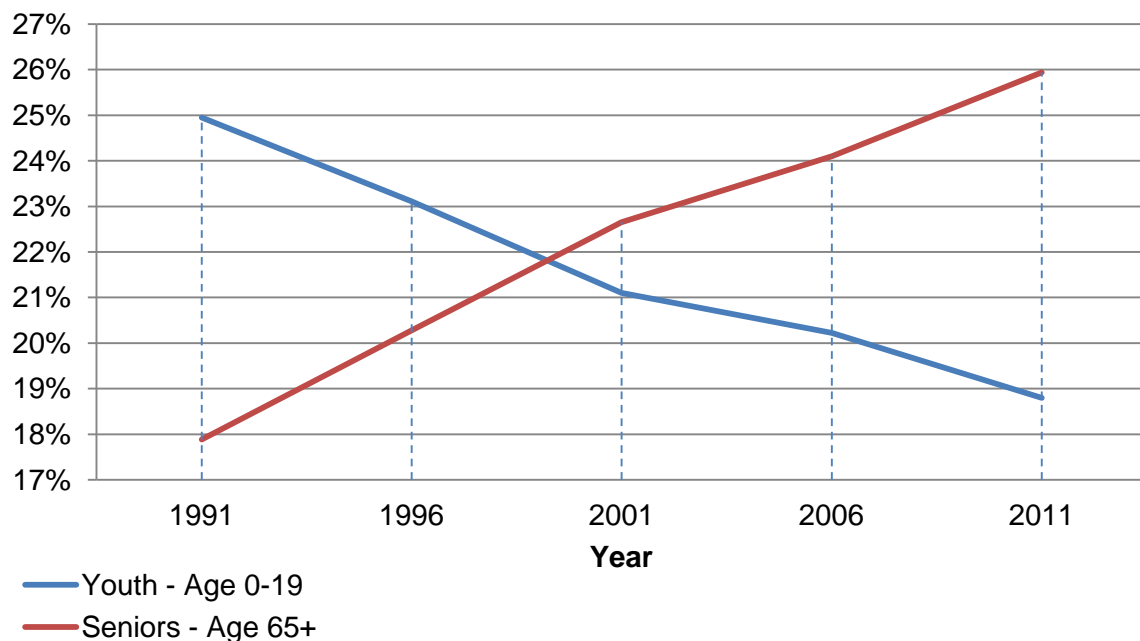
Population Pyramid Indicating the Proportion of Males and Females in Five (5) Year Age Cohorts



Source: Statistics Canada, Census of Canada, 2011

The figure below illustrates the proportion of seniors and youth relative to the overall population and suggests that since 1991, the proportion of seniors has been growing and youth have been declining. Niagara-on-the-Lake may wish to adapt to address the impacts of an aging population that currently exist and may become more prominent in the coming years. Additionally, the Town may wish to consider a strategy for attracting and retaining youth.

Proportion of Youth (Age 0-19) and Seniors (Age 65+) to the Overall Population in the Town of Niagara-on-the-Lake



Source: Statistics Canada, Census of Canada, 1991, 1996, 2001, 2006 and 2011

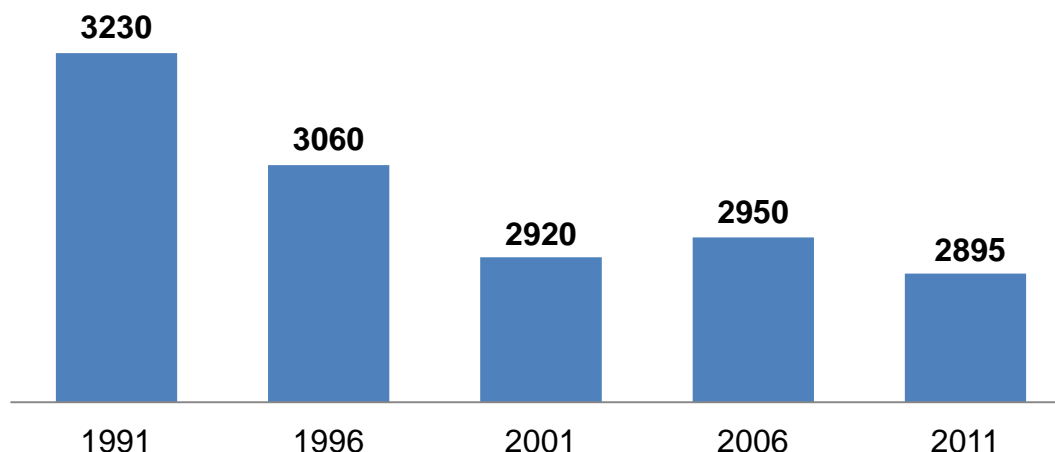
Although the Town does not currently have comprehensive policies to meet the needs of an aging population, the Town has recognized the need to meet the needs of seniors, and there have been individual projects to improve the quality of life for seniors. Some seniors' oriented projects include:

- The opening of a new community centre in March 2011, which includes a significant amount of seniors' programming.
- The relocation of the lawn bowling greens from Regent Street to behind the Community Centre, and the placement of a synthetic surface that is more accessible.
- The proposed resurfacing of the Memorial Tennis Courts with a "joint friendly" surface.
- The addition of an 1800 ft asphalt multi-purpose trail around the Virgil Sportspark, which receives much use from the Town's older population.

Declining Proportion of Youth

In addition to the "flip" in the proportion of seniors (65+) compared to the number of youth (0-19), the number of youth in real numbers has been declining.

Number of Youth between 1991 and 2011



Source: Statistics Canada, Census of Canada, 1991, 1996, 2001, 2006 and 2011

The Town may wish to consider developing its own projections regarding enrollment capacity in local schools (both public systems as well as private) due to emerging trends. In particular, there has been a significant amount of construction and development in Niagara-on-the-Lake in recent years, particularly in Glendale, Old Town, and St. Davids. Further, technological advances have allowed many people to “work from home” more frequently, making it more feasible to live in more rural communities such as Niagara-on-the-Lake.

There are many community costs to closing schools. In particular, their availability influences where families choose to live, property values, tax revenue, and the pace and location of residential and commercial development¹⁸. It is also important to note that nearby schools respond to provincial initiatives because they provide options for active transportation, contributing to healthier communities. Their existence is necessary for a complete community. There are also intangible values that are associated with schools that may be lost. James Downey discussed these intangible values and wrote,

“In small towns and rural areas, the local school plays an important role in shaping community identity. In single-school communities, the school is frequently the only public institution. It serves as a centre of entertainment, local

¹⁸ Michael Lytton, “Have all the costs of closing a school been considered?” OECD, 2011, <http://www.oecd.org/edu/innovation-education/centreforeffectivelearningenvironmentscele/48358265.pdf>.

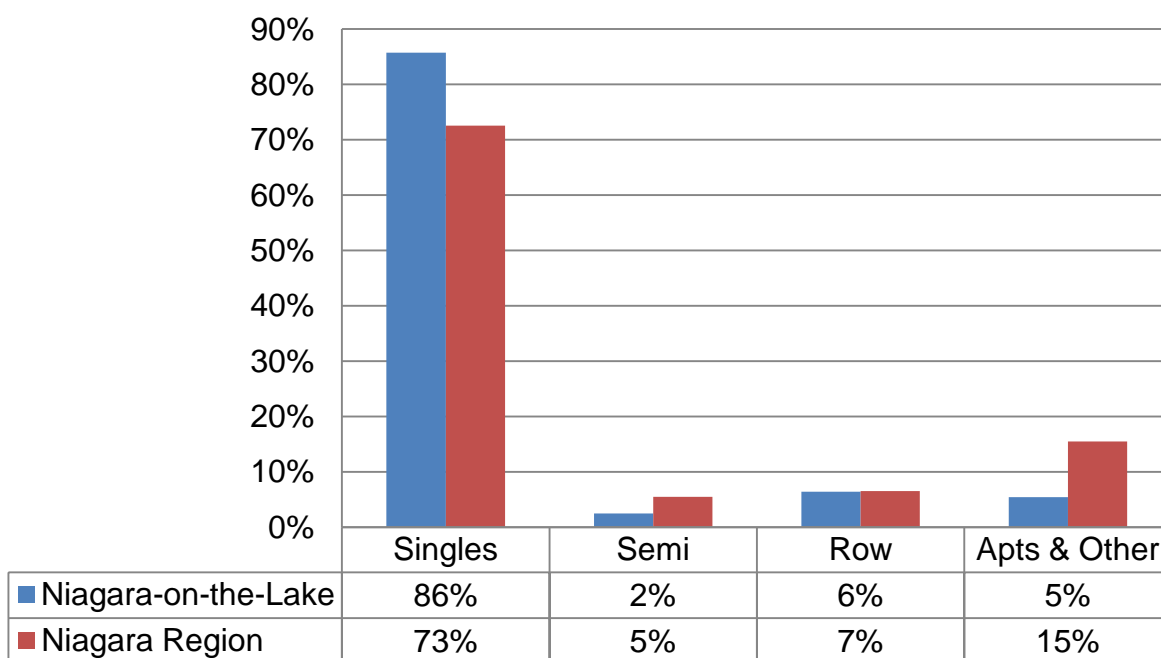
activity, and political involvement and its educational accomplishments are a source of local pride.”¹⁹

The current trend towards school closures should be investigated in the Official Plan review, including impacts, mitigation and adaptation strategies. Policies should be developed in order to encourage youth retention and discourage outward migration and school closures. The Town should also consider how it may achieve the best possible outcome if a school does close and the youth population continues to decline.

Housing Diversity and Affordability

The figure below, based on the most recent census from Statistics Canada, describes the proportion of dwellings existing in the Town as four (4) types. There is a large supply of single-detached dwellings (singles) and few alternate types of housing. This trend is similar to the Region’s distribution of housing types.

Dwelling Types – Comparison of Niagara-on-the-Lake to Region (existing)



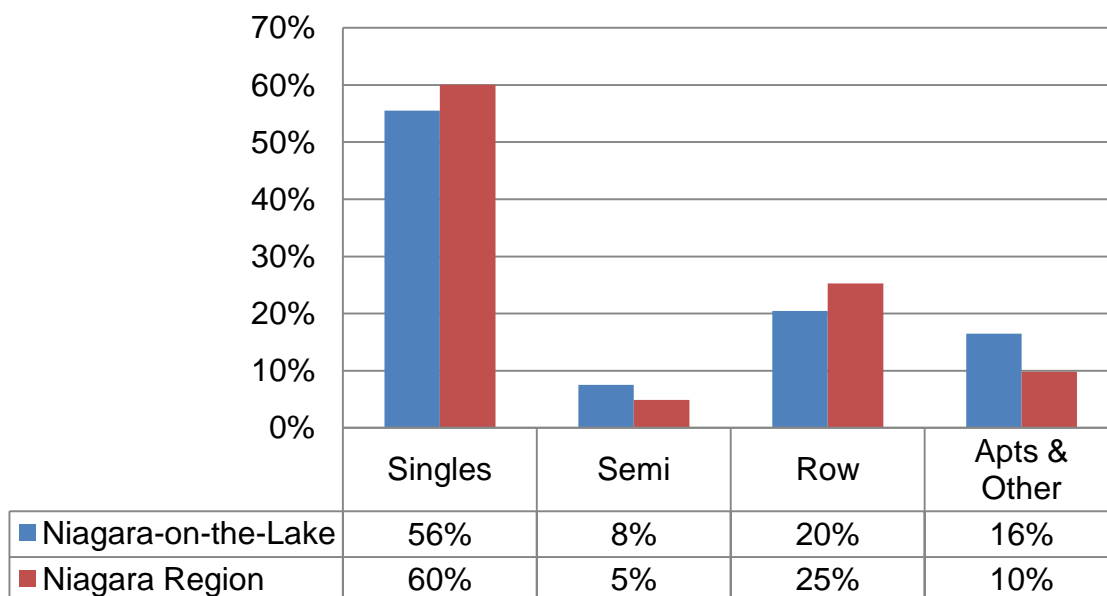
Source: Based on Statistics Canada Data from 2011

The figure below illustrates the proportion of housing starts being built broken down into four (4) dwelling types in the Town of Niagara-on-the-Lake over a three (3) year period

¹⁹ James Downey, "Strengthening Education in Rural and Northern Ontario: Report of Rural Education Strategy," Rural Education Strategy (2003), <https://ozone.scholarsportal.info/bitstream/1873/5720/1/10315140.pdf>.

(2010-2012). Most new construction is primarily single-detached. The proportional breakdown of new construction in the Town is similar to that of the Region.

Housing Starts by Dwelling Type – Comparison of Niagara-on-the-Lake to Region (2010-2012)



Source: Canada Mortgage and Housing Corporation – Housing NOW – St. Catharines-Niagara CMA

A comparison of what exists, and what is being built presently (2010-2012), as shown on the two (2) figures above, indicates that a majority of new construction still consists of single-detached dwellings; however, a greater number of multi-unit dwellings are being constructed than in the past. Although single-detached dwellings are a preference for many households, this housing form does not adequately address the needs of households that are declining in size or for younger singles and families. Furthermore, single-detached houses are often less affordable to people with low and moderate incomes, and less practical for seniors experiencing declining health.

Topics for Further Investigation

- What are opportunities to improve mobility through planning? What policies can be developed for inclusive design?
- How will second unit policies be included in the Town's new Official Plan?
- Is the current housing supply meeting the needs of the Town's population? Should there be greater housing diversity? How can this diversity be appropriately achieved?
- What are the Town's affordable housing targets?
- How can planning encourage active aging?

- How can planning encourage young people to stay in Niagara-on-the-Lake and young people to move to Niagara-on-the-Lake?

Strategic Pillar 4: A Centre for Culture, Heritage, and Recreation

Culture, Heritage, and Recreation are all important contributors in Niagara-on-the-Lake to a livable community. Richard Florida argues that both a vibrant economy and lifestyles matter in people's decisions regarding where to locate²⁰. Culture, Heritage and Recreation contribute positively to people's quality of life, and draw people to Niagara-on-the-Lake. Strong policies should enhance these amenities in a way that responds to both the emerging and existing demographics.



Heritage

Ontario Heritage Act, Bill 60 (2005) and Bill 53 (2006)

The first *Ontario Heritage Act* was approved in 1975. In 2005 and 2006 amendments to the *Ontario Heritage Act* were made to strengthen and improve heritage protection in the Province. Some of the significant changes to the *Act* included:

- enhancements to demolition controls,
- provisions to allow for interim control by-laws to limit alterations to properties for a period of up to one year if a study is undertaken for the purposes of designating the area a Heritage Conservation District,
- requirements for a plan (rather than a study as was previously required) for district that is designated through a by-law,
- provisions to allow for building standards by-laws to prevent “demolition by neglect” for heritage properties,



²⁰ Florida, Richard, “Cities and the Creative Class”, *City and Community*, 2, 1 (2003), 3-19.

- requirements for an owner of a property to provide the Council of the municipality at least 60 days notice in writing of their intention to demolish or remove a building or structure if a non-designated property is listed on the Heritage Register, and
- added protection for marine archaeology.



It is important that through the review process the new Official Plan is consistent with the 2005/2006 changes to the *Ontario Heritage Act*.

Updating the Heritage Conservation District Plan and Applicable Policies

The Queen-Picton District Plan was adopted in 1986. Since that time, there have been changes to the District, including the restoration of some older buildings, and the further deterioration and demolition of others. Additionally, the community's values regarding what is considered important have likely evolved as well. If a comprehensive review of the Queen-Picton District Plan is conducted, the Town should consider approaches to adopting it through the Official Plan review process. Further investigation as to whether a district plan can be adopted through an Official Plan review process is required because Heritage Conservation Districts and Official Plans are enabled through separate legislation.

It may also be useful to consider applicable policies in support of the District Plan, such as Site Plan Control and Zoning with Conditions. Robert Shipley, a professor at University of Waterloo, and a heritage expert, suggests that Heritage Conservation Districts may be best regulated through the adoption of a Development Permit System because it allows a municipality to prescribe conditions or criteria that must be met before a development permit may be issued as well as conditions that must be included in a development permit. One of the benefits to residents is that development permits are a permissive system rather than a prescriptive one. Heritage Permits, which are currently issued by the Town, are similar to Development Permits, because they allow the municipality to prescribe conditions for approval.

Expanding the District/New Districts

The Town's existing Official Plan states that "a detailed Heritage Conservation District plan shall be prepared for all areas that are to be designated as Heritage Conservation Districts." The Official Plan also provides criteria for determining the merit of designating lands as part of a district, and also provides for how lands within a district should be delineated. To date, the Town has designated one Heritage Conservation District. It may be appropriate to consider providing direction to either expand the existing Heritage Conservation District or designate additional ones. Consideration should also be given to developing policies and procedures for undertaking Heritage Conservation District Studies and Developing Heritage Conservation District Plans.

Preventing Demolition

Proposals to demolish designated properties are a threat to the Town's heritage resources. Neglect to maintain the Town's heritage properties coupled with the value of land in the Heritage Conservation District are the primary factors motivating these proposals.

There are a number of tools that may be used to prevent the demolition or demolition by neglect of heritage properties:

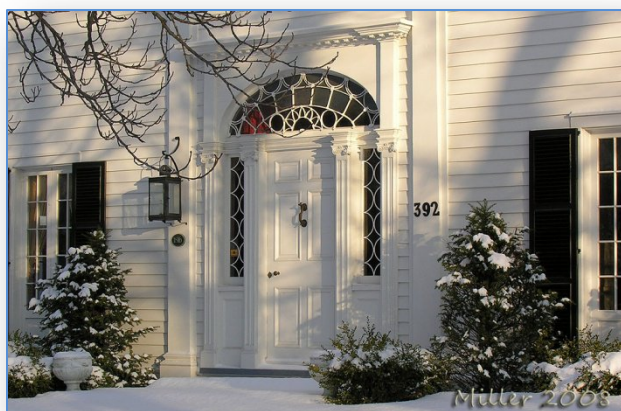
- Sections 35.3(1) and 45.1(1) of the *Ontario Heritage Act* allows a municipality to pass a Heritage Property Standards By-law. Such a By-law may prescribe minimum standards for the maintenance of the heritage attributes of property and require property that has been designated under these sections that do not comply with the standards to be repaired and maintained to conform with the standards.
- Section 37 of the *Planning Act* allows the Council of a municipality to pass a By-law to authorize increases in the height and density of development from what is permitted in the by-law in return for the provision of such facilities, services or matters as are set out in the by-law. Some municipalities have used density bonusing to encourage the restoration of Heritage Buildings.
- Increase the amount of grant funding that is available for heritage restoration and rehabilitation. Since 2011, \$70,000 was available annually to projects that restored designated properties. Each year since 2011, all of this funding had been allocated.
- Support a tax rebate program to encourage the conservation of designated properties.
- Require and provide standards and guidelines for Heritage Impact Assessments in the Official Plan.

Disaster Planning

Recent disasters including Hurricane Katrina which hit New Orleans, Louisiana and a tornado that struck Goderich, Ontario, have resulted in significant damage to their respective communities' heritage resources. Heritage planners have taken note of the events and have responded through disaster planning. The Town of Niagara-on-the-Lake should consider how to respond to disasters that impact heritage resources.

Estate Lots

Due to the value of land in Niagara-on-the-Lake and the elevated property taxes for larger parcels, there is significant pressure to divide estate lots. The Town's existing Official Plan defines estates lots as "properties in an urban area containing a dwelling of historical or architectural significance which make a contribution to the streetscape or



character of the municipality and have the potential of being subdivided into additional lots." The Town's Official Plan does not prevent the division of estate lots but has requirements including the submission of a streetscape study; the demonstration that there is no negative impact on vegetation or drainage in the area; and demonstration that the ambience, character, setting and historic value

of the existing home will be retained. There are policies for Country Inns and Villas that encourage the retention of estate lots. Stronger policies are needed to prevent further fragmentation of estate lots, and to also support owners of such lots who do not use their properties for a Country Inn or Villa.

Archaeology

Through the Town's Official Plan, an archaeological resource assessment may be required as a result of a planning application if any portion of the subject property falls within the zone of archaeological potential. Sites of archaeological potential were identified through the preparation of the Town's Archaeological Master Plan, which was completed in 2001. Section 3.6.3 of the Archaeological



Master Plan recommends that comprehensive review of the mapping be conducted every five (5) years, in co-ordination with the five (5) year review of the Official Plan. Such reviews should be conducted by a licensed archaeologist, and any proposed modifications should be mutually acceptable to Council and the Ministry of Tourism, Culture and Sport. Since the Town's archaeological policies were prepared, the Standards and Guidelines for Consultant Archaeologists was updated. These changes included requirements for engaging First Nations and Métis communities. The review of the Town's Official Plan and Archaeological Master Plan should consider opportunities to incorporate these revised standards, as well as opportunities to engage with First Nations and Métis communities and incorporating policies pertaining to marine archaeology.

Cultural Heritage Landscapes

The PPS states that “significant cultural heritage landscapes shall be conserved”. The PPS further defines a cultural heritage landscape as “a defined geographical area of heritage significance which has been modified by human activities and is valued by a community.” Cultural heritage landscapes involve groupings of individual heritage features, including structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form. The PPS provides examples of Cultural Heritage Landscapes including Heritage Conservation Districts designated under the *Ontario Heritage Act*, as well as villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value, and other areas that have been modified by human activity over time. Cultural Heritage Landscapes may be conserved using a range of planning tools: designation of properties and districts under IV and V of the *Ontario Heritage Act*, secondary plans, community improvement areas, zoning, and site plan control. The Welland Canal is a “cultural heritage landscape” that has been identified by the Region. The Town should incorporate relevant regional policies pertaining to the Welland Canal in its Official Plan.

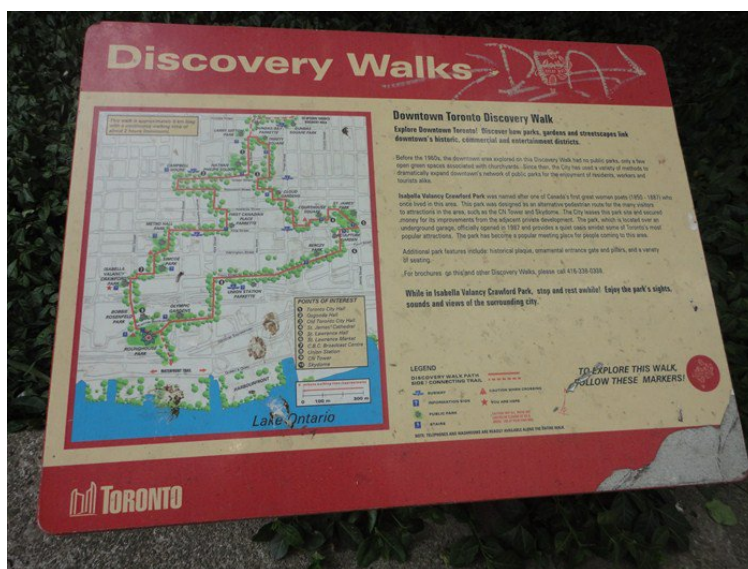


Celebrating Heritage

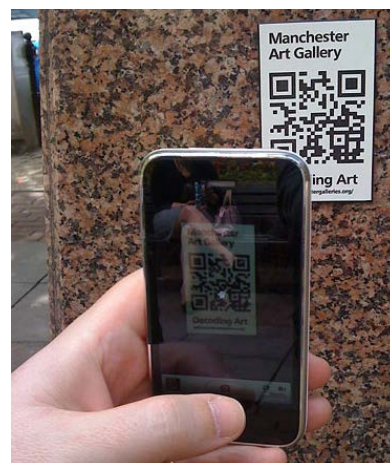
In addition to policies and legislation, education and celebrations of the Town's heritage are effective tools to help conserve its heritage. Through a variety of means, the Town's heritage resources may encourage learning and enjoyment for both residents, and visitors seeking out new cultural experiences. Municipalities have implemented a variety of programs to celebrate heritage that have been successful. Investigation

regarding how the Town may support adaptations of some of the following programs should be considered through the Official Plan review:

- *Discovery Walks* (City of Toronto) are a series of self guided walks that link city ravines, parks, gardens, beaches and neighbourhoods, through informative signs. These signs allow people to experience the area's heritage and environment.



- *Integrating Technology with Heritage:* There are many opportunities to integrate technology with heritage that should be investigated. *Quick Response (QR) Codes* are labels placed beside an object. These labels link to specially created web pages which have further text information and in some cases an audio clip about the object. Placing QR codes at sites and buildings of significant cultural heritage interest would be an excellent opportunity to provide information to the travelling public. It may also be an opportunity to engage youth. *Geocaching* is a similar but slightly different approach to integrate technology and wayfinding. Using a Global Positioning System (GPS)-enabled mobile phone, participants are encouraged to find hidden containers known as geocaches. Geocaching can be used as a means to attract pedestrian traffic to heritage sites and as an educational tool.
- *Events and Festivals* provide an opportunity for residents and visitors to engage with heritage in their community. Examples include the bicentennial of the War of 1812, the centennial of the First World War, Doors Open, and Heritage Week.



- *Building Stories* (University of Waterloo Heritage Resources Centre) is an on-line interactive inventory for historic sites in Canada. It makes original documents, photos and historical records available on-line from a wide variety of communities.



Through the Official Plan review, policy may be developed to enable and encourage programs that celebrate of the Town's heritage resources.

Culture

Niagara Region Culture Plan

In 2010 the Regional Culture Plan was approved. The purpose of the Culture Plan was to create an overarching policy and planning framework as well as strategic directions and actions to support the creative economy and the development of the creative cultural sector. Through the Culture Plan, the Region produced actions in four (4) interconnected strategic directions: creative economy, places, creative people, and creative identity. In support of the Culture Plan, the Region approved an amendment to the Regional Policy Plan (RPPA 1-2011) in May, 2013. The intent of the amendment was to implement the Region's Culture Plan, and to implement the Cultural Heritage policies of the PPS. The amendment also encourages local municipalities through their Official Plans and Zoning By-laws to plan for creative cultural industries and creative places. The Town's visioning session, identified the need for a local culture plan.

Public Art

Increasingly, public art has become an area of focus for Official Plans. Such policies tend to pertain to enabling the inclusion of art at the time of new development and in both private and public spaces. Some examples include:

- funds for Public Art policies, which require that a portion of funds for new municipal spaces is put aside for public art,
- policy direction to Adopt a Public Art Master Plan, and



- policies encouraging the inclusion of public art in all significant private sector developments across the Town, which may be through height and density bonusing.

Although, these types of policies may encourage the placement of art in public places, they fall short, because they do not provide policy direction for how art should be incorporated into development. Sharp, Pollock, and Paddison write,

“Public art is not simply art placed outside...public art is art which has its goal a desire to engage with its audiences to create spaces-whether material, visual or imagined – within which people can identify themselves, perhaps by creating a renewed reflection on community, on the uses of the public spaces or on our behavior within them.”²¹

This engagement with its audience allows public art to be used as a tool to foster social inclusion, sustainability, environmental stewardship, and awareness of the Town’s heritage. Stronger policies regarding public art should address how decisions regarding its placement and selection should be made. For example, the City of Calgary provides broader level objectives in their public art program and the strategic directions to “encourage a sense of shared ownership and investment”, “provide opportunities for participation and involvement”, “be inclusive”, “educate,” and “provide meaningful experiences”, which guide the plan’s policies.

Some policy tools in support of Public Art are Policy 10.B.2.1 of the Regional Policy Plan. Through the policy, the Region supports incorporating public art at Regional road rights-of-way and on Regional property at the time of development and redevelopment, where it is appropriate and economically viable. Additionally, Public Art may be supported through height and density bonusing (Section 37 of the Planning Act).

²¹ Joanne Sharp, Venda Pollock, Ronan Paddison “Just Art for a Just City: Public Art and Social Inclusion in Urban Regeneration”, *Urban Studies*, 42, 5/6 (2005), 1001-1023.

Recreation and Leisure

Provincial Policies including the PPS, the Growth Plan, and the Greenbelt Plan all support planning for recreation. The Greenbelt Plan provides more detail for lands outside the urban boundary and has policies that provide support for recreational uses on lands for rural lands that are not designated for “Specialty Crop” or “Prime Agriculture” purposes. The Regional Policy Plan provides for specific direction by identifying areas for the establishment of scenic routes and trails including the Niagara River Parkway, the Niagara Wine Route, Welland Canals East Side Trail, Lake Ontario Waterfront Trail and the Great Circle Route. In addition to the policies in the Regional Policy Plan, the Town’s Secondary Plans provide further direction for recreation. Some of the policies include:



- the development of riverfront recreational areas,
- the use of Queenston Heights Park for recreational purposes,
- passive recreation on conservation lands,
- the one acre park Laura Secord School, owned by Willowbank, as the main outdoor recreation area in Queenston,
- direction for parks and parkettes, recreational trails, and streets for walking and recreation in St. Davids,
- the use of stormwater pond areas as recreational amenities in Niagara-on-the-Green, and
- maintaining the escarpment area for recreational uses.

The purpose of an Official Plan is to provide broader policy for future development. Many municipalities have adopted Recreation/Leisure Master Plans which identify more detailed policies and strategies for recreation.

Topics for Further Investigation

- Should Development Permits be used as a tool to control development within the Heritage Conservation District?
- What areas of the Official Plan need to be updated to conform to the 2005 *Ontario Heritage Act*?
- Should the Heritage Conservation District Plan be updated at the same time as the Official Plan Review?

- How can a new Official Plan promote the designation of new Heritage Conservation Districts?
- What opportunities are appropriate and available to prevent the demolition of significant heritage properties?
- What policies may prevent the fragmentation of estate lots?
- How can policy development support recreation from a land use perspective?
- Should the Official Plan provide direction to develop Recreation/Leisure Master Plans, Cultural Plans and Public Art Master Plans appropriate?
- Are more community facilities needed? Where should they be located?
- How will the Town prepare for disasters or emergencies that impact cultural heritage resources?
- What policies should the Plan contain regarding the Welland Canal System?

Strategic Pillar 5: Mobility Choices

Residents of Niagara-on-the-Lake tend to be heavily dependent on automobile transportation to meet their daily needs. In the 2011 census, it was reported that 88.4% of residents drove to work. This statistic suggests that Niagara-on-the-Lake is highly automobile dependent. There are many reasons why automobile dependence is a problem including higher vehicle expenses, increased road and parking facility costs, congestion, accident damages, a variety of environmental impacts, and reduced economic productivity and development²². For Niagara-on-the-Lake, it is particularly important to provide alternate transportation options for two (2) reasons:



- *to meet the mobility needs of the Town's aging population, which often loses this ability to drive over time, and*
- *to attract youth and young adults that use public transit, walk, and cycle to work more than adults.²³*

Balanced transportation is an alternative to automobile dependency, and it is about providing options, including walking, cycling, and public transit. Considering the Town's changing demographics and in particular, the increasing aging population, it is essential that amenities including benches and curb cuts are incorporated to support this growing demographic.



Policies, Trends and Best Practices

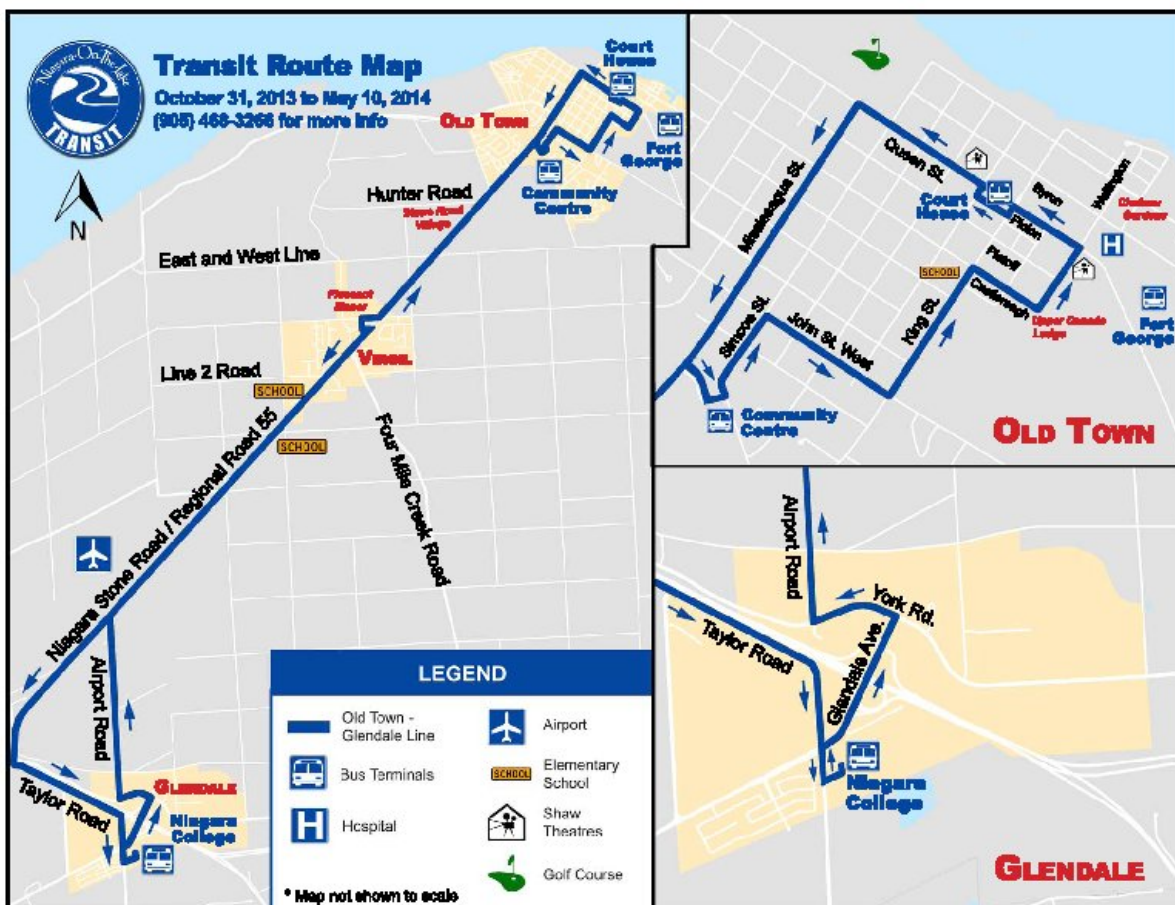
Transit-Oriented Development

Under the Planning Act, municipalities are required to have regard to the promotion of

²² Litman, Todd, "The Costs of Automobile Dependency and the Benefits of Balanced Transportation" Victoria Transport Policy Institute (2002), <http://www.vtpi.org/autodep.pdf>

²³ Thomas, Ren, "Tomorrow's Transportation Demographics: Youth and Young Adults", Plan Canada, 49, 4 (2009), 22-25.

development that is designed to be sustainable, to support public transit and to be oriented to pedestrians. The Growth Plan for the Greater Golden Horseshoe provides further specificity into the requirement for transit-oriented development, and requires the prioritization of transit and goods movement needs over those of single occupant automobiles. Further, transit infrastructure will shape the growth, and planning for high residential and employment densities. Priority is also required to be placed on increasing the capacity of existing transit systems to support intensification areas. Providing for development that is “transit-oriented” is about planning for a mix of uses near transit nodes including housing, retail/commercial, and amenities, which are integrated into a walkable neighbourhood, with higher densities being sited closer to such nodes. The Town’s current Official Plan calls for the investigation of the provision of a public transit system that would offer an effective alternative to travel by automobiles and also assist in alleviating parking concerns. Since that time, Niagara-on-the-Lake opened a transit route running along Niagara Stone Road from Glendale to Old Town. The new Official Plan should consider how new land uses and higher density will support the Town’s existing transit route, as well as potential opportunities to expand transit.



In support of the Planning Act's requirements for "transit-oriented development", in 2013, Dillon Consulting was retained by the Region to prepare a Nodes and Corridors Study, which is intended to be used as background for a future RPPA. The study defines nodes as "*multifunctional, mixed-use spaces*" that include:

- medium and high density housing, covering a diverse range of tenure types,
- high concentrations of employment including professional offices, personal services, hotels and entertainment facilities,
- public and institutional facilities such as government offices, colleges universities, libraries and places of worship,
- several destinations such as farmers markets, performing arts centres, museums and higher order retailers, and
- commercial uses targeting tourists, destination shoppers and neighbourhood scale retailing.

The study also provides additional criteria for nodes in regard to form: higher density; strong inner connectivity and connections with the transit network. Glendale is considered a Regional Node. Policies that allow dwelling units as secondary uses in General Commercial and Service Commercial Areas provide for the potential to develop nodes in Old Town, St. Davids, Glendale, Queenston and Virgil. Through the review, the Town should consider applying nodes and corridors planning to the Town's local context.

Transportation Master Plan

In 2004 the Town completed a Transportation Master Plan, which was the first comprehensive system-wide transportation review, providing short and long-term transportation strategy for the Town's roadway network. Some of the highlights of the report were as follows:

- There are a large number of incomplete and unsafe pedestrian and cyclist networks.
- There is pedestrian overcrowding along Queen/Picton Streets.
- There is the need for shuttle buses to accommodate the tourists and reduce traffic and the demand for on-street parking.
- There is a need for transit services for travelling between urban areas.

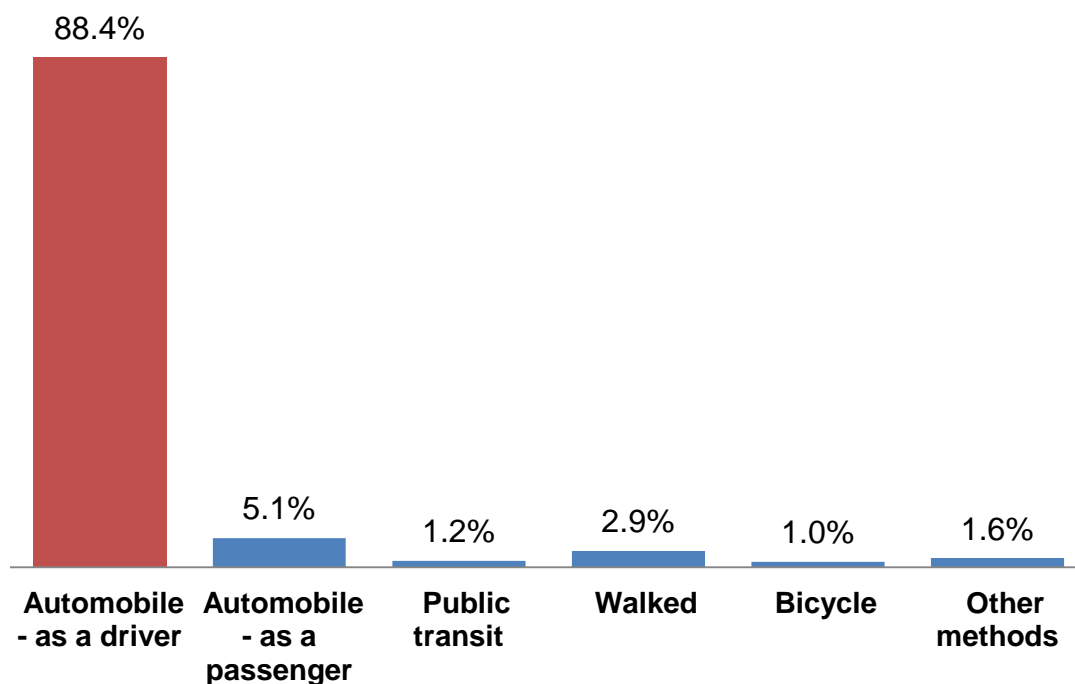
In the future, the Transportation Master Plan will undergo a comprehensive review. Priorities that are identified through the review of the Official Plan should provide policy direction for a review of the Transportation Master Plan.

Automobile Dependence

People living in Niagara-on-the-Lake are heavily dependent on cars. One indicator of this dependency on cars is data on residents' mode of transportation to work, collected

by Statistics Canada's National Household Survey. According to the data, 93.5 percent of people in Niagara-on-the-Lake are dependent on automobiles, mostly as a driver, but also as a passenger.

Mode of Transportation to Work



Source: Statistics Canada, National Household Survey, 2011

The intent of the Growth Plan for the Greater Golden Horseshoe is to reduce “automobile dependence”, by requiring transportation planning that reduces reliance upon any single mode and promotes transit, cycling and walking.

Complete Streets and Active Transportation

Active transportation refers to any form of human-powered transportation. Active transportation includes walking, cycling, using a wheelchair, in-line skating or skateboarding. As part of the Region's sustainable vision, it promotes “compact, transit supportive development, friendly to active transportation.” There are many benefits to active transportation including²⁴:

²⁴ City of Orillia, Active Transportation Plan (2012):
<http://www.orillia.ca/en/livinginorillia/resources/FinalOrilliaATPlanJuly2012.pdf>.

- reduced health care costs, from reduced prevalence of coronary heart disease, premature death, high blood pressure, obesity, type II diabetes, depression and colon cancer,
- reduced work sick days,
- reduced traffic congestion, parking space requirements, and infrastructure costs,
- reduced atmospheric and water pollution,
- reduced land requirements for transportation, and
- reduced road construction, repair and maintenance costs.

The Town's role in encouraging active transportation is providing for "complete streets." The Toronto Centre for Active Transportation defines complete streets as streets that "provide for all road users – pedestrians, bicyclists, transit users, and motorists of all ages and abilities." Both provincial and local policies support complete streets and the placement of cyclist and pedestrian amenities.

Pedestrian and Bicycle Network

The Growth Plan for the Greater Golden Horseshoe requires that municipalities ensure that pedestrian and bicycle networks are integrated into transportation planning. Such networks are required to provide linkages between intensification areas, adjacent neighbourhoods, and transit stations, and include dedicated lanes for bicyclists on the major street network where feasible. The Regional Policy Plan further elaborates with its objective "to recognize and support cycling as a legitimate and environmentally sustainable form of transportation for all trip purposes, utilitarian as well as recreation." In addition, the Region supports the integration and development of specific trails including the Waterfront Trail, the Greater Niagara Circle Route, and the Trans Canada Trail.



The reality is that many streets in Niagara-on-the-Lake have neither sidewalks nor bike paths. A lack of such paths is especially true for roads outside of the urban areas. Although for some streets in Niagara-on-the-Lake, a lack of such paths may be fundamental to the community character, in others it presents a hazard to both pedestrians and cyclists. One of the reasons for the lack of the provision of pedestrian and cycling facilities is the misapprehension that such facilities are optional because they are only needed for walking or cycling trips, which are not the predominant form of transportation. The reality is, most trips require some walking, and automobiles are not

universally accessible, especially to youth and seniors. As part of the Official Plan review, a recommended area of study will determine where pedestrian and cycling paths exist, and also where it is appropriate to provide additional paths, and to consider appropriate design criteria.

Streetscaping and Beautification

The Regional Policy Plan supports road improvement initiatives such as beautification to ensure aesthetically pleasing streetscapes including treed avenues, attractive sound barriers and decorative fencing, and strong urban/rural design. In addition to its general streetscaping policies, the Plan recognizes Regional Road 87 (Lakeshore Road/Mary Street) as a route that has a distinctive character and tourism attributes that should be recognized in the Town's Official Plan. The Town's current Official Plan identifies five (5) types of routes: Provincial Highways, Arterial Roads, Collector Roads, Local Roads and the Niagara Parkway. Although the Official Plan distinguishes among five (5) types of roads, and provides purposes for each, it does not describe policies for streetscaping and beautification, nor for the integration of adjacent land uses. It is recommended that as part of the Official Plan review, consideration is given to streetscaping and beautification of the roads within the Town, while recognizing the limitations of implementing such requirements for roads not owned by the Town.

Accessibility for Ontarians with Disabilities Act (AODA)

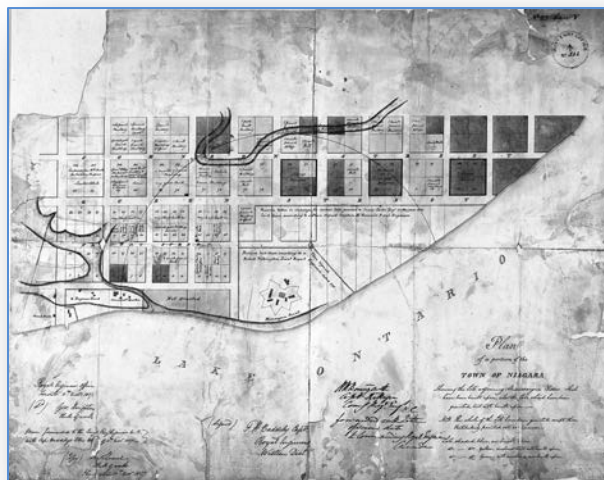
Ontario Regulation 191/11 provides standards for the development and design of public spaces. The regulation provides standards pertaining to outdoor paths of travel including sidewalks, ramps, stairs, curb ramps, rest areas and accessible pedestrian signals. As of January 1, 2015, new construction and renovations will be subject to updated accessibility requirements. The regulations regarding outdoor paths of travel should be considered when any design options are considered.

Topics for Further Investigation

- Walk Score[®] provides walkability data for different locations, based on the walking distance to amenities in a variety of categories. It may be beneficial to obtain Walk Score[®] data to determine opportunities to improve walkability in the Town.
- How can land use and density be integrated with and support the Town's existing transit route?
- What streetscaping policies should be developed for Arterial Roads, Collector Roads, Local Roads and the Niagara Parkway? To what extent can the Town request streetscaping on Regional Roads?
- What opportunities are there to expand transit in Niagara-on-the-Lake?
- Implement and update Transportation Master Plan.
- Investigate and implement a local nodes and corridors planning strategy.

Strategic Pillar 6: A Well Planned Built Environment

One of the strategic priorities for “A Well Planned Built Environment” is to ensure that growth is in keeping with the town’s unique character. Preserving the distinct urban character of the Town’s five (5) settlement areas, as well as the transition between urban and rural areas is important for planning the Town’s built environment. When Official Plan Amendment (OPA) 43 was passed in 2010 to ensure conformity of the Official Plan with the Growth Plan, high density development was not envisioned for the Town, but was considered a possibility for the Glendale Community, subject to the policies of the Glendale Secondary Plan. Due to significant development pressures in the Town, now is an appropriate time to consider strategic locations and design guidelines for higher density development.



Policy Tools

The following are policy tools that affect the Town’s ability to achieve a “Well Planned Built Environment.”

Urban Areas

The Regional Policy Plan delegates the primary responsibility for regulating the types, locations and densities of land uses within the urban areas to local municipalities, through their Official Plans and Zoning regulations. Despite the autonomy provided to local municipalities, the Region reviews and comments on matters of Regional interest, while recognizing that detailed decisions will normally be the responsibility of the local municipality.

Zoning with Conditions

Municipalities now have the authority to impose zoning by-laws with conditions if their Official Plan contains policies related to zoning with conditions. Under Section 34(16) of the Planning Act, “if the official plan in effect in a municipality contains policies relating to zoning with conditions, the council of the municipality may, in a by-law passed under this section, permit a use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location.” When a prescribed condition is imposed under subsection (16), the municipality may require an owner of land to enter into an agreement with the municipality regarding the condition. As a concept, zoning with conditions is desirable to

both developers/landowners and municipalities²⁵. Land owners/developers, appreciate the opportunity to obtain valid zoning amendments prior to the date that such amendments would have been in effect if certain requirements are to be satisfied prior to enactment. Municipalities are able to obtain legal enforceable concessions from a landowner as a condition of approval. To date, the Province has not developed regulations for prescribed conditions.

Development Permit System

Section 70.2 of the *Planning Act* allows municipalities to adopt a Development Permit System. The Development Permit System combines zoning, site plan and minor variance approvals in one application and approval process. A Development Permit By-law outlines permitted and discretionary uses. Permitted uses are allowed, subject to meeting the other provisions of the by-law. Discretionary uses may also be permitted at the discretion of an approval authority. Discretionary uses may require further information to be provided in order to determine the potential impact of the uses and their appropriateness in a given area.

The main benefit of a Development Permit System is that it provides for a streamlined and expedited process that allows planners to accord greater attention to elements of good design, which is possible for the following reasons²⁶:

- It provides for a clear and upfront identification of municipalities' requirements for development, through one application and streamlined approval. This streamlined process is unlike the current system, through which planning proposals are often subject to more than one application, depending on the proposal. These may include site plan, minor variance, or zoning.
- Depending on the wording of the Development Permit By-law, some or all applications may be reviewed and processed by staff, rather than through Council committees. Through the Development Permit System minor applications are able to be reviewed and approved more quickly.
- Site specific design criteria may be considered for discretionary uses.
- Pre-conditions are allowed, such as the requirement for a heritage permit if a property is designated.
- The Development Permit System allows municipalities to have control over design considerations.

²⁵ Mascarin ,John, "Canada: Conditional Zoning", Arid & Berlis LPP, 2009, <http://www.mondaq.com/canada/x/73350/agriculture+land+law/Conditional+Zoning>

²⁶ Municipal Affairs and Housing, "Development Permit System: A Handbook for Municipal Implementation" Queen's Printer for Ontario, 2008, <http://www.mah.gov.on.ca/AssetFactory.aspx?did=6131>

- It encourages adaptive re-use by allowing for flexibility in the types of uses that may be accommodated on a site.

One of the criticisms of Development Permit Systems is that it eliminates public involvement with development permit applications and delegates authority to planning staff. In particular, Section 7(C) of the Development Permit Regulations 608/606 under the *Planning Act* does not allow for appeals, unless by the owner. Public involvement is perceived by many to be necessary because of the assumption that municipal employees are not always aware of the interests of all of the communities that they represent²⁷.

The counter-point to this critique is that an Official Plan must contain goals, objectives and policies for a Development Permit System. Therefore, opportunities for public involvement are provided at the policy stage. A detailed Development Permit System By-law, created through strong Official Plan policies and extensive public consultation will ensure that the public's diverse interests are addressed. Public involvement will still be maintained for larger proposals that require amendments to either the Town's Official Plan or the Development Permit By-law. However, depending on the wording of the By-law, decisions regarding discretionary uses or deviations from specific standards may be made internally.

A second criticism of the Development Permit System is that the process is very complicated, and not always practical. The City of Barrie, a municipality that had begun to create a Development Permit System By-law after the *Planning Act* regulations 608/06 were passed, notes in a Staff Report that due to the level of detail required to complete a Development Permit By-law, it is not practical to consider implementing a Development Permit System for the entire city, but to consider implementation areas, such as Urban Growth Centres, Intensification Nodes and Corridors and Employment Areas²⁸.

Density Bonusing

Under Section 37 of the Planning Act, the council of a local municipality may pass a By-Law to authorize increases in the height and density of development in exchange for community benefits. One of the common criticisms of height and density bonusing is that its implementation would signal that lower standards are appropriate in

²⁷ Nethery, Joe, "Organizational Behavioural Obstructions between Planners and Implementing the Development Permit System", University of Western Ontario, 2011, http://localgovernment.uwo.ca/resources/docs/research_papers/2011/Nethery2011.pdf

²⁸ City of Barrie, "Staff Report PLN008-11: Development Permit System", May 2, 2011, <http://www.barrie.ca/Doing%20Business/PlanningandDevelopment/Documents/PLN008-110502.pdf>

developments where Section 37 is not used. In reality, Section 37 should not be used to raise the standards; but to obtain amenities that cannot be required through site plan approval. Some examples of the use of Section 37 include:

- conservation of heritage resources,
- development of rental and affordable housing,
- provision of child care facilities,
- placement of public art,
- adaptive reuse of existing properties,
- development of cultural and institutional facilities, and
- provision of parkland facilities and improvements.

This tool is particularly valuable in regard to Heritage Conservation. Although section 2.6.1 of the PPS requires that significant built heritage resources be conserved, there are limited opportunities to achieve restoration or rehabilitation of deteriorating heritage resources if they are not designated. Even for designated prosperities, there are no tools in the *Ontario Heritage Act* to require either restoration or rehabilitation.

Height and Density Bonusing presents an opportunity to encourage the designation of heritage properties under the *Ontario Heritage Act* and also be a catalyst for restoration of such properties at the time of a planning application. For example, in an instance where there is a historical building in poor condition that is sited on a large designated property, in order to make it more economical to restore the building, the applicant may enter into an agreement with the Town to build a taller addition at the rear or add more units than the zoning permits in exchange for restoring the designated building.

Greenfield Development

The Growth Plan defines Greenfields as “the area located within a settlement area that is not a built-up area.” The Plan requires that Greenfield development will be compact and transit-supportive. Such development is required to be designed in a manner that works towards complete communities²⁹; incorporates a mix of uses; and creates street configurations, densities and an urban form that supports walking and cycling and the early integration and sustained viability of transit services. The Growth Plan provides further direction for designated Greenfield areas, and states that such areas will be planned to achieve “a minimum density target that is not less than 50 residents and jobs combined per hectare.”³⁰ In order to achieve these density targets, the Growth Plan

²⁹ Complete communities are defined in the Growth Plan as communities that “meet people’s needs for daily living throughout an entire lifetime by providing convenient access to a mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation is also provided.”

³⁰ This target excludes lands where development is prohibited.

requires municipalities to develop and implement official plan policies, including phasing policies, and other strategies.

The Region adopted RPPA-2009, and subsequently the Town adopted OPA 43 to implement the policies of the Growth Plan regarding Greenfield Development.

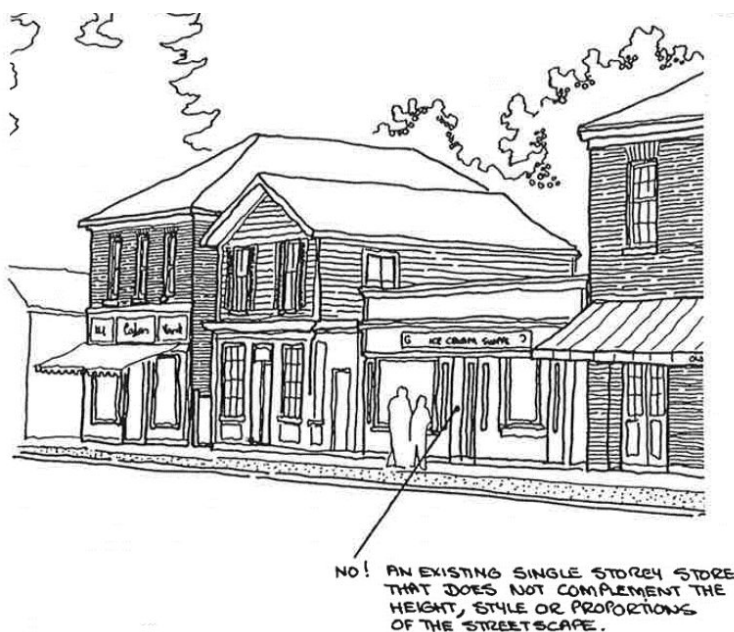
However, the Town's policies do not include all of the requirements of the Growth Plan Amendment, including policies pertaining to complete communities and phasing. There is also the opportunity to provide stronger urban design guidelines specifically pertaining to Greenfield Development, which will provide guidance in achieving the policy direction of the Growth Plan.



Minimum Height and Density

With Bill 51, the *Planning Act* was amended to allow municipalities to set minimum and maximum density and height standards. In addition to assigning municipalities density targets for Greenfield Development, it allows municipalities to develop zoning to improve urban design. An image taken from the Queen-Picton District Plan, shown below, describes a situation in which a minimum/maximum height requirement may be useful. The image depicts buildings on the blockface that are all two (2) storeys, with the exception of one, which is one (1) storey, and as such is inconsistent. The result is a

building that is not compatible in height and scale with those on the rest of the block.



Source: Queen-Picton District Plan. Nicholas Hill. 1986.

The Town's zoning has adopted minimum height requirements for some zoning districts, without any policy direction from the Official Plan. A lack of policy direction makes minimum heights difficult to justify at the development stage.

Urban Design Guidelines

The Town has some urban design guidelines which guide its decisions on urban design. Most of these guidelines have been adopted as part of Secondary Plans such as Glendale, Queenston, and the Dock Area. There is also one plan for the Village of St. Davids where the guidelines have not been adopted through the secondary plan. The Region has developed its urban design guidelines to improve the public and private realm. There are no policy mechanisms to enforce urban design guidelines for individual buildings, unless they are subject to planning approval (i.e., site plan, heritage permits). One possible approach to encourage better design of individual buildings not subject to planning applications is encoding specific design criteria through form-based codes, such as maximum setbacks, minimum heights, and placement of garages. The Town may also introduce a development permit process or expand the existing Heritage Conservation District.

Special Study Areas

The existing Official Plan designates “Special Study Areas” for lands within the Town that have particular planning issues requiring further analysis. With pressures for intensification and higher densities, this designation can be used to determine how new development will manifest. The Special Study Areas of the Official Plan include:

- lands within the settlement boundary of Queenston,
- Homer (north and south of York Road, east of the Homer Bridge),
- lands within the settlement boundary of St. Davids,
- Niagara Parkway
- Virgil Commercial Expansion Area
- First Capital Business Park, and
- lands within the settlement boundary of Glendale.

Plans for Homer, the Niagara Parkway, Virgil Commercial Expansion Area and First Capital Business Park have not yet been developed. Through the review, these areas should be evaluated to confirm the need to continue as “Special Study Areas.” Additional Special Study Areas should also be identified, including lands in Old Town south of the existing Heritage Conservation District, and the lands adjacent to Niagara Stone Road.

Community Improvement Project Areas

Section 28 of the *Planning Act* allows a municipality to designate any area with an Official Plan as a Community Improvement Project Area. The purpose of a Community Improvement Project Area is to address municipal or regional planning objectives in a

certain defined area through municipally-driven and/or incentive-based programs. Since 2003, Niagara Region has offered financial incentive programs to provide reductions to development charges, property taxes and grants and loans for various types of development in designated Community Improvement Project Areas. Many of these grants are designed to stimulate economic development in downtowns, mixed use commercial areas, brownfields and employment lands. Currently, the Town has one Community Improvement Project Area, which is the C&C Yachts Community Improvement Project Area (By-law #4062-06). Through the Official Plan review, it may be appropriate to identify new areas to establish Community Improvement Project Areas, or develop guidelines for Community Improvement Project Areas.

AODA Parking Requirements

The AODA provides requirements for off-street parking that must be included in the updated Official Plan and Zoning-Bylaw. These requirements pertain to both the design and the number of parking spaces that are required. The AODA also requires that designated public sector organizations, including municipalities must consult with the public and persons with disabilities when constructing or redeveloping existing on-street parking spaces.

Trends in Growth

The following are trends in growth that should be taken into consideration when making decisions on intensification, the built form and urban design:

Growth Management and Intensification

The Growth Plan provides policies that state that a significant portion of new growth in the Greater Golden Horseshoe should be directed to the built-up areas of the community through intensification, and by 2015, 40 percent of all residential development occurring within an upper-tier municipality will be within the built-up area. The Region is responsible for allocating these intensification targets to lower-tier municipalities. RPPA 2-2009 provides further direction which includes the requirement for local municipalities to plan “Intensification Areas” and provides the Town of Niagara-on-the-Lake with an intensification target of 15%. OPA 43 implemented some of the intensification objectives of RPPA 2-2009. RPPA 2-2009 also encourages local municipalities to consider elements such as transit, affordable housing, as well as guidelines regarding Urban Design and Development. The Region keeps track of intensification targets, and in 2012, the Town’s intensification rate was 63%, well above the minimum requirement. A high intensification rate means that the Town is efficiently using its land.

Niagara-on-the-Lake Growth – Historical Trends in Population and Dwellings

The table below summarizes the population and housing data from Statistics Canada for the Town of Niagara-on-the-Lake, between the years 1991 and 2011. The data indicates that the Town’s population has been growing both in terms of the number of

people and the number of dwelling units. During this time period, the rate of growth has been an average compounded rate of 0.87% annually. Another characteristic of the time period is a decrease in the number of people per household. In part, the decrease in the number of people per household may be related to a growth in the number of “empty nesters.” It is important to plan for smaller dwelling units on smaller lots in the Official Plan review, in order to utilize land efficiently and ensure that the needs of smaller households are accommodated.

Town of Niagara on the Lake Population and Dwelling Units

| Year | Population | 5 Year Change | Total Households | Pph³¹ |
|-------------|-------------------|----------------------|-------------------------|-------------------------|
| 1991 | 12,945 | -- | 4,540 | 2.85 |
| 1996 | 13,238 | 2.3% | 4,690 | 2.82 |
| 2001 | 13,839 | 4.5% | 4,960 | 2.79 |
| 2006 | 14,587 | 5.4% | 5,447 | 2.68 |
| 2011 | 15,400 | 5.6% | 5,922 | 2.60 |

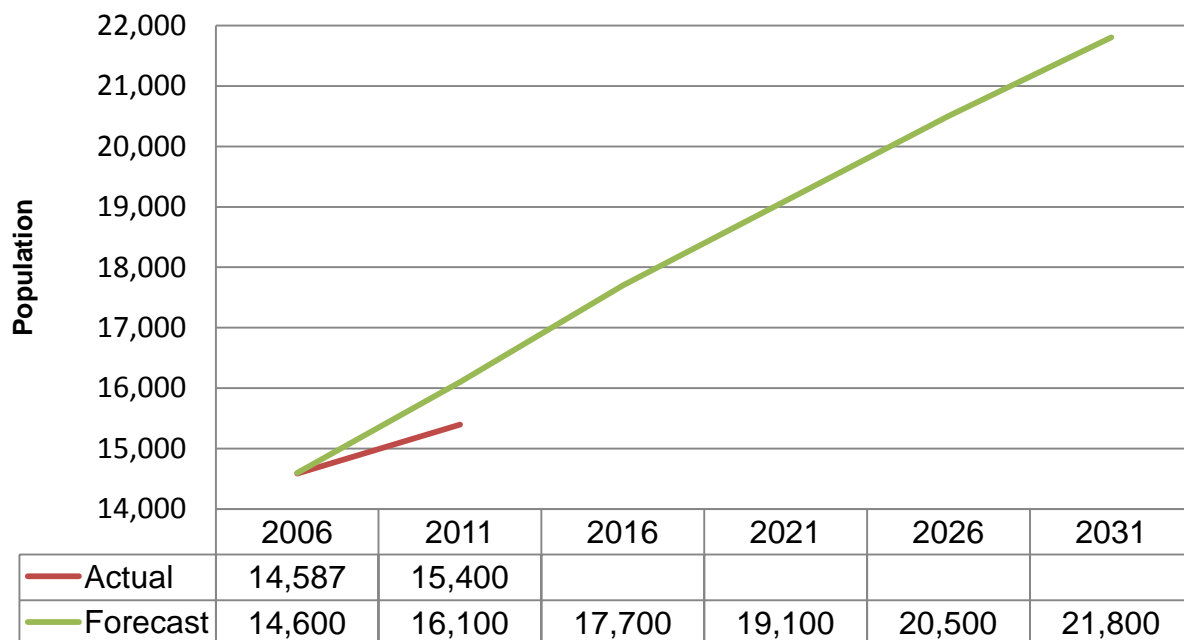
Source: Statistics Canada, Census of Canada, 1991, 1996, 2001, 2006 and 2011

Population Forecast (2006-2031)

Niagara Region’s Sustainable Community Policies (RPPA 2-2009) provide population forecasts for the Town. These population forecasts are the basis for planning for the Town’s long term population growth. At the time that the RPPA was passed it was anticipated that the Town’s population would grow by 7,200, from 14,600 to 21,800 people by 2031. The Town’s population growth is below its 2011 target.

³¹ persons per household. The persons per household are inconsistent with the reporting from RPPA 2-2009 because the Region provides calculations assuming that census Canada’s data has a 4% undercount.

Population Forecast for Niagara-on-the-Lake

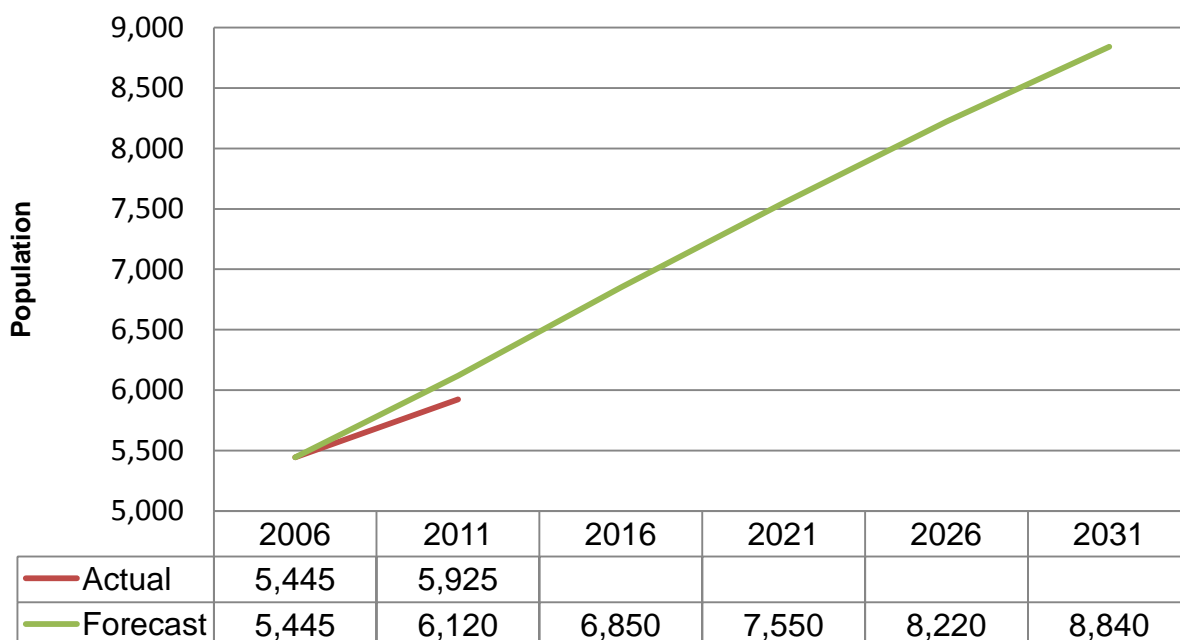


Source: Statistics Canada, Census of Canada, 2006 and 2011
Niagara Region. RPPA 2-2009.

Projected Increase in the Number of Households

According to RPPA 2-2009, it is estimated that by 2031, the number of households in Niagara-on-the-Lake will increase by 3,395. It was also expected that there would be 6,120 households by 2011. The number of households is below the 2011 target.

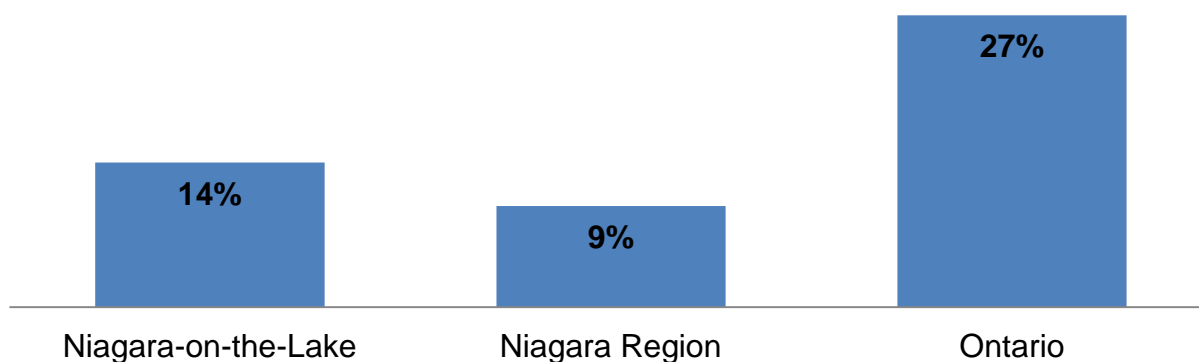
Household Growth Forecast for Niagara-on-the-Lake



Population Growth, Local, Regional and Provincial Comparison

The following figure below compares population trends of the Town, Region and Province. Between 1991 and 2011, the population of Niagara-on-the-Lake grew by 14%, from 12,945 to 14,705 residents. Proportionally, this increase is greater than the region, but less than Ontario, which grew by 9% and 27%, respectively.

Percentage of Population Increase in Niagara-on-the-Lake, Niagara Region and Ontario between 1991 and 2011



Source: Statistics Canada, Census of Canada, 1991 and 2011

Housing, Construction and New Investment Regional Comparison

The following table shows the number of housing starts in 2012 for all of the municipalities in Niagara Region. The data indicates that Niagara-on-the-Lake ranks fourth in the total number of housing starts in the Region between 2010 and 2012.

Number of Housing Starts from 2010 to 2012

| Submarket | 2010 | 2011 | 2012 | Total |
|----------------------------|------------|------------|------------|------------|
| Niagara Falls | 235 | 253 | 269 | 757 |
| St. Catharines City | 251 | 165 | 206 | 622 |
| Grimsby | 189 | 231 | 111 | 531 |
| Niagara-on-the-Lake | 104 | 207 | 168 | 479 |
| Welland | 140 | 127 | 185 | 452 |
| Lincoln Town | 165 | 124 | 89 | 378 |
| Fort Erie | 85 | 93 | 82 | 260 |
| West Lincoln | 79 | 61 | 60 | 200 |
| Thorold City | 45 | 65 | 65 | 175 |
| Pelham | 39 | 51 | 40 | 130 |
| Wainfleet Township | 15 | 20 | 14 | 49 |
| Port Colborne | 7 | 5 | 19 | 31 |
| Niagara Region | 1354 | 1402 | 1140 | 3896 |

Source: Canada Mortgage and Housing Corporation – Housing NOW – St. Catharines-Niagara CMA

Topics for Further Investigation

- Is a Development Permit System appropriate for Niagara-on-the-Lake? Where should it be implemented? What are its implications?
- Through what means should design be considered for applications not requiring site plan approval or heritage permits?
- Are minimum heights and densities appropriate to achieve good design?
- How can the quality of Greenfield Development be further strengthened?
- Is density bonusing appropriate to achieve the community benefits in support of the Town's objectives? To what capacity?

Strategic Pillar 7: A Prosperous and Sustainable Agriculture Sector



A thriving agriculture sector has been envisioned through the public engagement process. The province has suggested that a thriving agricultural sector is dependent on encouraging farm consolidation and the development of larger farm parcels to increase the efficiency of farming operations. The Province has policies regarding lot creation and residential development in agricultural areas that must be

considered as part of the Official Plan review and incorporated in the new Official Plan. The Province also recognizes that agriculture-related uses are needed to ensure a prosperous agricultural economy and allows municipalities to develop policies regarding agricultural diversification.

Policies and Trends

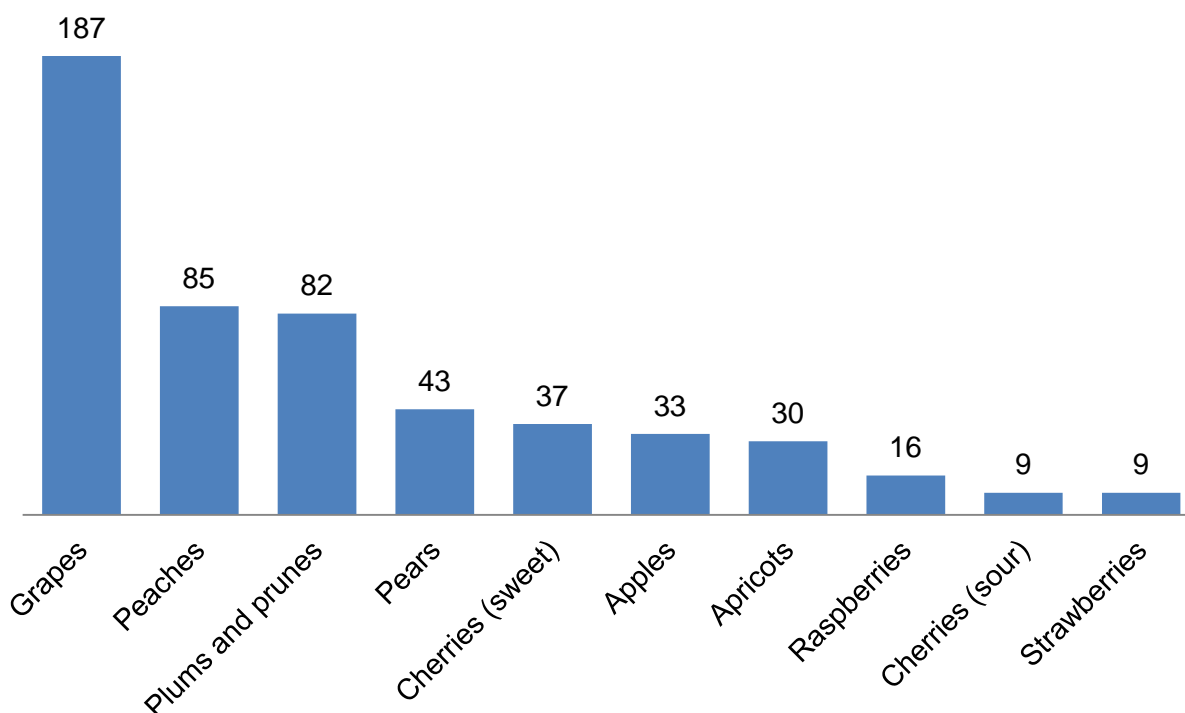
Farming Production

All of the land in Niagara-on-the-Lake that is not within either an urban area boundary or the Niagara Escarpment Commission's jurisdiction is designated as being in a Specialty Crop Area in the Greenbelt Plan. The Greenbelt Plan differentiates between two (2) types of Specialty Crop Areas; the type found in Niagara-on-the-Lake is considered Niagara Peninsula Tender Fruit and Grape. This type of land, only found in two (2) parts of Ontario, is capable of producing peaches, nectarines, pears, sweet and sour cherries, plums, apricots and grapes. Niagara-on-the-Lake is situated within the larger of the two (2) areas, which extends 45 kilometres along a strip of land south of Lake Ontario and North of the Niagara Escarpment.



Over the last 40 years, production has shifted. Whereas historically a variety of tender fruits and vegetables had been grown on the Niagara Peninsula's Tender Fruit and Grape land, the area has evolved to become the heart of Canada's Wine and Grape Industry³². Statistics Canada provides data on agricultural production, and most production in the Tender Fruit and Grapeland in the Region falls under Statistics Canada category "fruit and tree nut farm." This Canadian industry comprises establishments primarily engaged in growing tree nuts and non-citrus fruit, and accounts for 246 farms in the Town, of which 187 grow grapes. The figure below provides a breakdown of farms producing various types of fruit and tree nuts. In addition to "fruit and tree nut" farming, floriculture emerged to become a significant agricultural driver in the Town and as of 2011, 38 farms grew flowers. It is also important to consider greenhouse production in Niagara-on-the-Lake.

Allocation in Diversity of Fruits, Berries and Nuts Production by Number of Farms



Source: Statistics Canada, Census of Agriculture, 2011

Farm Sizes

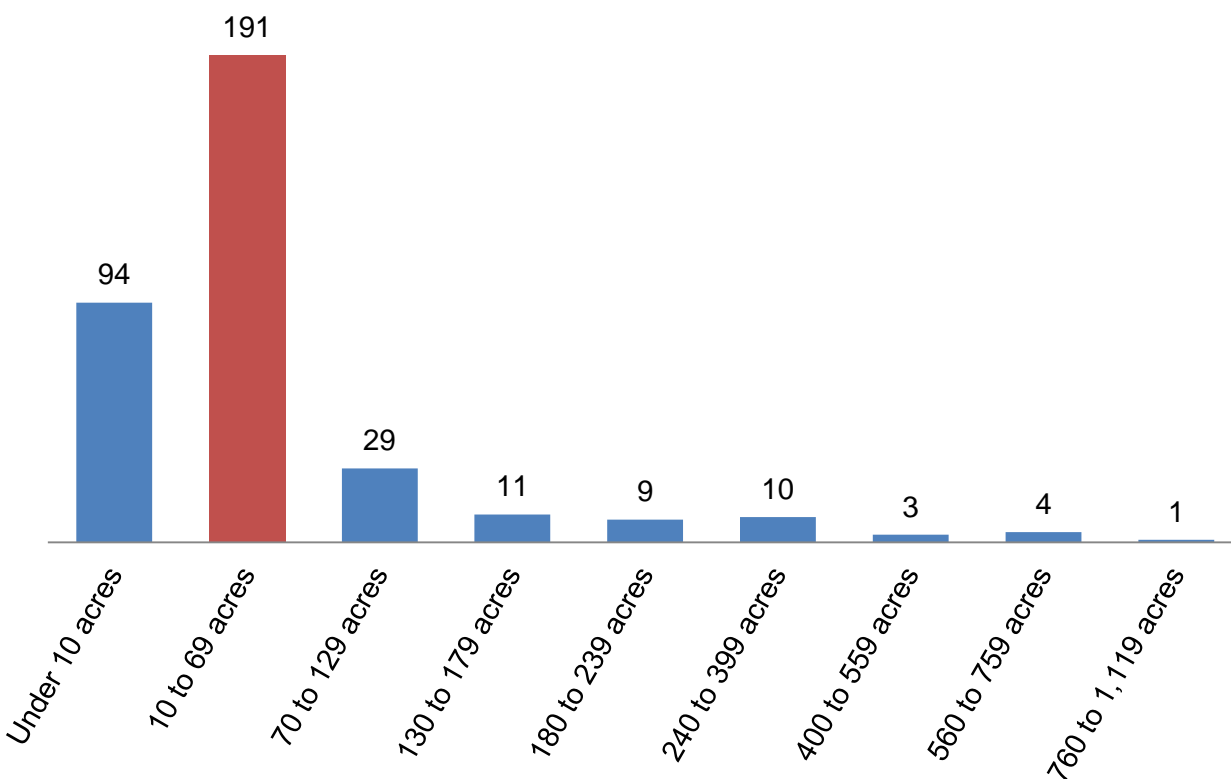
One of the objectives of the existing Official Plan is *"to allow flexibility to farm operations in both type and size and to permit the expansion and contraction of farm operations as necessary provided that the farm remains economically viable and that the size of the*

³² Taken from Niagara Region Economic Development, Economic Growth Strategy Update 2013-2015

farm is appropriate and common in the area.” The Official Plan provides further direction and allows for consents if both the severed and retained portions are for agricultural use and each parcel is large enough to support a potentially viable farm operation. Further, the size must be appropriate and common in the area. This policy objective and policy is inconsistent with the Greenbelt Plan, requiring a minimum of 40 acres within specialty crop areas for severed parcels.

The following figure provides a picture of the distribution of the number of farms in various size categories. As shown, most of the farms in Niagara-on-the-Lake are modest in size, many being less than 40 acres.

Farm Classification by Number of Acres



Source: Statistics Canada, Census of Agriculture, 2011

Lot Creation and Minor Boundary Adjustments

Section 2.3.4. of the PPS discourages the creation of new lots in agricultural areas, and only permits the creation of new lots for:

- *agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*

- *agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*
- *a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and*
- *infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.*

Notwithstanding provisions regarding lot creation for residential surplus farming operations, the PPS prohibits the creation of new residential lots in prime agricultural areas. The PPS also allows for lot adjustments in prime agricultural areas for legal or technical reasons.

Section 4.6 of the Greenbelt Plan provides further direction and permits the creation of new lots in specialty crop areas for:



- *Acquiring land for infrastructure purposes;*
- *Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling in specialty crop or prime agricultural areas ;*
- *Agricultural uses where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 40 acres within specialty crop area and 100 acres within prime agricultural areas ;*
- *Existing and new agriculture-related uses³³, provided that any new lot will be limited to the minimum size needed to accommodate the use, including a sewage and water system appropriate for such a use;*
- *The severance of a residence surplus to a farming operation as a result of a farm consolidation , which residence was an existing use as of the date this Plan came into force, provided that the planning authority ensures that a residential*

³³ The Greenbelt Plan defines farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation

dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered. The severance should be limited to the minimum size needed to accommodate the dwelling, including existing and reserve areas for individual sewage and water services.

The Town's existing Official Plan permits the limited creation of new residential lots for farmers who are of retirement age and selling the farm, and also permits limited infilling under certain requirements. These policies are inconsistent with the PPS and Greenbelt Plan. The new Official Plan must be consistent with the PPS and Greenbelt Plan and will require adjustments to the Town's Official Plan Policies

Value Added

Section 2.3.3.1 of the PPS permits secondary uses and agriculture-related uses in prime agricultural areas. The policy statement further requires that *“secondary uses and agriculture-related uses shall be compatible with, and shall not hinder, surrounding agricultural operations. These uses shall be limited in scale, and criteria for these uses shall be included in municipal planning documents as recommended by the Province, or based on municipal approaches which achieve the same objective.”* The PPS provides further direction in its definition of secondary uses and agriculture-related uses. Secondary uses include *“home occupations, home industries, and uses that produce value added agricultural products from the farm operation on the property”*. Agriculture-related uses *“means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.”*

In 2009 the Niagara Region began developing policies for value added agriculture. In their report entitled *“Review of Land Use Policy and Related Implementation Measures Regarding Agricultural Value Added Activities”*, it was noted that in order for agriculture to thrive, there is a need to go beyond just protecting the land base, but policies need to ensure that farms are also profitable. Through the study, it was identified that ensuring profitability required a *“broader approach,”* and provides examples of value added such as *“food processing, drying, canning, juicing, handcrafting, unique packaging, labeling and marketing.”*

The 2009 report provided background to RPPA 6-2009, Agricultural Value Added Activities Policies. RPPA 6-2009 encourages local municipalities through their Official Plans and Zoning By-laws to define and categorize farm diversification uses and provide specific performance criteria for various types of uses. RPPA 6-2009 also provides criteria for determining whether a use is considered an appropriate use as follows:

- *Whether the proposed activity is more appropriately located in a nearby settlement area or in the Rural Area;*
- *Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;*
- *The extent to which the use is compatible with the existing farming operation and surrounding farming operations;*
- *Whether the scale of the activity is appropriate to the site and the farming operation;*
- *Whether the use is consistent with and maintains the character of the agricultural area;*
- *The use does not generate potentially conflicting off-site impacts;*
- *The use is limited to low water and low effluent-producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;*
- *The use does not require significant improvements to utilities or infrastructure such as roads or hydro services; and*
- *The use complies with all other applicable provisions of the Regional Policy Plan.*

Topics for Further Investigation

- What are appropriate agriculturally-related and secondary uses?
- How can the Region's value added policies be used as a catalyst for a thriving agricultural economy?
- What is the impact of MNR and NPCA wetland policies and mapping on farming?
- How will the Town's Official Plan and agricultural policies respond to the Greenbelt Plan review scheduled for 2015?
- What is the economic impact of greenhouse production?

Strategic Pillar 8: Well Managed Municipal Finances

The purpose of an Official Plan under the Planning Act is to establish goals, objectives and policies primarily to manage and direct physical change. An Official Plan is also intended to consider the effects of such change on the economic environment of a municipality. In addition to the stated priority to build “a fiscally responsible, financially resilient town prepared to flourish over the long-term”, a number of objectives have been identified that are more appropriate for a strategic plan or capital budget, rather than an Official Plan. Such examples include monitoring the Town’s tax regime so it remains competitive and equitable, and promoting and encouraging community participation in municipal budget decisions. Although if approached directly, these objectives are out of scope of an Official Plan review, they are appropriate for guiding how land use decisions are made.



Best Practices

Public Utilities and Infrastructure

The Regional Policy Plan states that the Region is responsible for providing adequate water supply as well as sewage collection and disposal, and local municipalities are responsible for providing storm drainage facilities. As part of the public utilities policies of the Regional Policy Plan, the Region requires that each municipality include in its official plan priority and staging policies for both water supply and sewage disposal systems. These policies must be coordinated with Regional priorities in order to determine appropriate development densities, as well as the locations and amounts of land needed for future urban development. Additionally, in order to insure efficient use of existing sewer and water facilities, local municipalities are required to encourage a reasonable rate of "infilling". The Region developed an amendment to its policy plan (RPPA 8-2013) to provide region-wide development phasing policies. One of the objectives of the RPPA was to maximize regional and local servicing and infrastructure capacity and investment, specifically, to encourage the alignment of planning with the availability of servicing infrastructure. One of the policies of RPPA 8-2013 was that local municipalities are required to prepare phasing strategies in conformity with the policies of the RPPA and such strategies will be incorporated in the local official plan, be reflected in secondary plans where appropriate, and through development approvals.

The Town should consider how to efficiently phase development in a way that encourages the efficient use of its existing infrastructure, and reduces municipal servicing costs pertaining to new development.

Use, form and Intensity of Development

One approach to ensure that municipal finances are well managed is to encourage development that contributes to the efficient use of land and infrastructure. There are a number of anecdotal examples from municipalities that provide insight on how development affects municipal finances. For example, the Institute for Local Self Reliance argues that big box developments create substantial public costs, because they are not efficient users of public infrastructure³⁴. Compared to traditional, compact business districts, big box developments require longer roads, more road maintenance, additional miles of utilities and more fire and police time. An example an added cost is provided by the Institute for Local Self Reliance in Barnstable, Massachusetts, where it was found that the average cost to providing city services to a traditional downtown was \$786 per 1000 square feet. Big box stores required \$1,023 in services per 1000 square feet. Property taxes also decline in older shopping centres that lose businesses. There is anecdotal evidence that suggests that higher density residential development results in savings and increased revenue for a municipality. In a publication by the Urban Land Institute it was suggested that sprawl has increased costs including larger sewer systems, more roadways and longer water and electrical lines. Through the Official Plan review, it may be useful to study how densities and types of development maximize the Town's infrastructure and service provisions, and also encourage the efficient use of land.

Topics for further investigation

- How can the usability of existing services be maximized? How can phasing reduce municipal servicing costs?
- How do use, form and density in Niagara-on-the-Lake impact municipal revenues and expenditures?

³⁴ Institute for Local Self Reliance, Five Myths about Big Box Retail, <http://www.ilsr.org/wp-content/uploads/2008/12/bbtk-factsheet-fivemyths.pdf>.

Conclusion and Next Steps

This report provides background information pertaining to the review of the Official Plan. It presents an overview and generally summarizes policy direction as it relates to the eight (8) strategic pillars that were identified during the visioning process. The report is intended to be used as a basis for research and policy development. In addition, this report should be used as a starting point for dialogue between the Town, its citizens and stakeholders.

A series of policy papers dealing with specific issues related to the strategic pillars will be prepared over the next year and a half. The policy papers may result in the initiation of amendments to the existing plan prior to the adoption of a new Official Plan in order to address pressing policy issues. In all cases, the publication of each issue paper will be followed by a public consultation process that gives residents ample opportunity to provide input and comments regarding how their community will grow, prosper and change in the coming years.

Topics for Further Investigation

- Updating all existing policies
- Brownfield designations
- Commercial Development
- Complete application criteria
- Developing special events policies
- Integration with other municipal plans (e.g. Economic development study, Transportation Master Plan)
- Monitoring Official Plan
- Public consultation processes
- Servicing
- Update existing mapping
- Updating second unit policies