

Official Plan Review

Heritage, Arts and Culture

May 2014

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HERITAGE

BACKGROUND

Heritage conservation in the twenty-first century has evolved from its original focus on the conservation of major monuments and sites to encompass cultural heritage landscapes; the role of historic buildings in sustainable development; downtown revitalization; economic development; heritage tourism; and the contribution of historic sites, trails and corridors to outdoor recreation and active transportation. Heritage conservation makes a critical contribution to the character and liveability of communities and neighbourhoods.



Communities now consider heritage resources as valuable assets that can be reused to meet broader municipal goals and objectives – affordable housing, education, creation of cultural corridors and public green space. The trick is to maintain a balance between controlling changes to cultural heritage resources, facilitating their reuse and better integrating heritage conservation into the broader planning framework.

Although Niagara-on-the-Lake's Official Plan policies specific to heritage conservation have not been updated in 20 years, a number of new policies that support the protection of heritage resources have been incorporated into the current document. General Development policies, such as those dealing with Country Inns and Cottage Rentals, address adaptive reuse of larger heritage properties. The Secondary Plans for Queenston and the Dock Area provide a significant number of policies addressing heritage conservation and cultural landscapes and contain urban design guidelines that will assist in maintaining the historic character of these areas. The Growth Plan policies, which were incorporated into the plan in 2010, also provide for the protection of heritage resources and require, in some circumstances, Heritage Impact Assessments for intensification development proposals. However, there are many provincially mandated policies and new approaches to heritage planning in Ontario that have not been incorporated into the Town's planning documents.

CURRENT PLANNING REGIME

a. Planning Act

Part I, Provincial Administration of the Planning Act states that the Minister, the council of a municipality and the Municipal Board in carrying out their responsibilities shall have regard to, among other matters, matters of provincial interest including:

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

b. Provincial Policy Statement

The new Provincial Policy Statement (PPS) came into effect on April 30, 2014. The 2005 PPS contained policies related to conservation of significant built heritage resources, archaeological resources and cultural heritage landscapes. The new PPS strengthens these policies and includes two new policies dealing with archaeological management plans, cultural plans and consideration of the interests of Aboriginal communities in conserving cultural heritage and archaeological resources. An updated definition of *cultural heritage landscape* provides examples of types of cultural landscapes and brings terminology into line with the Ontario Heritage Act (OHA), which was updated in 2005.

c. The Ontario Heritage Act

The OHA came into force in 1975, in response to increased activism within the heritage community spurred on by the first large scale fights to save buildings of major heritage significance such as Toronto's old city hall and Union Station.

Despite obvious weaknesses in the legislation and several attempts by various provincial governments to bring forward a new OHA, it took 30 years for the Province to succeed in making substantive changes to the Act. The 2005 amendments included demolition control; designation of provincially significant properties; the requirement for plans and guidelines for heritage conservation districts; prescribed designation criteria; provincial protection for significant marine heritage sites; delegation of authority to approve minor alterations to designated properties to municipal staff; and exemption of minor alterations from the permit process. These were supplemented by an additional amendment, facilitated by the 2006 City of Toronto Act, resulting in some limited demolition protection for buildings listed on the Register of Heritage Resources; but which are not designated under Parts IV or V of the OHA.

d. Growth Plan

Section 4.2.4(d) (A Culture of Conservation) of the Growth Plan for the Greater Golden Horseshoe, 2006 provides limited policies for the *conservation of cultural heritage and archaeological resources where feasible, as built-up areas are intensified.*

e. Greenbelt Plan

Section 4.4 (Cultural Heritage Resources) of the Greenbelt Plan defines cultural heritage resources and states that Greenbelt municipalities should *work with aboriginal groups and other stakeholders to identify and protect cultural heritage resources in a manner that will benefit the local community and be compatible with the Greenbelt's vision and goals. Municipalities should build cultural components into municipal plans and planning processes.* The Plan also provides policies for development of cultural plans *emphasizing connections across the full range of arts, heritage, cultural industries, libraries, archives and other cultural activity.*

f. Niagara Escarpment Plan

Section 2.12 of the Niagara Escarpment Plan provides policies and objectives for interpretation, evaluation, maintenance and conservation of the cultural heritage features of the Niagara Escarpment Plan Area as follows.

- *Discover and preserve known archaeological sites and burial sites and areas where such sites might reasonably be expected to exist*
- *Retain and reuse existing heritage features, areas and properties*
- *Consideration for a second dwelling unit on the same lot if either of the dwelling units on the lot is designated under Part IV of the Ontario Heritage Act*
- *Documentation of cultural heritage landscapes or heritage features if they are destroyed or significantly altered*

g. Regional Policy Plan

The Regional Policy Plan is currently under review. Section Three (Regional Strategy for Development and Conservation) of the Plan alludes to the *preservation and enhancement of the Region's special character* as being important to the future quality of life of the Region. Policy 3.2 (*To facilitate and maintain a pattern of distinctive and identifiable urban communities*) provides for the recognition of historical features. Policy 5.5(f) (Urban Areas) states that the

Region has a continuing interest in, among other things, historic features and aesthetic values.

Section 7 (Environmental) contains objectives and policies (7.F) for Historic Sites and Buildings. The prime objective is *to preserve buildings, communities and other sites of significant historic and architectural interest.*

Policies include:

- *Encouraging local municipalities to take advantage of the provisions of the Ontario Heritage Act regarding designation and protection of historic and architecturally significant buildings and sites.*
- *Regional identification, evaluation and inventory, in concert with local private groups and other levels of government, of significant sites and buildings.*
- *Establishment of a subcommittee to assist in the identification and evaluation process*
- *Review of development proposals which might negatively impact the character of significant sites and buildings*
- *Encouraging local municipalities to provide policies in local Official Plans for the protection of significant sites and buildings*
- *Ensuring that public works and projects of all levels of government should, wherever possible, be in harmony with the character of significant buildings and communities.*

In 2013 Regional Council approved ROPA 6-2012 – To Establish Policies to Support the Welland Canal Cultural Heritage Landscape. The amendment is intended to establish policies *to identify conserve and support significant built heritage resources within the Welland Canal Cultural Heritage Landscape.* It is also intended *to recognize, explore and develop the many diverse cultural elements of the cultural landscape.* It is not intended to be regulatory or to restrict or prevent permitted and established lands uses within the landscape.



Ultimately, however, the responsibility for identifying, evaluating and protecting heritage resources under the provisions of the OHA lies with the local municipalities. Resources of Provincial significance may be afforded protection by the Minister of Tourism, Culture and Sport.

h. Niagara-on-the-Lake Official Plan

Heritage Goals, Objectives and Policies

Niagara-on-the-Lake's Official Plan was adopted in 1994, 20 years ago. It contains a number of policies regarding the conservation and protection of heritage resources. Although a number of amendments to the Plan, such as secondary plans for Queenston, St. Davids and the Dock Area; cottage rentals; and country inns, include policies for the conservation and protection of significant heritage resources, the basic policies in the Plan pertaining to heritage conservation have not been updated since adoption of the new OHS in 2005.

Section 18: Heritage Conservation, of the Official Plan provides goals and, objectives for:

- *Protecting, preserving and encouraging the restoration of original architectural detail on buildings of historical and architectural merit*
- *Encouraging good compatible contemporary design*
- *Making sure that additions to buildings comply with the provisions of the Ontario Heritage Act and the Queen-Picton Heritage Conservation District Plan.*
- *Preventing demolition, inappropriate alteration or use of heritage resources.*
- *Encouraging appropriate character and uses of properties adjacent to Heritage Conservation Districts.*
- *Developing and encouraging appropriate uses of heritage resources (adaptive reuse).*
- *Supporting voluntary designation*
- *Recognizing the importance of archaeological sites*

Section 18 also provides heritage policies dealing with criteria and guidelines for designating heritage districts and individual buildings and for the heritage committee's role in assessing new development.

General heritage conservation policies deal with establishing a Local Architectural Conservation Advisory Committee (LACAC) and the role of Council in the decision-making process regarding:

- *Maintenance of an inventory of heritage properties that are not designated*
- *Designation and regulation of heritage resources*

- *Control of the alteration or demolition of heritage resources.*
- *Regulation of alterations and additions to heritage resources (with the advice of LACAC)*
- *Development of a property standards by-law*
- *Acquisition of heritage resources, if necessary*
- *Acquisition of easements*
- *Application for funding through senior government programs*
- *Restoration and maintenance of Town-owned heritage properties*
- *Protection of heritage areas*

Archaeological Policies

In 2000 the Town of Niagara-on-the-Lake approved an Archaeological Master Plan which identified areas of archaeological potential and proposed a series of archaeological policies to be incorporated into the Official Plan. The Master Plan also recommended that the policies and the Plan be revisited and updated every five (5) years, as required.



Official Plan Amendment No.12 was approved by Council in October 2000. It provided policies regarding when and where an archaeological survey would be required and tied this requirement to planning applications. The policies also spoke to consultation with aboriginal communities, Parks Canada and the Niagara Parks Commission in order to establish guidelines for sharing archaeological information.

The Region of Niagara has not delegated its role as the ultimate approval authority with respect to requirements for archaeological surveys to the Town, despite the fact that the Town has comprehensive archaeological policies in its Official Plan and has identified areas of archaeological potential. The Ministry of Tourism, Culture and Sport has the ultimate authority to clear a property of archaeological potential when a licensed archaeologist submits an archaeological report for approval.

HERITAGE CONSERVATION IN NIAGARA-ON-THE-LAKE

From a municipal perspective Niagara-on-the-Lake's cultural heritage resources are protected and administered at the Provincial level through the OHA. However, the Town is unique in that it also has a number of other jurisdictions administered by other levels of government and governmental agencies. A number of vital private organizations also have a stake in the conservation of the Town's heritage resources.

GOVERNMENT HERITAGE ORGANIZATIONS

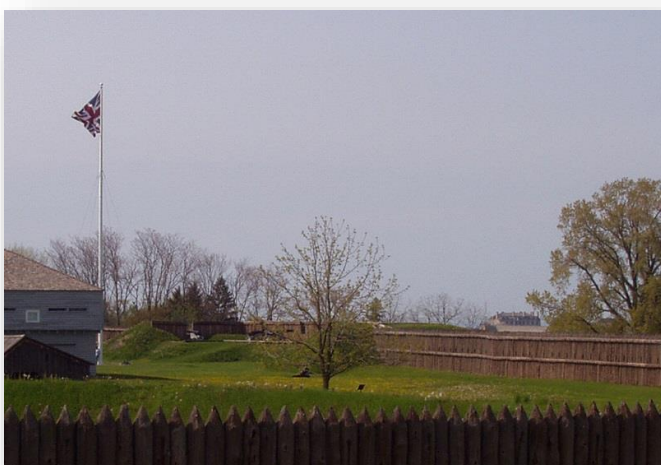
Municipal Heritage Committee

The Town of Niagara-on-the-Lake established a LACAC in 1978 to provide advice to Council on heritage matters. During the first eight (8) years of the committee's existence 20 properties were designated under Part IV of the OHA. To date, 61 properties have been designated under this section of the Act, including six (6) owned by the municipality and four (4) cultural heritage landscapes. Distribution of Part IV properties is as follows:

- Old Town – 44
- Queenston – 6
- St. Davids – 5
- Rural Area – 6

Parks Canada

Parks Canada administers a number of federally owned sites in the Town of Niagara-on-the-Lake. These include Fort George, Butler's Barracks, Navy Hall, Fort Mississauga and the surrounding golf course lands, the Department of National Defence lands and Butler's Burying Ground. While Federal lands do not fall under municipal jurisdiction, Parks Canada works in concert with the municipality on heritage resource matters; infrastructure, such as public parking facilities; and events. Parks Canada's properties enhance the Town's image as a rich heritage resource and are an important part of its historic fabric.



Ontario Heritage Trust

The Ontario Heritage Trust owns the Niagara Apothecary on Queen Street which is run as a museum by the Ontario College of Pharmacists. The Trust also holds easements on several private properties in the Town and on the Court House on Queen Street, which is owned by the municipality. Easement agreements afford additional protection for both designated and non-designated sites and give the Trust the ability to determine the extent of alterations to the property and to ensure that maintenance is undertaken in accordance with appropriate guidelines such as the *Standards and Guidelines for the Conservation of Historic Places in Canada*.



The Niagara Parks Commission

Established in 1885, the Niagara Parks Commission was formed to preserve and enhance the natural beauty of the falls and the Niagara River corridor. The Commission owns 1,000's of hectares of land along the Niagara River including natural areas, parkland, tourism attractions, botanical gardens and historic sites. Some of the historic sites located in Niagara-on-the-Lake include the Mackenzie Printery, the McFarland House, the Queenston Heights Battlefield site and the Laura Secord House and interpretive centre. Although properties owned by the Parks Commission are not subject to municipal planning policies or designation under the OHA, the Commission works with local municipalities and consults with them regarding the conservation and appropriate adaptive reuse of their historic properties.



LOCAL ORGANIZATIONS

Niagara Historical Museum

Established in 1895, the Niagara Historical Society is dedicated to understanding the history of Niagara-on-the-Lake. The most important aspect of the work of the Society is the maintenance of the Museum collection which began in 1896 and is one of Ontario's most important collections.

The museum houses both permanent and special exhibitions as well as research facilities open to the public.

Outreach programs are also offered such as lecture series, guided walks and youth programs. The museum works closely with municipal staff and provides the Town with important research resources.



Niagara Foundation

The Niagara Foundation was founded in 1962 *“to promote the history, traditions and culture of the Niagara area”*.¹ The Foundation’s work over the past 52 years has included an inventory of Niagara’s historic buildings and publication of several books about the history and architecture of the Town. Over the years the Foundation has purchased and restored a number of threatened and neglected historic buildings. Many of these were later sold or leased to individuals or groups. The Foundation has also acted as an advocacy group, making presentations to various levels of government, commissions and committees.

The Niagara-on-the-Lake Conservancy

The Conservancy was established in 1986 to preserve and protect the heritage homes and atmosphere of the Town. The group is known for its advocacy and for its focus on heritage causes such as conservation of the views between Fort George and Fort Niagara and the identification and protection of the Butler Homestead site.

¹ Niagara Foundation Web Site –www.niagarafoundation.org

Centre for Cultural Landscape at Willowbank

Willowbank is a School of Restoration Arts located in the Village of Queenston. It grants a Diploma in Heritage Conservation to graduates of its three-year program. It is also a Centre for Cultural Landscape, serving as a focus for research, workshops, lecture series, conferences, short courses, and consulting activities related to its mission. Willowbank has two campuses, both located on properties that are designated under Part IV of the OHA. Students at Willowbank are often involved with hands-on projects throughout the municipality. The institution is a community-focused learning and cultural centre.

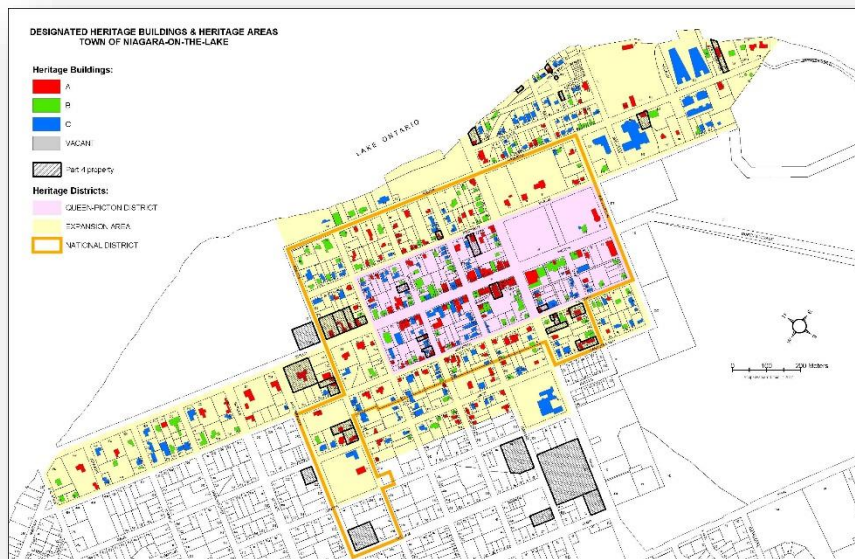


PLANS AND STUDIES

Queen-Picton Heritage Conservation District Plan

In 1986 Niagara-on-the-Lake Council approved designation of the Queen-Picton Streets Heritage Conservation District under Part V of the OHA and registered the designation on the title of each property. The District contains 160 commercial, institutional and residential properties which were assessed using a rating system ('A' buildings being the

most important character defining properties). Objectives and policies were developed for each rating as well as for signage, streetscaping, traffic, treescapes, fences, lighting, streets and curbs for both the commercial and residential areas within the District.



In order to give the Plan standing if it should be challenged by a tribunal such as the Ontario Municipal Board (OMB),

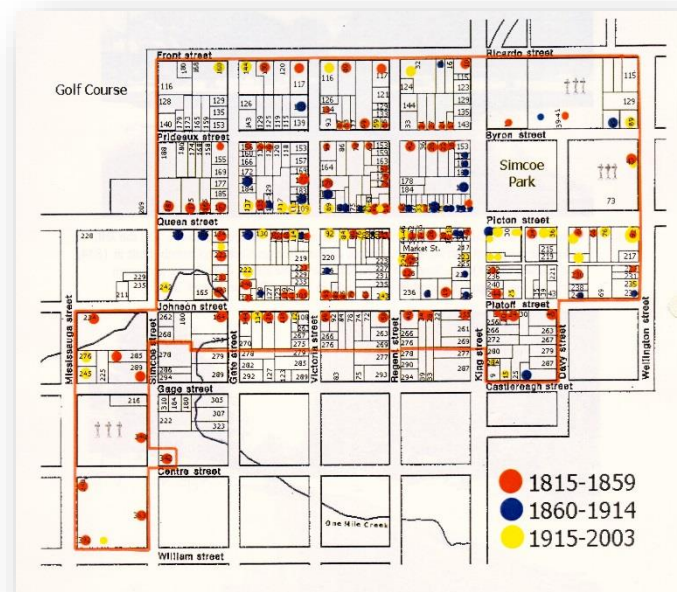
the Council of the Town of Niagara-on-the-Lake adopted the Queen-Picton Heritage Conservation District Plan in 2010 in accordance with Section 41.1(2) of the OHA and amended Section 9.4 of the Plan to exempt minor alterations to properties from Heritage Permit approval. Previously, in accordance with the 2005 amendments to the Act, Council delegated a number of Heritage Permit approvals to the Director of Community and Development Services in order to streamline and simplify the heritage permit process for certain alterations.

In 1996 the Municipal Heritage Committee (MHC) (at the time known as the LACAC) recommended expansion of the Queen-Picton Heritage Conservation District encompassing a much larger area from Gage Street to Front Street and all of the Dock Area. While Council passed a by-law to study the area, no further work has been done, although the by-law has not been repealed.

Despite the amendments, the District Plan has not undergone a major review to ensure that the policies and objectives are still in conformity with the OHA and the new Provincial Policy Statement (PPS), 2014. Recently there have been an increasing number of applications to demolish and replace buildings in the District. The popularity of the area; the elaborate streetscapes, particularly in the commercial portion of the District; and the use of curb and gutter were not envisioned when the Plan was written in 1986. As part of the Official Plan Review, there should be consideration of various approaches to incorporating the policies of the District Plan into the new Official Plan, perhaps by means of a Development Permit system. Providing for policies that would allow for consideration of district expansion should also be considered.

National Heritage District Designation

In 2004 the Historic Sites and Monuments Board of Canada designated Old Town Niagara as a National Historic District, the first in Ontario. The Board stated that *“Niagara-on-the-Lake proposed historic district is representative of architecture of the British Classical tradition from the 1813-59 period. There is a cohesiveness in this district which creates a unique sense of time and place, based on architecture in classical styles. Niagara-on-the-Lake proposed historic district includes a rare example of a concentration of buildings from the 1815-59 period and its layout reflects its early origins based on the large concentration of buildings and*



properties dating from 1859 or earlier".² Federal designation plaques were installed outside of the Court House on Queen Street in 2006. While national designation does not carry any legislative controls at the Federal or Provincial level, it does identify the area as being of significance to the Nation and worthy of protection and conservation.

The National District is larger than the Queen-Picton Heritage Conservation District; but smaller than the proposed Expansion Area. It extends from Front Street in the north to Johnson Street in the south and from Simcoe Street in the west to Wellington Street in the east. It also takes in a number of additional buildings along Simcoe and Mississagua Streets.

Estate Lot Study

The Old Town of Niagara-on-the-Lake is the location of a number of large estate lots. These estate lots are rare heritage resources found in few other communities in Canada. In 1986, recognizing the value of this resource, the Town engaged Nicholas Hill, architect and planner, to undertake an Estate Lot Study.

Mr. Hill noted that "*These estates form a distinct and beautiful streetscape of spacious landscaped gardens with large residences*".³ He indicated that these lots were a unique and valuable part of the town's history and character that should be maintained and conserved as sites of historical and architectural significance and as cultural heritage landscapes.

In his study Mr. Hill developed following policies for estate lots:

1. *Conservation of the essential historic, architectural and landscape qualities of estate lots shall be encouraged.*
2. *Division of certain estate lots will be permitted in a manner that does not detract from the historic, architectural and landscape qualities of the main estate.*
3. *The conservation and upkeep of estate lots shall be encouraged and assistance shall be provided through the MHC (LACAC).*
4. *Property owners shall be encouraged to seek designation of the estate lots under Part IV of the OHA.*

² Rhona Goodspeed, 2004, Historic Sites and Monuments Board of Canada Submission Report, Niagara-on-the-Lake Historic District, Ontario, 21

³ Nicholas Hill, 1986, Niagara-on-the-Lake Estate Lots – Plan and Zoning By-law, 1

5. *Estate lots shall be used as single family residences with subsidiary accommodation as may exist at the time of the passing of the Estate Lot plan and enabling by-law.*

The Council of the day did not adopt the Estate Lot Plan. However, an estate lot policy was included in the current Official Plan (General Development Policy 6.5) requiring submission of a streetscape study; proof that there is no negative impact on vegetation or drainage; and proof that the ambience, character setting and historic value of the existing home will be retained before submitting an application for a plan of subdivision or consent on an estate lot property.

Since that time a number of estate lots have been subdivided without consideration of the impact of such actions on the cultural heritage landscape and any heritage resource on the property. Policies with respect to urban design, streetscape impacts and appropriate locations for new development could alleviate some of the negative impacts of such development on estate lots and assist in conserving their unique character defining qualities.

Queenston Heritage Conservation District Study and Queenston Secondary Plan

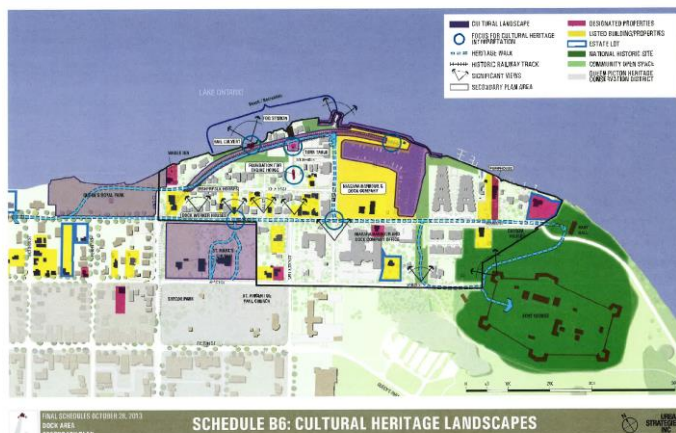


At the request of some residents of the Village of Queenston, the Town commenced a heritage conservation district study for the village in 2002. The study and a proposed heritage conservation district plan were completed and submitted to Council. However, there were a number of concerns regarding the process for issuing heritage permits and the extent of control imposed on alterations to properties designated under Part V of the OHA. Council chose not to adopt the district study and plan and directed staff to consider development of a secondary plan for Queenston which would address issues of

the location of development, urban design and, to a lesser extent, protection and conservation of significant heritage resources. The Queenston Secondary Plan was adopted by Council and approved by the Region of Niagara in 2008.

Dock Area Secondary Plan

The Dock Area was included in the proposed Queen-Pictou Heritage Conservation District Expansion Area. This expansion has never taken place, however. The Dock Area Secondary Plan was approved in early 2014. The Plan recognizes that the area is a significant cultural heritage landscape different from other heritage landscapes in Old Town. To reinforce this uniqueness, the Plan contains a number of character area design policies specific to particular defined “districts”. It also contains policies regarding the conservation of historic places and provision for heritage walks and interpretive sites that will tell the area’s marine, recreational and military history including its significance as a major steamship building site, commercial fishery and shipping port for tender fruits. Significant views from the Dock Area have been identified as well as significant heritage resources, some of which are protected, such as the Turntable and Culvert, and others which are listed on the Register; but which are not designated under the OHA.



Archaeological Master Plan

The Archaeological Master Plan was completed and adopted by Council in 2000. Among other things, the plan identified areas of archaeological potential in Niagara-on-the-Lake and proposed policies and procedures regarding the requirement for archaeological surveys within areas of archaeological potential. Archaeological policies were incorporated into the Official Plan (Section 18, Heritage Conservation, Archaeological Planning). These policies tie the requirement for an archaeological survey to a planning application. The Master Plan recommended that the policies and the plan be reviewed every five (5) years. Since its adoption 14 years ago, the Plan has not undergone a review. Provincial requirements regarding marine archaeology and consultation with Aboriginal and Métis communities should be incorporated into any new archaeological policies that are developed.

PROPOSED NEW OFFICIAL PLAN POLICIES

TERMINOLOGY UPDATE

The new Official Plan will require a general update in terminology to accord with changes to the OHA and other planning documents which have come into force since the adoption of the current Official Plan.

ROLE OF THE MUNICIPAL HERITAGE COMMITTEE

While the role of the Municipal Heritage Committee as an advisory committee of Council (as defined in the OHA) is mainly the same as it was before 2005, the Town's current Official Plan policies require that the heritage committee be included as a commenting agency for all new development as part of the agency circulation. This commenting role is still important when it relates to impacts on existing cultural heritage resources and the impact on the historic character of abutting properties and the streetscape. However, Council has created an Urban Design Committee (UDC) which has assumed responsibility for commenting on building designs, landscape plans and site plans for major development applications throughout the municipality that do not impact cultural heritage resources. Policies dealing with urban design and the UDC could be introduced in the new Official Plan alleviating the workload of the MHC and enabling it to concentrate on matters relating to cultural heritage resource conservation.

DESIGNATION CRITERIA

The 2005 amendments to the Ontario Heritage Act resulted in a new regulation (Ontario Regulation 9/06) regarding criteria for determining cultural heritage value or interest when evaluating properties for designation under Section 29 of the Act. These criteria will replace the existing Official Plan criteria for designation of properties under Part IV of the OHA.

REGISTER OF NON-DESIGNATED PROPERTIES

In 2006, after the major amendments to the OHA, the Ontario government introduced the City of Toronto Act. The Act dealt mainly with issues specific to Toronto. However, it also gave municipalities the ability to adopt non-designated; but significant, cultural heritage resources to the Register of Heritage Resources. Until that time, only designated properties were adopted to the Register. Adopting properties that are not designated allows for limited demolition control of 60 days. This provides time for Council to either persuade the owner to retain the property, including its built heritage resources, or to designate the property in order to protect those resources.

After consultation with property owners Niagara-on-the-Lake Council adopted over 200 non-designated properties to the Register. However, there are currently no policies in the Official Plan regarding adoption to the Register or criteria for adoption or removal of properties. Standards and guidelines for listing non-designated properties and removing

properties from the Register should be developed and policies included in the new Official Plan regarding development of consistent criteria for evaluating properties for inclusion.

CULTURAL HERITAGE LANDSCAPES

Recognition and conservation of cultural heritage landscapes is becoming increasingly important. The 2014 PPS, which came into effect on April 30, 2014, includes policy 2.6.1, which requires that significant cultural heritage landscapes be conserved. The PPS defines a cultural heritage landscape as *a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities.*

Currently there are no policies in the Official Plan pertaining to cultural heritage landscapes. The School of Restoration Arts at Willowbank has established a Centre for Cultural Landscape and assembled an impressive faculty as testament to the fact that protection of cultural heritage resources no longer pertains only to built heritage but also landscapes. The 2014 PPS places new emphasis on the protection of these resources. Policies relating to protection of these landscapes and criteria for assessing landscapes will be considered as part of the Official Plan review.

VIEWS AND VISTAS

Scenic views and vistas are important to our communities. These views and vistas are open to potential destruction during rapid change, both in the natural and built environments. Identification and protection of these assets is an important component of smart growth and stewardship.



Scenic areas endow communities with substantial benefits, such as higher property values and increased tourism revenue. Protecting scenic views and vistas from the effects of development allows a community to preserve its unique character and attract positive growth to the area.

Retention of the significant view of Fort Niagara from Fort George was a hard fought battle

in Niagara-on-the-Lake. The loss of significant views of the Legislature at Queen's Park in Toronto is an ongoing one. Other significant views and vistas in Niagara-on-the-Lake include views to and from the Niagara Escarpment, Queenston Heights and Brock's Monument, the Niagara River and views along Queen Street from Mississagua Street to the Cenotaph

Planning for view corridors and provision of design guidelines and a design review process gives communities a chance to decide how development will impact sight lines to and from important heritage resources, natural heritage features and cultural heritage landscapes. Control of elements such as height, bulk, design, materials, colour, landscaping, and siting helps a project blend with its surroundings and minimizes its impact.

GUIDELINES FOR CONSERVATION AND CHANGE

The *Standards and Guidelines for the Conservation of Historic Places in Canada* was first compiled in 2003 and revised in 2010. The Guidelines are a Federal, Provincial and Territorial collaboration. Their primary purpose is to provide consistent, sound, practical guidance for good conservation practice across Canada. *The Standards and Guidelines* have been adopted by a number of municipalities and are used in Niagara-on-the-Lake in conjunction with applications to alter designated properties and to assess grant applications to ensure that the proposed work being undertaken will be properly executed. When evaluating, protecting and conserving cultural heritage resources, it is important to use a consistent approach. The *Standards and Guidelines* are already being utilized across Canada as a recognized protocol and should be acknowledged in the Official Plan as the core principle for all conservation projects being considered by the Town.

DEVELOPMENT PERMIT SYSTEM IN HERITAGE CONSERVATION DISTRICTS

Zoning in heritage conservation districts continues to be an issue province-wide. Policies in district plans are often at odds with zoning in terms of height, setbacks parking and other regulations which sometimes leads to inappropriate development within a district or OMB decisions that are counter to district policies. There is a growing sense in the heritage planning community that heritage conservation districts could be better regulated by Section 70.2 of the Planning Act (Development Permit System). Heritage conservation district plan policies could then become *the criteria or conditions that must be met before a development permit may be issued or criteria that must be included in a development permit* [Planning Act, Section 70.2(2)(h)].

SITE PLAN APPLICATIONS FOR DESIGNATED PROPERTIES

Another approach to controlling development on individually designated (Part IV) properties or in heritage districts is to require that these properties be subject to site plan control for any major alterations such as building additions or new buildings and uses. Properties located in the Queen-Picton Commercial (QPC) Zone are subject to site plan

control and site plan approval is required for any major new development in this area.. The current Official Plan also states that *single-detached dwellings which have been identified by Council as being of historic or architectural significance are not to be exempt from Site Plan Control*. Generally the Town has not subjected residential properties to the requirement for a site plan if a major addition or alteration to the property is proposed, with the exception of proposals for Country Inns. Requiring that major alterations to a residential property be subject to site plan control may place an added burden and cost on individual owners who are not contemplating commercial uses such as a country inn, commercial development, or even a bed and breakfast application. The Heritage Permit process for individually designated properties may be sufficient to control alterations to designated properties. The MHC also provides comments regarding changes to properties that are not designated but which are adopted to the Register as being of significant heritage value and interest.

BUILDING AND LANDSCAPE CLASSIFICATION AND DESIGNATION CRITERIA

In order to ensure consistency in the identification and evaluation of cultural heritage resources for inclusion on the Register or for individual property designation, the Town should develop policies and criteria for determining cultural heritage value or interest as established by under the OHA (Ontario Regulation 9/06).

HERITAGE IMPACT ASSESSMENTS

Currently the Niagara-on-the-Lake Official Plan policies requiring Heritage Impact Assessments are limited to applications to convert designated properties into Country Inns and to Village of Queenston if a development impacts a cultural heritage resource. A policy requiring a Heritage Impact Assessment or Conservation Plan, where appropriate, should be included in the new Official Plan. Criteria should also be developed for Heritage Impact Assessments. Criteria for impact assessments will be developed using the Ontario Heritage Tool Kit as a guideline.

URBAN DESIGN GUIDELINES

The Region of Niagara developed Model Urban Design Guidelines in 2005. Section 4b.1 of the Guidelines provides design principles relating to heritage preservation and new development, conservation of architectural features and adaptive reuse of existing heritage buildings. It also provides renovation and preservation guidelines.

Niagara-on-the-Lake has integrated urban design guidelines relating to heritage conservation into recently completed secondary plans including those for St. Davids, Queenston and the Dock Area. The Queen-Picton Heritage Conservation District Plan policies and objectives provide specific guidelines relating to alterations to existing properties and integration of new buildings into the streetscape. However, the majority of Old Town is neither designated as a heritage conservation district nor is it subject to urban design guidelines specific to the character of the area.

Policies in the current Official Plan provide for new districts and the expansion of existing districts. Expanding the existing Queen-Picton Heritage Conservation District or creating new districts would be one possible approach. The district plan guidelines would then become the urban design guidelines which must be met before a Heritage Permit is issued.

Another approach has been used in Burlington where the city produced heritage based urban design guidelines for the downtown. The guidelines are *designed to provide assistance in the identification of important elements of built heritage, to provide information about maintaining and preserving heritage buildings, and to provide guidance in evaluating proposals for renovation and new construction so that the character of downtown Burlington is enhanced and not harmed by future projects.*⁴ The guidelines are meant to be used in conjunction with Official Plan Amendment No. 55, which initiated the city's Official Plan Five Year Review.

A third approach would be to initiate a Development Permit System in Old Town and other sensitive areas of the municipality. Urban design guidelines could then become the criteria or conditions that must be met before the Development Permit is issued.

EMERGENCY MANAGEMENT PLANNING

Hurricane Katrina in 2005, and the tornado in Goderich in 2011, focussed the heritage community on the need for emergency management planning for heritage conservation districts and properties listed on the Register, whether designated or not. Policies in the new Official Plan should provide for development of a protocol to direct actions to conserve cultural heritage resources once life and safety issues have been addressed.

HERITAGE PROPERTY STANDARDS BY-LAW

The 2005 amendments to the OHA provided that, where a municipality has a Property Standards By-law in place, the municipality could prescribe minimum standards for the maintenance of the heritage attributes of heritage properties designated under Parts IV and V of the Act. The objective of these minimum standards would be to provide not only a different standard of property maintenance for heritage properties, but also to prevent what has been referred to as “demolition by neglect”. “Demolition by neglect” refers to a situation where the owner or tenant of a designated heritage property, either purposely or unintentionally, allows the buildings and/or structures on the property to deteriorate to the point where they are beyond repair.

Several municipalities, including the Cities of London and Hamilton, have incorporated specific standards in their Property Standards By-laws dealing with listed and designated properties. The current Official Plan has a policy that encourages *development of a*

Phil Carter, Section 1. Introduction – Keeping Place: Heritage-based urban Design Guidelines for Downtown Burlington⁴

Property Standards By-law to meet the needs of heritage as legislation permits. As noted above, the 2005 amendments to the OHA give municipalities the ability to include maintenance standards in their existing by-laws. The wording of the policy in the Official Plan should be changed to reflect the existing legislation.

EDUCATION AND PUBLIC AWARENESS

The current Official Plan contains policies that speak to public education and awareness only peripherally. In order to assist the public in understanding the importance of heritage conservation to the community and to communicate the ways in which conservation makes a critical contribution to the character and liveability of communities and neighbourhoods, new policies should be considered that address the need to offer educational and financial support to enhance existing heritage resources and to provide interpretation and celebration of these resources.

INCENTIVE PROGRAMS

In the period since the current Official Plan was approved, the Province ended its Preserving Ontario's Architecture (POA) grant program and introduced the Heritage Tax Rebate program. The Tax Rebate program is available to all municipalities in Ontario and provides for municipal property tax rebates for between 10% and 40% for properties designated under Parts IV and V of the OHA. The Province will also refund the school portion of the property tax. Several municipalities in Niagara have initiated a Heritage Tax Rebate program.

The Town of Niagara-on-the-Lake elected not to institute a tax rebate program. Instead, a Heritage Grant Program commenced in 2005. Under the Region's Smarter Niagara Incentive Programs, the Town and the Region share the cost of the grant program.

Current policies in the Official Plan deal only with funding through *various senior government programs*. Policy direction identifying possible alternate sources of funding at the local, Regional and Provincial levels of government should be included in the new Official Plan.

HERITAGE CONSERVATION DISTRICTS

The Queen-Picton Heritage Conservation District Study and Plan were approved by Council in 1986. In many ways, the Plan was ahead of its time in its approach to heritage conservation and considerations such as streetscape character and landscape treatments. Council adopted the Plan in 2010, delegated approval of some alterations to staff and added a list of





minor alterations that no longer require a Heritage Permit. Other than this, there have been no substantive changes to address the evolution of Old Town. Some policies and objectives, such as those dealing with curb and gutter, are outdated. Others should be revisited. There may be ways to incorporate the policies in the plan into criteria requirements through a

Development Permit System for Old Town or as urban design guidelines.

There are policies dealing with district designation in the current Official Plan and a list of criteria for evaluating areas for district designation. The criteria are out of date and do not take into account consideration of areas or sites as cultural heritage landscapes with both natural and built heritage resources, nor do they address protection of views and vistas and archaeological sites. It would also be helpful, as an adjunct to the revised policies, to develop a separate procedures document or manual to provide a consistent approach to studying and planning heritage conservation districts. Efforts to expand the existing Queen-Picton Heritage Conservation District or establish new districts would be aided by this type of procedural manual.

SECONDARY PLANS

There are times when heritage conservation districts are not the most appropriate approach to conserving heritage resources and cultural heritage landscapes. The Town of Niagara-on-the-Lake has completed a number of secondary plans since the current Official Plan was approved. Several of these, such as those for Queenston and the Dock Area, include policies and urban design guidelines that assist Council and the community in conserving existing heritage resources and assuring that new development is compatible with the heritage resources and the cultural heritage landscape character of the area. The Town will continue to use the secondary planning process as a viable alternative to district designation.

ESTATE LOTS

Estate Lots are a unique feature of Old Town and contribute to its distinctive character. They are cultural heritage landscapes within the larger cultural heritage landscape of the area. Every effort should be made to ensure their continued existence and that any development proposals for these lots are sensitive to the landscape and built heritage resources.. The existing Estate Lot Study was completed in 1986 and never adopted by Council. There is an Estate Lot policy in the current Official Plan. Despite the requirement for a streetscape study and the requirement that there is no negative impact on the natural

features or the existing home on the site, the policy does not look at the impact on the overall cultural heritage landscape and has not been working well. This has resulted in the unsympathetic, piecemeal division of a number of Estate Lots.

The original inventory of Estate Lots identified in the 1986 study should be reassessed. Some of the lots may be removed from the list while others may be added if warranted. Using a Development Permit system with criteria and conditions for properties identified as Estate Lots could alleviate many of the issues that have arisen over the years as a result of unsympathetic development applications.

WELLAND CANAL CULTURAL HERITAGE LANDSCAPE

Only small portions of earlier canals and the existing fourth canal are located in Niagara-on-the-Lake. It has not been a major transportation route for goods manufactured and grown in the Town. However, there may be an opportunity to recognize the canal by providing limited policy direction in the new Official Plan.

MARINE ARCHAEOLOGY AND CONSULTATION WITH FIRST NATIONS AND MÉTIS

The Archaeological Master Plan and supporting archaeological policies were approved by Council in 2000 with the understanding that the Archaeological Master Plan would be reviewed every five (5) years. Fourteen (14) years have passed and since that time there have been a number of changes to Part VI of the OHA, particularly in relation to requirements for licensed archaeologists, marine archaeology and consultation with Aboriginal and Métis communities. The policies in the current Official Plan will be revisited to ensure that they meet the revised archaeological policies in the 2014 PPS and the OHA.

CONCLUSION

Heritage conservation is no longer the narrow domain of specialists. Its impacts are far-reaching and affect the quality of life in every community in Ontario. Conservation of built heritage resources and cultural heritage landscapes contributes to sustainability, tourism, neighbourhood revitalization, and economic vitality. While it is important to develop Official Plan policies that reflect the changes to the OHA, it is also important to consider other policies, such as those dealing with secondary planning, urban design, development permits, active transportation and sustainability, that allow for creative and alternative approaches to conservation of the Town's significant and world-class heritage resources.

CULTURE

BACKGROUND

The Province and the Region provide local municipalities with the authority to make decisions with respect to culture. The Province encourages municipalities to plan for culture through policies in the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. Through these plans, the province encourages cultural planning, but does not provide a definition of culture or specific requirements. The Region of Niagara provides further direction and encourages local municipalities to utilize cultural asset mapping initiated by the Region, plan for creative cultural industries, and develop policies to enable the use of Section 37 of the Planning Act for 'public art' and 'public cultural facilities.' Without specific requirements, the Town of Niagara-on-the-Lake, has a significant amount of choice in how culture is planned.



WHAT IS CULTURE?

There are many definitions of culture. The Niagara Region, in their Culture Plan, defines culture as:

“the arts, creative cultural industries and heritage resources. Statistics Canada refers to culture as creative artistic activity and the goods and services produced by it, and the preservation of human heritage.”

Some alternate definitions of culture have been provided as well by other sources:

“Culture may now be said to be the whole complex of distinctive spiritual, material, intellectual and emotional features that characterize a society or social group. It includes not only the arts and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs.”⁵

⁵ United Nations Educational Scientific and Cultural Organization, Mexico City Declaration on Cultural Policies, 1982, http://portal.unesco.org/culture/en/files/12762/11295421661mexico_en.pdf/mexico_en.pdf

“Culture is a roomy idea, one that can be stretched to accommodate everything human beings create. If you want to know what culture is, just take a look around. Culture is the sum-total of human ingenuity: language, signs and symbols, systems of belief, customs clothes, cuisine, tools, toys and trinkets, the built environment and everything we use to fill it up, and the cherry on the sundae, art... Art is emblematic of culture, its purest expression.”⁶

“Culture is what counts as culture to the people involved – the shared beliefs, customs rituals and values of a people in a given place and at a given time”⁷

These definitions suggest that culture is more than the sum of its individual components. Rather, culture acts as the social glue that bonds people together, influences a group’s identity and values, and is a lens through which people may interpret their experiences.

WHY PLAN FOR CULTURE?

Culture provides many social and economic benefits. The Creative City Network of



Canada, an organization of municipal staff working in communities across Canada on arts, cultural and heritage policy, planning, development and support, provides examples of some of these benefits, including⁸,

- creating job growth in the cultural sector and expanding the sector as a whole
- gaining a competitive advantage as a “destination” for cultural tourism
- contributing to urban renewal and

revitalization and improving sense of place for streets and blocks

⁶ Arlene Goldbard, *New Creative Community: The Art of Cultural Development*, 2006

⁷ 2010 Legacies Now and Creative City Network of Canada, *Cultural Planning Toolkit*, http://www.creativecity.ca/database/files/library/cultural_planning_toolkit.pdf

⁸ Creative City Network of Canada, *Making the Case*, <http://www.creativecity.ca/publications/making-the-case.php>.

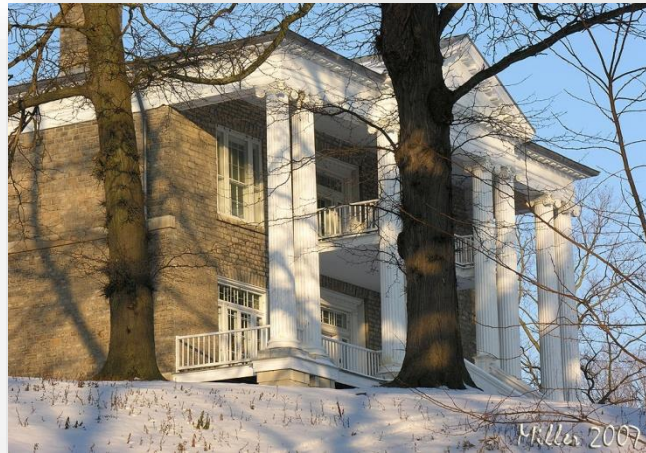
- facilitating social cohesion and bringing diverse communities together and allowing residents to reflect on their shared and individual experiences
- branding a community and setting it apart from others
- preserving a collective memory and fostering a continuing dialogue about the past
- building community capacity and leadership
- reaching out to and engaging youth
- building resilience and self-esteem in young people
- creating healthy and supportive communities for youth.

CURRENT PLANNING REGIME

a. Provincial Policy Statement

The Provincial Policy Statement encourages municipalities to support long-term prosperity by “encouraging a sense of place, by promoting well-designed built form and cultural planning.” The Provincial Policy Statement also states that “Planning authorities should consider

and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.” The Provincial Policy Statement does not provide any specific requirements or further guidance to municipalities with respect to culture.



b. Growth Plan For the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe presents a vision that urban centres will be characterized by vibrant and more compact settlement and development patterns and will provide a diversity of opportunities for living, working and enjoying culture. The Growth Plan also recognizes and promotes the traditional role of rural towns and villages as a focus of economic, cultural and social activities that supports surrounding rural and agricultural areas across the Greater Golden Horseshoe. With exception to the vision, the Plan does not have specific policies for culture.

c. Niagara Region Culture Plan

In March 2010 Regional Council approved the Niagara Culture Plan. Action 2.1 of the Plan, provides a basis for planning for culture in the Region, and states that “policies can be developed and/or encouraged which consider and integrate cultural spaces and facilities, natural heritage, cultural landscapes, built heritage, live-work spaces, public art and cultural activities in land-use planning, infrastructure planning, and urban design. Cultural assets can be included in new development and redevelopment including: the adaptive reuse of brownfield, bluefield and greyfield sites; development of vacant and/or underutilized sites; the expansion or conversion of existing buildings; and mixed-use development”. As part of the Culture Plan, the region completed a cultural mapping exercise, identifying cultural resources in the region.

d. Niagara Region Policy Plan (RPPA 1-2011)

Regional Policy Plan Amendment 1-2011, provides guidance to municipalities with respect to planning for culture. Some of the policies are:

- encouraging local municipalities to utilize cultural asset mapping initiated by the Region to further investigate and define local cultural assets and significant cultural clusters and to build a supportive local planning policy framework in partnership with the cultural community and other partners
- encouraging local municipalities to define, categorize and plan for creative cultural industries in urban areas
- encouraging local municipalities to develop policies to enable the use of Section 37 of the Planning Act for 'public art' and 'public cultural facilities'

MUNICIPAL APPROACHES TO PLANNING FOR CULTURE

a. Culture Plans

Many municipalities have developed culture plans. These plans provide for a detailed analysis of the cultural sector, and allow municipalities to think strategically about how cultural resources can help a community achieve its civic goals. The Cultural Planning Toolkit⁹ provides a framework for developing such plans. Once a culture plan has been adopted, it may provide policy direction to amend the Official Plan in order to achieve its cultural objectives. Such a plan would allow for a comprehensive and integrated approach to strategically consider cultural opportunities. To begin, the Town's new Official Plan should provide direction for a future culture plan to be developed.

⁹ 2010 Legacies Now and Creative City Network of Canada, Cultural Planning Toolkit, http://www.creativecity.ca/database/files/library/cultural_planning_toolkit.pdf

b. Best Practices

Since there is a lack of guidance from the province with respect to culture, many municipalities have adopted a best practices approach by incorporating policies into their Official Plans that have proven to be successful. Some policies that have been adopted by many plans are those calling for the integration of arts and culture, programs, services and facilities into new development. Another focus of many municipalities is the use of Section 37 of the Planning Act, allowing for increases in height and density in exchange for the placement of public art.

LOCAL TRENDS AND CHARACTERISTICS

The following is a summary of the findings of the research that has been completed and included in the background report, and provides context for further research on culture:

- **Cultural Activities** – *The community through the visioning sessions supported policies that encouraged and cultivated appreciation for and participation in artistic and cultural activities.*
- **Declining Youth Population** – *Since 1991, the proportion of youth has been declining when compared to the overall population. The visioning process for the Official Plan called for the attraction and retention of youth.*
- **Rising Seniors Population** – *Since 1991, the proportion of seniors has been increasing in the Town. There is a need to plan for this growing demographic cohort.*
- **Support for New Businesses** – *It was identified through the visioning sessions that residents support encouraging business incubation and leveraging cultural assets to attract a range of innovative and diverse businesses. The Region's Culture Plan supports the development of creative industries.*
- **Cultural Heritage** – *Through the visioning sessions, it was identified that residents of the Town support the conservation, enhancement and celebration the Town's historic character and cultural heritage. These resources should foster civic pride and a sense of stewardship, and also be used as leverage to provide new economic development and tourism opportunities.*
- **Cultural Destination** – *Residents envision Niagara-on-the-Lake as a cultural destination that should be promoted globally.*
- **Complete Communities** – *Through the visioning sessions, it was identified that residents of the Town support the promotion of vibrant, walkable, complete communities. The Region's Policy Plan recognizes the value of streetscaping.*
- **Public Art** - *Public art has become an area of focus for Official Plans. Public art can to be used as a tool to foster social inclusion, sustainability, environmental stewardship, and awareness of the Town's heritage resources.*

KEY QUESTIONS:

The following are some of the key questions that culture in the Official Plan should address.

- *How can cultural resources contribute to retaining youth and young families?*
- *How does youth engage with culture? What cultural activities do youth participate in?*
- *How can culture be used as a tool to combat the social isolation of seniors?*
- *How do seniors engage with culture? What cultural activities do seniors participate in?*
- *How can the Town support the development of creative industries?*
- *How can Public Art and placemaking be incorporated in the Official Plan?*

HOW CAN CULTURAL RESOURCES CONTRIBUTE TO RETAINING YOUTH AND YOUNG FAMILIES?

Richard Florida suggests economic success will no longer be dependent on “natural resources, manufacturing excellence, military dominance and technological prowess”, but the ability to mobilize, attract, and retain human creative talent¹⁰. Florida also mentions that countries such as Canada are producing creative people, investing in higher education, and consequently producing cutting-edge products from cellular phones to computer software to blockbuster movies.

The challenge is attracting these people, which in part requires that the quality of life of places meet the needs of members of the Y-Generation. The City of Hamilton’s 2010-2015 Economic Development Strategy recognizes this need and suggests that a young person has no reason to stay if the city and culture do not engage them.¹¹ The plan qualifies the argument by defining engagement as: one’s experience and relationship with the region in the time that they are here.” According to Richard Florida, when it comes to community satisfaction and creating a positive experience, the availability of outstanding colleges and universities, access to open space, being in an aesthetically beautiful city, and having access to a vibrant nightlife are all important¹². It is not enough to provide a range of amenities, but to also ensure that they are affordable¹³. Cultural planning through the Official Plan can contribute to these needs.

In addition to providing cultural amenities at an affordable cost, it is also necessary that youth are engaged and contribute to both cultural planning and implementation. In 2009,

¹⁰ Florida, Richard. *The Flight of the Creative Class*. (New York: HarperCollins Publishers, 2005), 4-5.

¹¹ City of Hamilton, “Youth Retention, Attraction, Engagement and Hamilton” in Hamilton Economic Development Strategy 2010-2015,
<http://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=2835&context=etd>

¹² Richard Florida, June 2009, *Why Certain Cities Attract Gen Ys*, Business Week,
<http://www.businessweek.com/stories/2009-06-09/why-certain-cities-attract-gen-ysbusinessweek-business-news-stock-market-and-financial-advice>.

¹³ City of Toronto, 2003, *Culture Plan for the Creative City*.

the Department of Canadian Heritage held discussions on effective engagement with young people, age 8-35, with 100 organizations and 40 youth participants from the Encounters with Canada program¹⁴. Through the discussions, the Department of Canadian Heritage provided recommendations on how young people can be effectively engaged in cultural programming:

- Engagement should focus on process, in addition to outcome
- There should be a continuum of opportunities, allowing diverse levels and points of opportunity for involvement
- engagement should be a “two-way street” with both young people and adults growing together
- Youth should be engaged from beginning to end by participating in the design, delivery, and evaluation of projects
- Youth should have a voice in the governance of projects

Identifying specific opportunities to engage youth in culture is beyond the scope of this Official Plan review, and requires further investigation. Investigation into how to increase the participation of youth and young adults in culture, and encourage their retention in the community can be achieved through a culture plan. The process for developing such a plan may posit some of the following questions to youth and young adults:

- What makes Niagara-on-the-Lake exciting? What would you add?
- How do young people engage with culture? What cultural activities do young people participate in?
- How can barriers be removed to cultural participation?
- Are cultural activities walkable?
- Is cost a barrier to participation? When?
- Where do young people travel to for their cultural experiences?
- How can “quick” cultural experiences be provided in light of busier lives?

HOW CAN CULTURE BE USED AS A TOOL TO COMBAT THE SOCIAL ISOLATION OF SENIORS?

Globally, communities are aging. Even though this trend may be magnified in Niagara-on-the-Lake, this phenomenon is recognized and strategies are being developed at a global level to accommodate a greying population. The World Health Organization’s (WHO) report *Active Ageing: A Policy Framework*, suggests that worldwide, the proportion of people 60 and over is growing faster than any other age group¹⁵, and endorses policies and programs that support “active ageing (aging)” that enhance the

¹⁴ Shauna Fuller, 2009, Youth Participation in Arts, Heritage, Culture and Community - A National Conversation, <http://www.pch.gc.ca/pgm/pc-cp/publctn/2009-01/index-eng.cfm>

¹⁵ World Health Organization, 2002, Active Ageing: A Policy Framework, http://whqlibdoc.who.int/hq/2002/who_nmh_nph_02.8.pdf

health participation and security of older citizens. The report provides further specification, by defining the word active as, the “continuing participation in social, economic, cultural, spiritual and physical affairs” (p. 12). Policies supporting active aging are intended to apply to all seniors, including those who are frail, disabled and in need of care.

Richard Florida provides an alternate perspective and suggests that significant numbers of seniors are mobile, and are moving to locations with restaurants, museums, concert halls, parks and universities with adult education courses¹⁶. These amenities, need to be accessible and address the barriers of declining abilities by ensuring the maintenance sidewalks and other pedestrian infrastructure and the placement of street furniture, as well as ensuring the availability wheelchair accessibility and public transportation options. With the exception of the accessibility standards of the Accessibility for Ontarians with Disabilities Act (AODA), which will be addressed in a future paper, most of the provincial and regional policies with respect to accommodating seniors through culture are general. Developing the appropriate policies to address the needs of seniors through culture will likely require in-depth community engagement and detailed analysis, and may be better addressed through a culture plan. Some questions that may be considered are as follows:

- What makes Niagara-on-the-Lake enjoyable? What would you add?
- How do seniors engage with culture? What cultural activities do seniors participate in?
- How can barriers to cultural participation be removed?
- Where do seniors travel for their cultural experiences?
- How do seniors transport to activities? How long does it take? Is it walkable?

HOW CAN THE TOWN SUPPORT THE DEVELOPMENT OF CREATIVE INDUSTRIES?

ATTRACTING CREATIVE PEOPLE

There is a major shift from traditional modes of production as the foundation of local economies towards creative industries. These types of industries are driven by ideas, knowledge, collaboration and creativity. In order to encourage the development of “creative industries” municipalities must have the ability to attract creative people.¹⁷ Although all people have the ability to be creative, the Town must attract people that are paid to engage in creative problem-solving, drawing on complex bodies of knowledge to solve specific problems¹⁸.

¹⁶ Richard Florida, June 2013, Why No City Can Afford to Forget About Seniors, the Atlantic Cities: Places Matter, <http://www.theatlanticcities.com/neighborhoods/2013/06/why-no-city-can-afford-forget-about-seniors/5789/>

¹⁷ Richard Florida, 2002, The Rise of the Creative Class, New York, Basic Books.

¹⁸ Richard Florida, 2003, Cities and the Creative Class, City and Community, 2,1, 3-19.

Richard Florida, in his research on the creative economy, suggests that creative people look for openness, tolerance and amenity preferences in the location choices of creative employees¹⁹. He further advises on the importance of municipalities to invest in and encourage investment in “lifestyle amenities.” Some of such amenities include concerts, museums and art exhibits, cultural heritage, live theatre, an active street-scene, and bars and coffee shops²⁰. The existing Official Plan is restrictive in the types of uses that are permitted in commercial districts. Section 10.3(1) of the Official Plan states:

Within the general commercial designation, shown on the land use schedules the following uses shall be permitted:

Main Uses:

- *Retail Commercial Uses*
- *Business Offices*
- *Secondary Uses*

Uses Permitted with a Main Use:

- *Accessory Buildings and Structures*
- *Dwelling Units*

Uses Permitted Independent of a Main Use:

- *Service Shop*

In order to encourage cultural amenities, it is recommended that policies for areas designated for commercial uses be amended to allow for a range of uses that are compatible with commercial uses. These uses may include retail commercial uses, business offices, secondary uses, service shops, as well as cultural and entertainment facilities. Dwelling units and accessory buildings and structures should also be considered where appropriate as secondary to a principle use.

ADAPTIVELY REUSING INDUSTRIAL BUILDINGS

Many urban municipalities and organizations are adaptively reusing old industrial buildings to support artists with the intent to grow the creative economy and encourage the establishment of creative industries. For example, Artscape based in Toronto has worked on a number of projects to support communities in their city including Daniels Spectrum in Regent Park, Artscape Wychwood Barns, Artscape Distillery Studios, Artscape Gibraltar Point and multiple projects in West Queen West and Parkdale. Similarly, the City of Hamilton had made a decision to convert a Strip Club on King Street into artist studio housing. Although the Town of Niagara-on-the-Lake does not have the

¹⁹ Richard Florida, 2002, *The Rise of the Creative Class*, New York, Basic Books.

²⁰ Trine Bille, 2010, Cool, funky and creative? The creative class preferences for leisure and culture, *International Journal of Cultural Policy*, 16(1) 466-496.

Philip Lawton et al, 2013, Residential preferences of the ‘creative class’? *Cities*, 31, 47-56.

same stock of old and derelict industrial buildings, it has adapted some of its existing buildings for cultural purposes. Some examples include the Niagara Pump House Arts Centre, which housed pumps and filter tanks supplying water to the town of Niagara-on-the-Lake until 1983, and the Niagara Historical Society Museum which had formerly been a school. The Town should consider policies through the Official Plan that continue to encourage the adaptive reuse of old and derelict buildings for cultural industries.

ENCOURAGE LIVE/WORK SPACES, HOME INDUSTRIES, AND HOME OCCUPATIONS IN NON-AGRICULTURAL AREAS

Another option that can be examined to encourage cultural industries, is developing stronger policies with respect to live/work spaces, home industries and home occupations. Section 6.14 of the Town's existing Official Plan has policies regarding home occupations and home industries, as follows:

"It is a policy of this Plan that any dwelling unit may be used for the purposes of a home occupation provided that the home occupation is a business activity which is clearly ancillary to the main use of the property, is carried on by a resident of the dwelling unit, and does not generate any noise, odor, traffic or visual impacts that may have an adverse effect on adjacent properties or heritage resources.

The Zoning By-law shall contain regulations to limit the kinds of activities to be allowed as home occupations and establish restrictive standards regarding matters such as scale of use, number of employees, accessory structures, extensions to buildings, vehicular parking facilities, exterior storage or display of goods, exterior advertising and other evidence of the use from outside the property. Home occupations may be prohibited by the Zoning By-law in any specific area or type of dwelling unit.

In the agricultural area, because of the increased distance from neighbours and the needs of the farming community, home industries may be permitted. Such uses provide additional sources of income for the farm and are subject to the same requirements of home occupations. The home industry must be incidental to the farm operation and small in scale in relation to the farm. (Some examples include equipment repair, woodworking, crafts, welding etc.)"

The Official Plan also defines home industry as a "small scale commercial or industrial use that is accessory to the permitted use of the property. These uses can be located in an accessory building and are generally more intense and larger than home occupations." The Zoning By-law 4316-09, provides a definition which is inconsistent with that of the Official Plan and defines home industry as "an occupation conducted for gain or profit within an accessory to a single-detached dwelling by the resident(s) of the dwelling, and which is secondary to the main agricultural use on the lot." From these definitions it is

unclear whether a home industry is accessory to a single-detached dwelling, or a single-detached dwelling within an agricultural area. Further, home occupation is not defined within the Official Plan but is defined in the Zoning By-law as an occupation, business, trade or craft conducted for gain or profit within a single-detached dwelling as a secondary use to the principal residential use by the resident therein.

One step to attracting artists, and in turn growing the creative economy is to provide clearer policies, specificity regarding home-based businesses, and also to encourage the establishment of live/work housing. One point of confusion regarding the existing policy and regulatory framework of the Town is whether home industries are accessory to a single-detached dwelling, farm operation, or to a single-detached dwelling in an agricultural area.

Through the Official Plan review, appropriate definitions and policies should be developed for home industries and home occupations. These definitions and policies should be used to develop effective zoning standards.

GLENDALE AS AN OPPORTUNITY FOR ENCOURAGING CREATIVE INDUSTRIES

Glendale contains 140 net ha (60%) of the Town's employment land, much of which remains vacant. In 2010, Urban Strategies completed a Secondary Plan for Glendale, which recognized this large supply of employment lands, and developed objectives and policies regarding how these lands should be developed. Some of the objectives include:

- *A full range of employment uses, from prestigious office buildings and research and development facilities to manufacturing plants and distribution centres, shall be accommodated and encouraged in Glendale.*
- *A variety of employment opportunities within a high quality built form setting shall be provided.*

Through its policies, the Secondary Plan also describes uses that are permitted in lands designated as "Prestige Employment" and "Industrial Park" areas.

For Prestige Employment areas, these uses include:

- *corporate or other business office*
- *research and development facility*
- *manufacturing and assembly*
- *information processing*
- *goods distribution and warehousing*
- *enclosed technical or commercial school*

The Plan also allows for restaurants and convenience retail stores are permitted on the ground floor of a multi-storey office building.

For Industrial Park areas, these uses include:

- *research and development facility*
- *manufacturing and assembly*
- *fabrication*
- *information processing*
- *goods distribution and warehousing*
- *industrial and transportation servicing and maintenance facility*
- *construction and agricultural equipment sales and rental facility*

For both designations, the Plan also has policies regarding form for new development, encouraging increased setbacks and larger lot sizes. These policies are not conducive to creative industries. Through the Official Plan, some existing policies may be amended and new policies may be developed to encourage the establishment of creative industries in Glendale. The following are some opportunities:

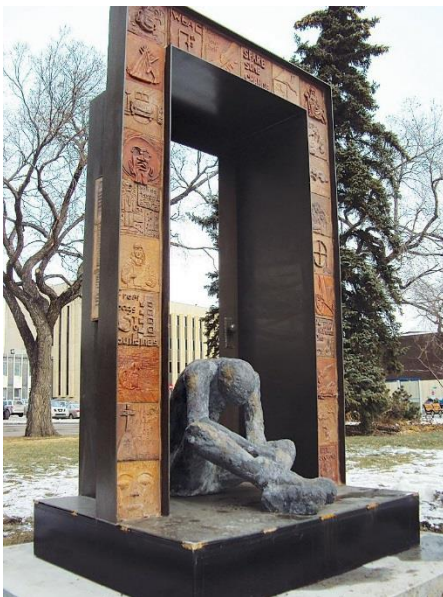
1. **Clearly differentiate between the intent of “prestige employment” areas and “industrial park” areas.** Glendale’s Secondary Plan describes two types of employment lands: prestige employment and industrial park. The Plan also lists permitted uses and standards for development. An overall vision in respect to the development of these two designations has not been addressed in the Secondary Plan. Through the Official Plan review, the Town may wish to consider an overall vision, which clearly articulates the differences between “Prestige Employment” and “Industrial Park” areas. Through the Official Plan review, Prestige Employment Lands may be envisioned as a buffer between Industrial Park Areas and other uses, where cultural types of industries may be encouraged.
2. **Permit and Define Creative and Creative Cultural Industries.** The Region of Niagara’s Culture Plan provides definitions of both creative industries and creative cultural industries. These definitions should be included in the Official Plan. There should also be policies for incorporating creative and cultural industries in Glendale as permitted uses where appropriate.

HOW CAN PUBLIC ART AND PLACE-MAKING BE INCORPORATED IN THE OFFICIAL PLAN?

Public art is an important element of placemaking. Public art has the power to define a community and create a unique sense of place. It can enhance the urban fabric of the community by creating landmarks, recognizing local culture as well as global influences and contributing to social and economic vibrancy. Public art is physical art that is installed in the public realm, but is not necessarily publically owned. It can be incorporated into

new developments and buildings, or placed outdoors on public lands. Public art is often permanent but may also be temporary. If properly planned, public art can have many benefits to a community. Public art may contribute to²¹:

- developing a sense of community/improving social cohesion,
- humanizing and reducing fear of public spaces,
- developing a sense of place,
- developing civic identity by defining a population,
- tackling social exclusion by giving affirmation to diverse cultures and traditions,
- educating the audience, and
- promoting social change.



Keith Turnbull and Ritchie Velthuis. Memorial Sculpture (Edmonton, Alberta). The sculpture was created by local sculptors Keith Turnbull and Ritchie Velthuis. The design is a large doorway with a homeless person sitting in front of it. Small tiles mounted around the edges of the door represent ideas by the participating artists about why having a home is important. Although homelessness may not be a prevalent issue in Niagara-on-the-Lake, the sculpture is an example of how public art can bring awareness to social issues. Niagara-on-the-Lake may encourage similar types of Public Art to bring to the forefront concerns regarding youth migration and supporting an aging population.

Many municipalities have developed policies in order to encourage the placement of public art. Some of the best practices are as follows:

- integrate artworks seamlessly into their surrounding environment by involving artists early on in a project²²,
- encourage social inclusion, by focusing on the democratic process through which art is produced and selected, and also validate the histories of those “forgotten” by dominant histories,²³

²¹ Tim Hall and Iain Robertson, 2001, Public Art and Urban Regeneration: advocacy, claims and critical debates, Landscape Research, 26(1), 5-26.

²² Urban Redevelopment Authority of Pittsburgh, Public Art Office, 2010, Add Value add Art: A Public Art Resource Guide for Developers, <http://www.ura.org/developers/URA-AddValueAddArt.pdf> and, Creative City Network of Canada, 2010, Public Art Toolkit, [http://www.creativecity.ca/database/files/library/Public_Art_Toolkit\(2\).pdf](http://www.creativecity.ca/database/files/library/Public_Art_Toolkit(2).pdf)

²³ Joanne Sharp, Venda Pollock and Ronan Paddison, 2005, Just Art for a Just City: Public Art and Social Inclusion in Urban Regeneration, Urban Studies, 42(5/6), 1001-1023.

- encourage public art that is unique and meaningful to a specific site²⁴,

Images of Interactive in Los Angeles, CA by Cameron Mcnall and Damon Seeley



The building above features an LED glass-tile grid on the floor that responds to visitors walking and interacting with the grid. The building's lights display the same pattern on the floor. This is example of integrating artwork into the surrounding environment. This piece of art is not appropriate in all locations, but in a community like Glendale, it may be effective in a Prestige Industrial location.

The Official Plan may have policies and introduce programs to encourage the provision of public art, for new development. The following are some of the types of policies that have been implemented in other municipalities include:

- 'minor variances involving height and/or density increases' appearing before the committee of adjustment may receive conditional approval, conditional on the provision of public art or funding for public art projects
- 'density bonusing' which is a policy 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
- 'plans of subdivision or severance' the provision of public art may be a condition of severance or part of a subdivision agreement

The Town should further investigate these policies and consider whether, where and how to incorporate them into the new Official Plan.

SYNOPSIS

Although culture has been identified as a priority, there is limited direction from the province or the region. Developing policies requires a comprehensive community engagement strategy and a review of the best practices that have been developed in other municipalities, which is beyond the scope of an Official Plan review. The Town through its Official Plan review may wish to provide policy direction to develop its own

²⁴ Creative City Network of Canada, 2010, Public Art Toolkit, [http://www.creativecity.ca/database/files/library/Public_Art_Toolkit\(2\).pdf](http://www.creativecity.ca/database/files/library/Public_Art_Toolkit(2).pdf)

Culture Strategy, and also provide some preliminary guidelines for such a strategy. There are some policy areas that the Town should consider that may be incorporated into the Official Plan. These areas include density bonusing, home occupations, incorporating cultural uses into existing designations, public art, and adaptive re-use of derelict buildings.