

**NOTL Hydro responses to VECC Supplementary Interrogatories  
on the Updated Evidence**

**2019 Cost of Service Rate Application**

**Niagara-on-the-Lake Hydro Inc. (NOTL**

**Hydro) EB-2018-0056**

**January 30, 2019**

**4.0-VECC-50**

Reference: Exhibit 4 – Additional Evidence OM&A

- a) Please explain why NOTL filed new evidence with respect to OM&A costs. Specifically explain what new factors or new facts have changed or become known since the filing of the original evidence and which required this update.

Response:

As OM&A is an unsettled manner, NOTL Hydro is providing the additional evidence to assist the intervenors and the Board in understanding the appropriateness of NOTL Hydro's request. Given that parties have the opportunity to ask interrogatories of the additional evidence, NOTL Hydro believes that any items requiring clarification from the additional evidence can be addressed. NOTL Hydro hopes that by providing additional evidence on unsettled items, it may be possible to avoid the expense and time of an oral hearing, and instead proceed with a written hearing.

**2.0-VECC-51**

Reference: Exhibit 2 – Additional Evidence

- a) Please file the most current Niagara-on-the-Lake Historic Old Town Heritage Conservation District Plan.
- b) Please file the District Plan Boundary Map.

Response:

- a) What NOTL Hydro believes to be the most current Niagara-on-the-Lake Historic Old Town Heritage Conservation District Plan is attached as Appendix 1.
- b) Various district plan maps are attached as Appendix 2.

## 2.0-VECC-52

Reference: Exhibit 2 – Additional Evidence

- a) Please compare and contrast the underground voltage conversion maps shown at page 7 of the additional evidence with those from the Distribution System Plan in Proceeding EB-2013-0155. Please explain any significant variance in these maps/plans.
- b) Was the area shown in Map 31 of the current DSP for underground conversion for the period 2025-2034 identified in the prior DSP?

Response:

- a) There are two significant variances. First, the map on page 7 shows the underground voltage work completed since 2013 while the map from EB-2013-0155 has these areas as future projects. Second, the map on page 7 shows all the primary and secondary lines while the map from EB-2013-0155 shows only the primary lines. Map 31 of the current DSP also only shows the primary lines. There is no change to the program, just a different way of showing the impact.
- b) Yes.

## 2.0-VECC-53

Reference: Exhibit 2 – Additional Evidence / DSP EB-2013-0155

- a) In its DSP from EB-2015-0155 NOTL stated that its long-term direction for 2009-2018 was a *“Requirement to complete the overhead/underground system renewal within a 5/10 year timeframe.”* The Old Town underground conversion was stated to be a priority and take approximately 10 years. Will the underground conversion program be completed as contemplated in 2023? If not please explain why not.
- b) Please compare the response to 2-SEC-18 with the proposed spending on underground plant as provided in the EB-2013-0155 DSP. Specifically please provide a table which show the proposed underground in investment shown in the EB-2013-0155 DSP and associated pro forma continuity schedules from that proceeding with the actual spending as shown in the response to 2-SEC-18. Please explain any variance.
- c) The DSP reviewed by the Board in EB-2013-0155 set out seven Old Town Rebuild Phases to take place between 2014 and 2018 as shown below:

### 2014

Old Town Rebuild Phase 3 (\$330,000) Johnson - Simcoe to Dorchester Street

### 2015

Old Town Rebuild Phase 4 (\$385,000) Johnson - Dorchester to Palatine

## 2016

Old Town Rebuild Phase 5 (\$400,000) Niagara Blvd - Orchard to Lansdowne

## 2017

Old Town Rebuild Phase 6 (\$400,000) Gage - Simcoe to Dorchester and Dorchester - Gage to Centre

## 2018

Old Town Rebuild Phase 7 (\$400,000) Centre - Simcoe to Dorchester

- c) Please provide the actual results for each of these phases.
- d) Is the Phase 7 project identified in the prior DSP (Simcoe to Dorchester) the same as that shown in the current DSP at Table 30 and now identified for Phase 7 as F1 Old King 4kV?

Response:

- a) NOTL Hydro cannot explain the reference to the 5/10 year timeframe in EB-2013-0155. NOTL Hydro notes that page 84 of the DSP in EB-2013-0155 makes reference to a 15 year timeline or completion by 2028 and this is consistent with the map provided in the DSP. Based on its assessment of the progress made since 2014 and competing priorities (transformer in 2015, transformer in 2019, Virgil project), at the time of the current application NOTL Hydro determined that a 2034 timeline to complete the project was more realistic. NOTL Hydro notes that there has been no change in the scope of the project; just the timelines.
- b) and c) The table below summarizes the planned work areas and net spends (as set out in the EB-2013-0155 DSP) versus the actual work areas and net spends.

Year	EB-2013-0155 Forecast Spend	EB-2013-0155 Planned Area	Actual Area	Actual Spend
2014	\$330,000	Johnson – Simcoe to Dorchester	Simcoe - Centre to Prideaux	\$252,568
2015	\$385,000	Johnson – Dorchester to Palatine	Anne – Mississauga to Victoria	\$125,460
2016	\$400,000	Niagara Blvd – Orchard to Lansdowne	Niagara Blvd and Orchard – Lansdowne to Palatine	\$313,635
2017	\$400,000	Gage – Simcoe to Dorchester; Dorchester – Gage to Centre	Niagara Blvd and Orchard – Lansdowne to Palatine	\$60,794

2018	\$400,000	Centre – Simcoe to Dorchester	Johnson – Palatine to Nassau	\$162,078
------	-----------	----------------------------------	---------------------------------	-----------

While there is an overall plan to get the Olde Town converted to 27.6 kV and underground service, the locations of work from year to year change based on circumstances. In the case of 2014, the work on Simcoe St. from 2012-2013 was taking longer than expected and an extra year was needed. In the case of Anne St. in 2015, a developer was doing some major work so it made sense to do the underground conversion at the same time. In the case of 2018, it was felt it made more sense to continue to convert Johnson St. rather than to switch the focus to Centre and Gage.

The annual spends are lower for two reasons.

First, the 2013 forecasts would have been based on Canadian GAAP so included some allocation of senior management time. The actual results in the table above do not include any senior management time, as those costs (for 2014 to 2017) were included with general underground costs. Note that NOTL Hydro's total underground costs (including voltage conversion and general underground) are shown in the table included in the response to OEB Staff supplementary interrogatory #2(d).

Second, the actual amount of line converted was lower than projected; hence the change in the expected conclusion of the project to 2034. Underground conversion is disruptive to the area so NOTL Hydro aims to keep the time periods short to avoid any of the tourist season.

NOTL Hydro acknowledges that the actual costs in the table above are different from those presented in the response to 2-SEC-18. NOTL Hydro was able to use more detailed historic records to prepare the responses to the supplementary interrogatories about its undergrounding activities – the table included in the response to OEB Staff supplementary interrogatory #2(d) sets out NOTL Hydro's best information about the actual expenditures on each aspect of its undergrounding activities during the 2014 to 2018 period.

- d) The phase 7 in the 2013 DSP is not the same as the phase 7 in the 2018 DSP. As seen in Table 22 of the current DSP (page 38), work on Simcoe to Dorchester became part of what is referenced as Phases 3 and 6 in the current DSP.

5-VECC-54

Reference: Exhibit 2- additional evidence

- a) Please provide the current signed agreement for the proposed adjustment to affiliated debt rates.

- b) If the Affiliated lender notified NOTL of its intent to renegotiate its debt in November of 2018 why did NOTL not update its proposal prior to the proceedings settlement conference of December 10, 2018? What new information has been provided since December 10, 2018 which caused NOTL to now propose to increase the forecast cost of debt to be paid by ratepayers?

Response:

- a) A revised agreement with the proposed adjustment is scheduled to be presented to Town Council on March 4, 2019. This is a new council so this is the earliest this could be scheduled.
- b) NOTL Hydro was notified by the Town of the intent to renegotiate its debt prior to the settlement conference but subsequent to the previous interrogatory responses. NOTL Hydro would prefer not to get into the discussions that took place at ADR, as these are not meant to be public.

On December 19, 2018, written notice was provided to NOTL Hydro (see response to OEB staff supplementary interrogatories) that the Town intends to replace the loans and re-set the interest rate. As of that time, NOTL Hydro was able to quantify a revised interest rate and associated impact. Please see SEC-Supp-46 for a detailed review of the communications between the Town and NOTL Hydro on this matter.



# Historic Old Town Heritage Conservation District Plan

First Draft – August 2, 2016



## Table of Contents

Part I – Background and Overview.....	4
1.0 Introduction .....	4
1.1 What is a Heritage Conservation District? .....	4
1.2 Purpose of a Heritage Conservation District Plan.....	5
1.3 Background to the District Plan – 1986 to the Present.....	5
1.4 Purpose of Expansion Study.....	5
1.5 Phases of the Review .....	6
1.6 District Boundary.....	6
2.0 Heritage Character .....	6
2.1 Statement of Cultural Heritage Value or Interest.....	6
2.2 Part IV Designated and Listed Properties in the District .....	7
2.3 Property Classifications – Significant, Contributing, Other .....	10
2.4 Property Survey .....	11
2.5 Property Classification Map(s) .....	11
2.6 Old Town Historic District Plan Goals .....	11
3.0 Review and Interpretation .....	13
3.1 Alterations to Old Town Historic District Properties.....	13
Part II – District Policies and Guidelines.....	14
4.0 Introduction .....	14
5.0 Significant Property Policies for Alterations and Demolition .....	15
5.1 Conservation of Significant Properties .....	15
5.2 Alterations and Additions to Significant Properties.....	16
5.3 Relocation of Significant Heritage Resources .....	16
5.4 Demolition of Significant Heritage Resources .....	17
5.5 Salvage of Historic Building Materials and Features.....	17
6.0 Contributing Properties Policies for Alterations and Demolition .....	18
6.1 Alterations and Additions to Contributing Properties.....	18
6.2 Demolition of Structures on Contributing Properties .....	18
7.0 Other Properties Policies for Alterations and Demolition.....	19
7.1 Alterations and Additions to Other Properties .....	19



7.3	Use of an Other Property	19
7.2	Demolition of Other Buildings.....	19
8.0	New Construction Policies.....	19
8.1	Use of a New Property.....	20
9.0	Estate Lot Policies.....	20
10.0	Residential Area Landscape/Streetscape Features .....	21
10.1	Residential Landscape Treatment	21
10.2	Trees and Shrubs .....	21
10.3	Fences.....	21
10.4	Streets and Curbs.....	21
10.5	Sidewalks and Boulevards.....	22
10.6	Traffic and Car Parking.....	22
10.7	Street Lighting.....	22
10.8	Public Signage.....	22
11.0	Business Area Landscape/Streetscape Features .....	23
11.1	Business Area Landscape Treatment .....	23
11.2	Trees and Shrubs .....	23
11.3	Sidewalks and Boulevards.....	24
11.4	Traffic and Car Parking.....	24
11.5	Street Lighting.....	25
11.6	Signage.....	25
12.0	Open Space Policies.....	26
13.0	Institutional Use Policies .....	26
14.0	Archaeological Policies .....	27
15.0	Communications and Education Policies .....	27
15.1	Communications .....	27
15.2	Education.....	28
16.0	Municipal Policies.....	29
16.1	Recognizing the Historic Old Town Heritage Conservation District Plan .....	29
16.2	Land Use in the District.....	29
16.3	Severances and Minor Variances .....	29
16.4	Site Plan Control .....	30

16.5 Development Permit System.....	30
16.6 Property Maintenance Standards.....	30
Part III – Implementation .....	31
17.0 Introduction .....	31
17.1 Review and Approval Authority in the District.....	31
17.2 Application Review Process .....	32
17.3 Enforcement of the District Plan.....	32
17.4 Monitoring the District Plan .....	32
Part IV - Design Guidelines .....	33
Part V – Appendices.....	33
Definitions.....	33
Inventory.....	33
Heritage Permit Application Form.....	33
District Plan Boundary Map .....	33
Property Classification Map .....	33

## Part I – Background and Overview

### 1.0 Introduction

#### 1.1 What is a Heritage Conservation District?

A heritage conservation district can be as small as a complex of buildings, or as large as entire municipality with many buildings, gardens, views and vistas and public spaces. It may be a collection of buildings of a certain style or period. It may also be the reflection of the history and culture of the people who once lived there and those who live there now. It is a cultural heritage landscape. As users and stewards, the community is vital for the successful designation and conservation of a district.

Part V of the Ontario Heritage Act (OHA) enables the council of a municipality to designate the entire municipality or to define specific areas of the municipality to be designated. District designation enables a council, with the advice of a municipal heritage committee (MHC), to adopt a district plan with policies and development guidelines to assist in the conservation, protection and enhancement of an area's

special character and to manage change in order to ensure that the district's character is maintained.

## 1.2 Purpose of a Heritage Conservation District Plan

A heritage conservation district is not static. Change is natural and inevitable. The district plan is meant to guide change so that change enhances the district's cultural heritage landscape character and honours its history.

## 1.3 Background to the District Plan – 1986 to the Present

The Queen-Picton Streets Heritage Conservation District Plan was adopted by Council in 1986. In 1996 the Local Architectural Conservation Advisory Committee (LACAC) recommended that Council consider expanding the District to include the Dock Area and streets to the north, south and west of the current District. However, this recommendation did not result in any additional study, nor in any formal Council decision to move forward with the expansion.

In 2003, the Historic Sites and Monuments Board of Canada approved the designation of a large part of Old Town as a national heritage district, the first in Ontario. The national district is larger than the current Queen-Picton Streets Heritage Conservation District. It extends from Front Street in the north to a portion of William Street in the south and from Mississagua Street in the west to Wellington Street in the east **(Appendix I)**.

In the 30 years since the Queen-Picton Streets Heritage Conservation District was adopted, over 100 districts have been approved in Ontario. During that time the Ontario Heritage Act (OHA) has been amended and strengthened. The Provincial Policy Statement also includes strong policies that provide for protection of archaeological and cultural heritage resources. More recently, the focus of district plans has shifted from individual buildings. Districts are now recognized as cultural heritage landscapes consisting of buildings, streetscapes, open spaces, views and vistas.

In addition, the Planning Act now provides for additional tools that can be used in concert with heritage permits. These include consideration of elevations as part of the site planning process and integration of heritage permit approval for major alterations and new construction and heritage design guidelines into a development permit system.

## 1.4 Purpose of the District Expansion Study

The purpose of the district study was to re-examine the history, character and appearance of the existing Queen-Picton Heritage Conservation District and to

examine the character of the proposed expansion area, including buildings, structures and other features such as streetscapes, gardens and open spaces; recommend an expanded area boundary; recommend revised objectives for designation and revised content of the heritage conservation district plan; and recommend changes to other planning documents, such as the Official Plan, if required.

## 1.5 Phases of the Review

The first phase of the district plan review was the examination of the existing District Plan and other related and relevant materials affecting the District, including the major 2005 amendments to the OHA, the new Provincial Policy Statement, 2014, and the proposed new Official Plan policies related to heritage conservation, archaeology, urban design and Estate Lots.

At the request of staff, the Municipal Heritage Committee offered to assist in the documentation of properties.

A draft district study was prepared which looked at the objectives and policies in the existing Queen-Picton Streets Heritage Conservation Plan; the properties in the current District; the approach taken to designating and determining the boundary of the National District; and additional areas and cultural landscapes that should be considered for inclusion in an expanded district.

A public information meeting was held to present the first draft of the Queen-Picton Streets Expansion Study and the proposed expanded district boundary. After comments were received, the study was updated and finalized. A second meeting was scheduled to present the final draft of the study and the first draft of the Queen-Picton Streets Heritage Conservation District Plan (renamed the Old Town Niagara District Plan) to the public.

## 1.6 District Boundary

The boundary of the original Queen-Picton Streets Heritage Conservation District was established by By-law No. 1667-86 and approved by Council on June 23, 1986. The 1986 boundary and the new expanded boundary are shown on **Appendix II** to this Plan.

# 2.0 Heritage Character

## 2.1 Statement of Cultural Heritage Value or Interest

The historic value of the Historic Old Town Heritage Conservation District is well-documented. Niagara was first populated by Aboriginal peoples 10,000 years ago. European settlement began in the late 18<sup>th</sup> century when United Empire Loyalists housed in Fort Niagara after the American Revolution were given land in Niagara.

Niagara experienced an impressive series of “firsts”. It was the first capital of Upper Canada and the first parliament was held here. Slavery was essentially abolished at the first parliament, a full 40 years before it was abolished in the rest of the British Empire. Niagara was also the location of the first library and the first newspaper in the new colony.

Niagara was the site of some of the heaviest fighting in the War of 1812-1814 and the Town was destroyed by the retreating Americans in December 1813. However, the basic grid plan of the Town was maintained.

The majority of the most significant buildings in the Georgian, Neo Classical and Regency styles from the early re-building period survive and are situated close to the street. These are cohesive in both design and scale, as are later buildings within the District.

The quality, quantity, variety and humanistic scale of the older building stock, the wide street and the expansive vista along Queen and Picton Streets to the Cenotaph and Simcoe Park give the business area a special sense of place.

The survival of Estate Lots and their significant built heritage resources and retention and enhancement of institutional open spaces contributes to a distinctive sense of time and place and informs the unique historic character and cultural heritage landscape qualities of the District.

The grid plan, the proportions of the streets, the uniform four (4) acres size of the blocks, the general lack of curb and gutter in most of the residential area, the use of low picket fencing and the tree canopy and gardens provide a consistent and distinctive character to the area.

## 2.2 Part IV Designated and Listed Properties in the District

Currently 33 properties in the District are also individually designated under Part IV of the OHA. The policies, standards and guidelines of this Plan will apply to these properties unless the heritage attributes listed in the designation by-law are specific to the Part IV designated property.

### **Properties in the Historic Old Town Heritage Conservation District Designated Under Part IV of the Ontario Heritage Act**

<b>Address</b>	<b>Property Name</b>	<b>By-law Number</b>
89 Byron Street	Campbell-Scott House	4360-10
43 Castlereagh Street	Niagara High School & Memorial Hall	1463-84
64 Centre Street	Simpson-Ness House	1482-84
240 Centre Street	Breakenridge-Ure House	4832-15
230 Davy Street	Baikie-Jacques-Vint House	4490-11

58 Johnson Street	Eckersley-McEwen House	4492-11
96 Johnson Street	Vanderlip-Hutchings House	4715-15
105 Johnson Street	Varey-Hendrie House	983-79
244 King Street	Moore-Bishop-Stokes House	984-79
266 King Street	Eedson-Fyfe House	4205-08
407 King Street	The Wilderness	2730-94
433 King Street	Powell-Wisch House	3234-02
392 Mississauga Street	Breakenridge-Hawley House	985-79
10 Platoff Street	Malcomson-Delie House	4226-08
20 Platoff Street	Dover-Daly House	1270-82
40 Platoff Street	Niagara Public School	3996-05
28 Prideaux Street	Muirhead-McQueen House	4002-06
55 Prideaux Street	Promenade House	1964-88
26 Queen Street	Court House	813-77
157 Queen Street	Rogers-Blake-Harrison House	3318-99
165 Queen Street	McDougal-Harrison House	3722-03
175 Queen Street	The Cottage Hospital	3969-05
187 Queen Street	Chrysler-Burroughs House	3633-02
209 Queen Street	Richardson-Kiely House	1660-86
228 Queen Street	Ketchum-Thomas-Phillips House	3983-05
278 Regent Street	Barker-O'Connor-Rocchi House	4671-13
229 Simcoe Street	Fagan-Garrett-Hummel House	3922-05
235 Simcoe Street	Morley-Gallagher House	3724-03
285 Simcoe Street	Butler House	2136-90
289 Simcoe Street	Lockhart-Moogk House	3168-97
129 Victoria Street	Walkerby-George House	
177 Victoria Street	Wilson-Guy House	4175-07
223 Victoria Street	Frey-Hindle-Appleby House	2014-89

There are also 59 properties that were not designated; but are located in the expansion area and listed on the Heritage Resource Register as significant cultural heritage resources.

### **Properties in the Historic Old Town Heritage Conservation District Expansion Area Listed on the Register**

<b>Address</b>	<b>Property Name</b>
----------------	----------------------

17 Byron Street	St. Mark's Manse
39 Byron Street	Addison Hall, St. Mark's
41 Byron Street	St. Mark's Anglican Church
85 Byron Street	
8 Centre Street	Lyons House
10 Front Street	Old Bank House
26 Front Street	Black-Simmons House
45 Front Street	Queen's Royal Parks
80 Front Street	Evans-Rigg House
120 Front Street	Delatre Lodge
130 Front Street	Kirby House
160 Front Street	Oban Inn
168 Front Street	Oban House
155 Gate Street	Methodist Meeting House
223 Gate Street	
243 Gate Street	Slave Cottage
22 Johnson Street	
28 Johnson Street	
34 Johnson Street	
84 Johnson Street	
92 Johnson Street	Painter House
118 Johnson Street	Twining House
126 Johnson Street	Platt Carriage Works
144 Johnson Street	Walsh House
164 Johnson Street	Ball-Davidson House
180 Johnson Street	Villa Nova
234 Johnson Street	Clench House
255 King Street	Burns House
272 King Street	
287 King Street	
21 Prideaux Street	
27 Prideaux Street	
31 Prideaux Street	Servos Jones House
69 Prideaux Street	Demeath
83 Prideaux Street	Dobie-Campbell House
87 Prideaux Street	
93 Prideaux Street	
115 Prideaux Street	
168 Prideaux Street	
154 Queen Street	Doctor's House
166 Queen Street	
184 Queen Street	Mussen House
263 Regent Street	
277 Regent Street	
278 Regent Street	

317 Regent Street	
327 Regent Street	
116 Simcoe Street	
294 Simcoe Street	
323 Simcoe Street	St. Andrew's Presbyterian Church
342 Simcoe Street	St. Andrew's Manse
363 Simcoe Street	Green House
116 Victoria Street	
126 Victoria Street	
129 Victoria Street	
134 Victoria Street	
279 Victoria Street	
115 Wellington Street	

### 2.3 Property Classifications – Significant, Contributing, Other

The 1986 Queen-Picton Streets Heritage Conservation District Plan provided an A, B or C classification system for properties and, more specifically, buildings on these properties. This has been replaced by the following classification system which takes a cultural heritage landscape approach to rating properties and streetscapes in the Old Town Historic District.

#### a. Significant – Properties of Major Importance to the District

- They have cultural heritage value.
- They maintain the heritage character of the District.
- They contribute to the visual integrity of the District.
- They may have historic associations that contribute to the cultural heritage value of the District.
- Buildings on these properties possess heritage attributes or character defining elements such as historic materials and features and may be representative of a particular architectural style.
- They may have significant landscape elements.

#### b. Contributing

- They are properties of primarily contextual value to the District.
- They support and help define the character of the District.
- They may possess associative value (the building or property is associated with the life of a person or group or an event which has importance to the community).
- Buildings on these properties may have been built later in the history of the Old Town or are not necessarily of outstanding cultural heritage value; but contribute to the District by virtue of design, materials and/or scale.



### c. Other

- These properties may or may not be sympathetic to the cultural heritage character of the District.
- They do not reinforce the integrity of the streetscape as a whole.
- Building on these properties can be either newer (late 19<sup>th</sup>, early 20<sup>th</sup> century) or old.

## 2.4 Property Survey

The new property survey is **Appendix III** of this Plan. It includes revised survey information for properties in the original Queen-Picton Streets Heritage Conservation District and the expanded district, revised classifications for each property in the Old Town Historic District and historic and contemporary images of existing buildings and properties. It also includes cultural heritage landscapes such as parks and open spaces. This property survey will be updated on a regular basis in order to document any changes to buildings and properties as they occur.

## 2.5 Property Classification Map(s)

Property classification maps are **Appendix IV** of this Plan. They locate Significant, Contributing and Other buildings/properties within the District. These maps will be updated on a regular basis in concert with the Property Survey.

## 2.6 Historic Old Town District Plan Goals

The objective of this Plan is to ensure the long term conservation of the cultural heritage resources and character of the historic Old Town of Niagara-on-the-Lake and to guide change so that it contributes to, and does not detract from, the District's cultural heritage value and context.

### 2.6.1 Physical Goals

- To achieve a cohesive, well-designed district that emphasizes the human scale and historic character of the streetscape;
- To ensure the conservation and enhancement of the heritage attributes and distinguishing qualities of significant heritage buildings;
- To facilitate the restoration of significant heritage buildings and properties based on clear archival, pictorial and physical evidence;
- To promote retention and reuse of significant heritage buildings and properties;
- To take exceptional measures to prevent the demolition of significant heritage buildings;
- To retain or enhance the complementary character of contributing buildings;
- To discourage the demolition of contributing buildings;

- To guide the construction of new buildings which are of good design and are compatible with the District;
- To encourage improvements to other buildings and properties to further enhance the District's heritage character.

### **2.6.2 Streetscape and Landscape Goals**

- To ensure that supporting infrastructure complements the human scale and heritage attributes of the District;
- To conserve the existing street pattern and the rural appearance of the streets in the residential area;
- To introduce features such as street lights, signage and pedestrian amenities, that will enhance the atmosphere and visual appeal of the streetscape;
- To minimize the impact of tourism and business activity in the surrounding residential areas;
- To facilitate the introduction and conservation of historic landscape treatments in both the public and private realm;
- To preserve trees and mature vegetation and to encourage the planting of native species;
- To conserve historic fences and introduce new fences that respect historic patterns and styles.
- To ensure that significant views and vistas throughout the District are identified and conserved.

### **2.6.3 Community Goals**

- To foster community support, pride and appreciation of the heritage buildings, landscapes and District character and promote the need to conserve these resources for future generations;
- To facilitate public participation and involvement in the conservation of heritage resources and development of the District;
- To enhance the District as a place to live in as well as a place to shop and work.

### **2.6.4 Economic Goals**

- To maintain and enhance Queen and Picton Streets as a progressive, profitable commercial district;
- To continue to develop policies and guidelines to improve parking and traffic problems and to mitigate their negative effects on the residential area;
- To use building stock in the commercial area in a full and profitable manner;

- To provide incentives and assistance to property owners to enable them to conserve and restore their properties;
- To acknowledge that the District is an asset that can be leveraged and celebrated in order to contribute to the greater economic success of the Town.

## 3.0 Review and Interpretation

### 3.1 Alterations to Old Town Historic District Properties

In accordance with Section 42.1 of the Ontario Heritage Act; the Goals, Policies and Design Guidelines in this document will be used to review the types of alterations listed in Section 3.1.1, other than the exempted alterations in Section 3.1.2. The Niagara-on-the-Lake Municipal Heritage Committee (MHC) will be responsible for review of most of the alterations listed in Section 3.1.1 with the exception of those listed in Section 3.1.3 which are delegated to the Director of Community and Development Services.

#### 3.1.1 Alterations Subject to Review

- The erection, demolition or removal of any building or *structure*, or the alteration of any part of the exterior of a building or *structure*;
- All matters relating to the Town of Niagara-on-the-Lake Official Plan, zoning, site plan control, development permits, severances, variances, signage, demolitions, building relocation, urban design and other related studies for properties within or *adjacent* to the Historic Old Town Heritage Conservation District;
- All municipal public works relating to the streetscape and cultural heritage landscape including signs, landscaping, lighting, street furniture, tree removal and planting, utility locations and street and infrastructure improvements.

#### 3.1.2 Alterations Exempt from Review

In accordance with Section 41.1(5)(e) of the Ontario Heritage Act, the following alterations are minor in nature, are not required to obtain a heritage permit, and are not subject to review under this Plan.

- Minor repairs such as repairs to a roof, eaves trough (not a box trough), steps and flashing;
- Painting the same colour as existing that has been previously approved by the MHC and Council;
- Minor repairs, not replacement, to window components;
- Repairs to broken window panes to original specifications;
- Minor repairs, not replacements, to doors;

- Repairs to an existing fence;
- Repairs to shutters where the shutters are not being replaced;
- Roof re-shingling where existing asphalt shingles are being replaced with the same material;
- Backyard features that are not visible from the public realm, such as patios, pools, ponds and fountains.

### 3.1.3 Alterations Delegated to the Director of Community and Development Services

In accordance with Section 42(16) of the Ontario Heritage Act, approval of the following alterations has been delegated to the Director of Community and Development Services.

- Installation of cedar and slate roofs according to the Federal *Standards and Guidelines for the Conservation of Historic Places in Canada* and/or the National Parks Service *Preservation Briefs*;
- Repointing of brick or stone walls according to the *Standards and Guidelines for the Conservation of Historic Places in Canada*;
- Minor repairs to balustrades and porches;
- Replacement of siding where the type of siding is not being changed;
- Installation of fencing and landscaping that is not part of a site plan application;
- Installation of retractable canvas awnings where signage is not included on the awning;
- Replacement of existing signage in the same location with signage of the same type and dimensions;
- Emergency repairs;
- Alterations to accessory structures that are not visible from the public realm such as garden and tool sheds, pool houses and gazebos.

## Part II – District Policies and Guidelines

### 4.0 Introduction

The Old Town Historic District is of unparalleled heritage value, worthy of long term conservation. As one of the earliest Anglo-Canadian settlements in the Province, the Town has a wealth of heritage resources, a rich history and a recognizable heritage character. This heritage character is enhanced by significant building stock, residential and commercial streetscapes, plantings, fencing, open spaces and views and vistas.

The District comprises two types of streetscape. The historic business area, fronting Queen and Picton Streets is tightly built up and forms a varied continuous façade of

buildings with a variety of age, size and style and a similar mass. Most of the buildings are set close to the sidewalk, though a few are set back to provide some breathing space on the street.

The residential area is a loose visual composition of detached residences set amid gardens and trees. Wide boulevards, predominantly soft shoulders, well-used sidewalks, picket fences and widely spaced buildings with varied set-backs are characteristic of this area and create a “countryesque” feeling.

The Plan and its policies are intended to conserve this special sense of place while anticipating change. Significant and Contributing buildings will be restored, reused and added to. Other buildings will be altered and buildings will be constructed to enhance the District character. The purpose of this Plan is to ensure that alterations are complementary to both the individual heritage resources and the overall heritage character of the District.

To conserve and enhance the heritage character of the District, policies for the following have been developed.

- Significant properties
- Contributing properties
- Other properties
- New construction
- Landscapes and Streetscapes

The policies are supported by illustrated guidelines found in Part IV of this Plan.

The Old Town Historic District Plan will not address every possible situation. The policies and guidelines reflect the basic principles that the Town wants to achieve. Issues that arise over time which are not addressed in this Plan will be considered by Council and the MHC and may result in amendments to this document.

## 5.0 Significant Property Policies for Alterations and Demolition

The cultural heritage value of the Significant properties in the Old Town Historic District is integral to the District’s character. They are also valuable in their own right. Significant properties can be commercial; institutional, such as churches and schools; residential; or open spaces, such as parks. The retention of these properties and the buildings located on them is essential to maintain the character and cultural heritage value of the area. Therefore, the intent is to conserve these resources, prevent their demolition and, if necessary, take extraordinary measures to ensure their protection.

### 5.1 Conservation of Significant Properties

- a) Conserve the property, and in particular, heritage resources on the property, in their original form with a minimum of further changes. Do not remove, replace, or substantially alter intact or repairable heritage attributes.
- b) Conserve changes to a heritage resource which, over time, have become heritage resources in their own right.
- c) Adopt an approach of minimal intervention.
- d) If intervention is required, evaluate the existing condition of the heritage attribute and use the gentlest means possible for any intervention.
- e) Maintain heritage attributes on an ongoing basis to avoid major conservation projects and associated costs.
- f) Repair, rather than replace, heritage attributes such as windows, shutters and trim using appropriate conservation methods. Repair historical or original materials with like materials. If replacement is necessary, use like materials. Emphasis will be placed on natural materials such as clay brick, stone and wood as opposed to metals and plastic.
- g) Replace missing parts of heritage attributes with like materials.
- h) Respect documentary evidence when conserving a heritage resource. Where there is insufficient evidence, it may be appropriate to make the design, form, material and detailing of a new feature or element compatible with the character of the heritage resource.

## 5.2 Alterations and Additions to Significant Properties

- a) Conserve the heritage value and attributes of a heritage resource when constructing a new addition or any related new construction such as an accessory structure. The new work will be physically and visually compatible with, subordinate to, and distinguishable from the heritage resource.
- b) Alterations and additions to the heritage resource shall conform to the guidelines found in Part IV

## 5.3 Relocation of Significant Heritage Resources

- a) There will be a strong presumption against relocation. Relocation or dismantling of a heritage resource will only be used as a last resort.
- b) Before Significant resources can be approved for relocation on the existing property or to any other site, all options for retention in the original location will be investigated. The following alternatives will be considered in order of priority prior to approval of relocation.
  - 1. Retention on site in its original position;

2. Relocation to another part of the original site;
3. Relocation to another site in the District; and
4. Relocation to an appropriate site within Old Town and designation under Part IV of the Ontario Heritage Act.

## 5.4 Demolition of Significant Heritage Resources

- a) There is a strong presumption against demolition of a Significant heritage resource and exceptional measures will be taken to save such properties.
- b) Application to demolish a Significant heritage resource will be accompanied by a Heritage Impact Assessment completed by a qualified heritage consultant. The Town reserves the right to hire a qualified heritage consultant to peer review the Heritage Impact Assessment. The cost of the peer review will be borne by the applicant.
- b) If a Significant heritage resource is lost it shall be replaced by a new building that is of superior design. The mass, scale, height, setback and proportions of the replacement structure will duplicate the original structure. Exterior materials will be the same as the exterior materials on the original structure. The design of the structure may differ from the original. There will not be a presumption against contemporary architectural styles.
- c) The Town, under the OHA, may refuse a demolition permit for any building within the District.

## 5.5 Salvage of Historic Building Materials and Features

- a) In the rare case where the Town permits demolition of a Significant heritage resource, the resource will be documented and the proponents of the demolition will be required to advertise in the local paper and on social media, the availability of the building for relocation or salvage as a condition of the heritage permit for demolition.
- b) The Town may also require that the demolition be done in such a way as to expose construction techniques for documentation and educational purposes.

## 5.6 Use of a Significant Property

- a) The permitted uses for a Significant Property will be governed by the Town's Zoning By-law.

## 6.0 Contributing Properties Policies for Alterations and Demolition

Contributing Properties are an integral and valuable part of the District and make a contribution to the streetscape composition as a whole. The buildings and structures on these properties are of contextual value rather than outstanding cultural heritage value. Some of these buildings or structures may be old while others may be of recent construction.

### 6.1 Alterations and Additions to Contributing Properties

- a) When undertaking alterations to Contributing Properties, the design approach is to conserve and, where appropriate, alter in a complementary manner in order to maintain the integrity of the streetscape.
- b) The original scale, mass, proportions and height of any buildings or structures will be maintained.
- c) Additions to buildings on Contributing properties will be physically and visually compatible with, subordinate to, and distinguishable from the existing structure in order to maintain the integrity of the streetscape.

### 6.2 Demolition of Structures on Contributing Properties

- a) There will be a general presumption against demolition of Contributing buildings as these buildings are supportive of the overall heritage character of the District.
- b) Application to demolish a Contributing heritage resource may require a Heritage Impact Assessment completed by a qualified heritage consultant. The Town reserves the right to hire a qualified heritage consultant to peer review the Heritage Impact Assessment. The cost of the peer review will be borne by the applicant.
- c) Demolition will only be considered after consideration and approval of a proposed replacement building by the MHC and Council. Proposed buildings will be of high quality design and will be complimentary and compatible with the streetscape and the District as a whole.

### 6.3 Use of a Contributing Property

- a) The permitted uses for a Contributing property will be governed by the Town's Zoning By-law.



## 7.0 Other Properties Policies for Alterations and Demolition

Other properties are both new and old buildings that have no cultural heritage value and do not contribute to the streetscape composition. It is not the intent of the Plan to be disrespectful to this building stock but rather to encourage, over time, complementary alterations to better integrate the building stock into the streetscape as a whole.

### 7.1 Alterations and Additions to Other Properties

- a) Alterations to Other buildings and properties will complement the existing Significant and Contributing buildings and properties in the District and will enhance the integrity of the streetscape.
- b) Alterations can reflect the historic architectural styles of existing Significant or Contributing buildings in the District and will be consistent with one of two design approaches: historical conversion or contemporary alteration.
- c) Additions to buildings on Other properties will be physically and visually compatible with and subordinate to the existing structure and will enhance the integrity of the streetscape.

### 7.2 Demolition of Other Buildings

- a) Where there are few or no complementary heritage features, there will not be a presumption against demolition or building improvement.
- b) Replacement buildings will complement and be compatible with the streetscape and the District as a whole and will be of high quality design.
- c) Demolition will only be considered after consideration and approval of a proposed replacement building by the MHC and Council. There will not be a presumption against contemporary architectural styles.

### 7.3 Use of an Other Property

- a) The permitted uses for an Other property will be governed by the Town's Zoning By-law.

## 8.0 New Construction Policies

New building construction on vacant properties or properties where buildings have been destroyed or demolished will be looked on as an opportunity to embellish the streetscape composition.

- a) New buildings should not necessarily reproduce past building styles; but should be of good compatible design. There will be no presumption against contemporary architectural styles.
- b) New buildings should complement the immediate physical context and streetscape by being generally of similar height, width, proportion, scale and orientation as adjacent buildings.
- c) New buildings will have similar setbacks as adjacent buildings and will utilize like materials and colours and similarly proportioned windows, doors and roof shapes.
- d) In new residential buildings, attached garages will be recessed behind the front elevation of the dwelling or preferably detached and located to the rear of the property.
- e) All proposals or applications for new building construction will include a detailed and scaled streetscape elevation illustrating the new building and adjoining structures. Photographs will also be provided.

### 8.1 Use of a New Property

- a) The permitted uses for a New Property will be governed by the Town's Zoning By-law.

## 9.0 Estate Lot Policies

The large estate lots in Niagara-on-the-Lake are rare cultural heritage resources and make a unique and valuable contribution to the Town's history and character. These estates are significant cultural heritage landscapes that contribute to the Old Town's distinct streetscape of spacious landscaped gardens with large residences, many of which are Significant heritage resources. A number of these are located in the Old Town Historic District.

- a) The cultural heritage attributes and cultural heritage landscape qualities of estate lots will be conserved.
- b) Any application to develop an Estate Lot will be accompanied by a Heritage Impact Assessment completed by a qualified heritage consultant. The Town reserves the

right to hire a qualified heritage consultant to peer review the Heritage Impact Assessment. The cost of the peer review will be borne by the applicant.

## 10.0 Residential Area Landscape/Streetscape Features

Landscape features in residential area the Old Town Historic District, assist in expressing the character of both a property and the cultural heritage landscape of the District.

### 10.1 Residential Landscape Treatment

- a) Existing historical landscapes will be conserved.
- b) Planting of attractive and decorative gardens in the residential area will be encouraged.

### 10.2 Trees and Shrubs

- a) Mature trees in the public boulevard will be preserved except where removal is necessary due to disease or damage, or to ensure public health and safety, as certified by an arborist.
- b) Replacement of lost trees is required.
- c) New trees and shrubs will be native species or other appropriate species and will be enhanced to complement the heritage character of the streetscape. A list of appropriate street trees for the residential area will be developed.
- d) A tree by-law for the Old Town Historic District will be developed. It may also address trees on private property.

### 10.3 Fences

- a) The erection of fences, especially picket fences, is encouraged around private properties in the residential area to complement its heritage character.
- b) Existing picket fences will be preserved and replaced in kind, if required.
- c) Fences will be regulated by the municipal fence by-law.

### 10.4 Streets and Curbs

- a) Streets shall be maintained to proper municipal standards.
- b) Road, curb, and servicing improvements will be undertaken in a manner that conserves and enhances the heritage character of the District.

- c) Existing pavement widths and road rights-of-ways on residential streets contribute to the character of the District and shall not be increased.
- d) Existing informal road edges such as grassed verges and ditches, and the absence of curbs and gutters are traditional features in the residential areas of Old Town and will be retained.

### 10.5 Sidewalks and Boulevards

- a) Boulevards will remain grassed.
- b) The existing sidewalks are attractive and functional and will be retained.

### 10.6 Traffic and Car Parking

- a) Car parking will be provided on private property in accordance with the Zoning By-law and in a manner that does not detract from the historic character of the District.
- b) Car parks will be provided with landscaped screens where they abut residential area.
- c) Spill-over of on-street parking from the business district will be discouraged. Designated car parks, whether public or private, will not be permitted in the residential area.
- d) On-site parking for Bed and Breakfast establishments, Cottage Rentals, Villas and Country Inns that is well designed and appropriately screened will be permitted. Parking will not be permitted in the front yard.

### 10.7 Street Lighting

- a) The erection of period street lights is encouraged and will be appropriate in light and intensity to the function of the street.
- b) Street lighting will be appropriately spaced and minimal for safety only.
- c) Dark sky or down lighting will be encouraged.

### 10.8 Public Signage

- a) Design and introduction of heritage district street name signs will be encouraged.

- b) Required regulatory signs will be the same type of sign used elsewhere in the municipality.

## 11.0 Business Area Landscape/Streetscape Features

The conservation and enhancement of the business area of the Old Town Historic District includes not only buildings; but also a rich a complex association of open spaces, sidewalks, landscaping, lighting, traffic, car parking and signage. The popularity of this area as a tourist destination has imposed tremendous pressure on the heritage resources and the streetscape character of this part of the District and obscured some of its most valuable built heritage resources. Outdoors patios, new parking lots, and intensification of uses in previously under-utilized alleys, are have resulted in unanticipated changes to Queen and Picton Streets since the Queen-Picton Streets Heritage Conservation District Plan was approved in 1986. A consistent and coherent approach to planning and managing the business area will assist in maintaining a clearly defined heritage streetscape character. Simple, good design is the key.

### 11.1 Landscape Treatment

- a) An overall landscape theme will be developed to complement the historic character of the business area.
- b) Flower gardens, hanging baskets and tubs are significant and contributing features to the streetscape and will be maintained, enhanced and expanded.
- c) The boulevards will be attractively planted and well-maintained.
- d) Existing wide sidewalk areas where people naturally gather, such as those in front of the Post Office and the Court House, will be maintained and enhanced.

### 11.2 Trees and Shrubs

The treescape in the business area of the District is an established and attractive feature of the district and worthy of careful upkeep and renewal.

- a) Boulevard trees are a significant and contributing feature to the attractiveness and heritage character of the District and will be maintained and enhanced in a manner that complements the cultural heritage landscape and heritage resources in the business area.
- b) Tree planting design will be simple, effective and robust.

- c) Mature trees in the public boulevard will be preserved except where removal is necessary due to disease or damage, or to ensure public health and safety, as certified by an arborist.
- d) Replacement of lost trees is required.
- e) New trees and shrubs will be native species or other appropriate species and will be enhanced to complement the heritage character of the streetscape.
- f) The MHC will continue to work with Parks and Recreation Staff on a yearly basis to ensure that the list of appropriate street trees for the business area is maintained and updated and that invasive or inappropriate tree species are removed.
- g) A tree by-law for the Old Town Historic District will be developed.

### 11.3 Sidewalks and Boulevards

The pedestrian treatment of Queen and Picton Streets and portions of King Street comprises an inner concrete sidewalk of approximately 2.45 metres, a boulevard with street trees and a narrow outer curb sidewalk which currently houses the parking machines. The composition is a simple, pleasant one comprising a generous utilitarian area for walking, a landscaped area and a small breathing area between the parked cars and the boulevard. However, the influx of large numbers of visitors to the District generates significant wear and tear on the infrastructure and requires regular maintenance

- a) The concrete sidewalks will be maintained and rebuilt over time. Decorative pavers may be considered in certain areas along the street such as the existing wide sidewalk areas in front of the Post Office and the Court House.
- b) The present simple but attractive relationship of sidewalk, boulevard and street will be conserved.

### 11.4 Traffic and Car Parking

An important component of this Plan is to develop and maintain a business area that functions in a balanced and well-organized manner. The traffic pattern in this area should achieve a well-organized and functional traffic flow.

- a) Continuous on-street parking will continue to be provided on Queen and Picton Streets.
- b) Private car parking will be provided in compliance with the Zoning By-law and in a manner that will not detract from the historic character of the district.

- c) Off street parking lots will be appropriately screened from both the street and abutting residential properties. Landscaped screening is preferred.
- d) Additional off-street parking will be provided at the rear of commercial lots for owners and their staff and without negatively impacting abutting residential properties.
- e) Additional visitor parking will be provided in perimeter parking lots such as the Fort George parking lot
- f) Tour bus parking is not permitted on Queen, Picton or any of the other streets in the Historic Old Town Heritage Conservation District. It is provided in the Fort George parking lot.
- g) Provision will be made for both short term and long term parking.

## 11.5 Street Lighting

Lighting is an important feature in the urban environment and has a significant influence on the character of a streetscape. It can create a warm, pedestrian quality with a human scale or a harsh bright quality with a vehicular scale. Street lighting on Queen and Picton Streets must serve a dual purpose for traffic and people.

- a) Pedestrian scale street lighting will continue to be used in the business area of the Historic Old Town Heritage Conservation District.
- b) The existing cobra lights will be replaced over time with light standards and illumination that complements the historic character and human scale of the business area.
- c) Architectural features such as building facades, towers and significant architectural features shall be illuminated by special lighting.
- d) Dark sky or down lighting will be encouraged.

## 11.6 Signage

Signs are a visually potent element in a streetscape. They are an essential means of communication between a business and the consumer. Signs give a vitality, colour and texture to a streetscape. Early photographs of Queen and Picton Streets reveal the

presence of many signs. They are largely hand painted and fitted above the store window. End walls of buildings often had signs painted on the walls.

Signage in the business area should be simple and clear and should not clutter the street.

- a) Commercial signage in the District will be regulated by the Town's Sign By-law.
- b) Commercial signage in the District will be consistent with the guidelines in Part IV of this Plan.
- c) Signs shall be of high quality and complementary to the historic character of the business area.
- d) Back lit, internally illuminated, neon and ground signs are not permitted.
- e) Entablatures over store fronts shall be conserved or rebuilt where missing.
- f) Where there is historic precedence some signs may be permitted on the façade above the first floor; but the majority of signs will be at or near the first floor.
- g) Signs not conforming to the policies of this plan and the regulations of the sign by-law will be removed.

## 12.0 Open Space Policies

The parks and public spaces in the Historic Old Town Heritage Conservation District have cultural heritage value and are an important component of the cultural heritage landscape. They provide both active and passive recreation, public amenities, and views to and from the District and beyond. Together with the Estate Lots, the larger church properties and other institutional open spaces, they are significant and unique heritage resources.

- a) The public open spaces within the District, including Queen's Royal Park, Simcoe Park, and the Lawn Bowling Club property, will be maintained and enhanced.
- b) Views and vistas to and from the parks and public spaces will be conserved.
- c) A combination of passive and active recreational opportunities will be provided for community use.
- d) A landscape master plan will be developed for all public open spaces that recognizes their natural features and plans for future development.



## 13.0 Institutional Use Policies

The Historic Old Town District includes a number of significant institutional spaces such as the St. Mark's Anglican Church, St. Vincent de Paul Roman Catholic Church, St. Andrew's Presbyterian Church properties and the Parliament Oak school site. These spaces, with their significant built heritage resources, contribute to the District's unique sense of place.

- a) Church lands, cemeteries and buildings and other institutional open spaces will be conserved.
- b) Use of proper techniques for the maintenance and protection of grave markers will be encouraged.

## 14.0 Archaeological Policies

Niagara-on-the-Lake has an Archaeological Master Plan and the Official Plan contains policies regarding the requirement for archaeological surveys. The Historic Old Town Heritage Conservation District is located within the zone of archaeological potential identified in the Master Plan.

- a) An archaeological survey is required for any major development or construction within the Historic Old Town Heritage Conservation District.
- b) Mitigation of impacts on archaeological resources within the District is required.

## 15.0 Communications and Education Policies

It is important to ensure that all property owners and residents in the District are aware of, and have an understanding of, the policies, process and procedures that apply to their properties and the public realm. Educational opportunities and a comprehensive communication strategy are essential.

### 15.1 Communications

It is important to remind those who live and own businesses in the District of its existence and the policies and procedures associated with the District designation on a regular basis. This includes property owners and tenants in the residential and commercial areas, Town staff and other public bodies that undertake projects in the area as well as

those in the legal and real estate professions who undertake property transactions in the District.

Policies:

- a) Information concerning the District and the District Plan, as well as related matters, will be made available to property owners, residents, and commercial tenants.
- b) Town staff and other public agencies involved in work that could potentially impact the District will be informed of the District policies.
- c) Consideration will be given to creating a regular heritage conservation district newsletter to improve communication and information dissemination to local property owners and tenants.
- d) An information package will be sent on a regular basis to local real estate companies to ensure their familiarity with the implications of selling or buying a property in the District, and to request that this information be communicated to new property owners.
- e) The heritage conservation district by-law has been registered on the title of every property in the district, as required under the Ontario Heritage Act.
- f) The heritage section of the Town's web site will ensure easy access to the District Plan and heritage permit applications.
- g) The Town will enlist the assistance of the historical society and the library in communicating information about the District to the public.

## 15.2 Education

Education is an effective tool for helping to conserve heritage resources and should be used in conjunction with the legislative tools available. Educational opportunities should be offered to property owners, residents and to the MHC.

Policies:

- a) Creation and promotion of learning opportunities for property owners and tenants in the District will be pursued. This may include special workshops or presentations as well as provision of written materials.

- b) The promotion of learning opportunities for members of the MHC is encouraged.
- c) An information handout or brochure will be prepared to explain the heritage incentive program to encourage property owners to participate.
- d) Residents will be encouraged to nominate properties for the Peter J. Stokes Heritage Commendation for restoration, compatible design etc.

## 16.0 Municipal Policies

Municipal planning policies may have a greater impact on the heritage character of a District than explicit heritage policies. It is important to integrate all policies that have a heritage impact in order to ensure the protection of the District's special character.

### 16.1 Recognizing the Historic Old Town Heritage Conservation District Plan

The Official Plan contains policies that specifically address the Town's heritage conservation policies and, in particular, the Queen-Picton Heritage Conservation District. Policies:

- a) The new Official Plan will refer to the Historic Old Town Heritage Conservation District and the District policies and will include a schedule of the District boundary.

### 16.2 Land Use in the District

The use of land in the District is identified in the Official Plan and Zoning By-law. Major land uses in the District include residential, commercial and community facilities.

Policies:

- a) Existing land use designations in the Official Plan and prevailing zones in the Zoning By-law are supported.

### 16.3 Severances and Minor Variances

In addition to matters addressed under the Planning Act, the Committee of Adjustment, consults with appropriate Town departments and agencies and has regard for adjacent use, access considerations and availability of services.

In commenting to the Committee of Adjustment on applications for severance or minor variance in the District, the Town will only support such applications if the proposal is compatible with the objectives and policies of the District Plan.

Policies:

- a) Each severance and minor variance application will be evaluated as to its compatibility with the objectives and policies of the District Plan.

## 16.4 Site Plan Control

All of the lands within the boundary of the Town of Niagara-on-the-Lake are designated as a Site Plan Control Area with the exception of some lands used for single and semi-detached dwellings and some farm buildings. However, single detached dwellings which have been identified by Council as being of historic or architectural significance are not exempt from Site Plan Control.

Policies:

- a) Site Plan Control will apply to all properties in the District.

## 16.5 Development Permit System

The Planning Act includes policies and regulations for implementation of Development Permit Systems. It is the intention of the Town to consider instituting a Development Permit System (DPS) for the Old Town in the future. Heritage permits and urban design guidelines can be incorporated into such a system.

Policies:

- a) When a Development Permit System is instituted for the Old Town, the approval of a heritage permit for any major alterations or new construction in the Historic Old Town Heritage Conservation District will be incorporated into the DPS.

## 16.6 Property Maintenance Standards

Where a municipality has passed a by-law under Section 15.1 of the Building Code Act, setting out the standards for maintenance of property in the municipality, it can pass a by-

law that sets out additional minimum standards for the maintenance of a heritage property within a heritage conservation district.

Policies:

- a) An amendment to the Town's Property Standards By-law to address additional minimum standards for the maintenance of heritage property within the District is required.

## Part III – Implementation

### 17.0 Introduction

In order to implement the District's policies and guidelines, an application review process that is simple, efficient and fair is required. The District Plan will be interpreted in a consistent manner to avoid subjective decision-making by reviewers.

This section provides further details on the following implementation mechanisms.

- A review body to provide advice on proposed alterations, new construction and demolitions in the District;
- An application review process that accurately reflects the scope of the proposed work;
- The availability of financial assistance to property owners to help with conservation work;
- Public awareness of the District concept and boundary;
- A mechanism to review and, if required, amend the District's policies and procedures.

### 17.1 Review and Approval Authority in the District

The review of all proposed work in the District from a heritage perspective is shared by Planning staff and the Town of Niagara-on-the-Lake Municipal Heritage Committee comprised of residents of the Town and members of Council.

In order to streamline the approval process, the Director of Community and Development Services has been delegated the authority to review and approve a number of smaller projects on behalf of Council. If staff has any concern about a delegated application, it can be forwarded to the MHC and Council for resolution.

According to the provisions of the Ontario Heritage Act, if an application to erect a building or structure or to alter the external portions of a building or structure or a significant landscape feature is denied by Council or approved with conditions the applicant does not support, the applicant can appeal to decision to the Ontario Municipal Board. The Board can approve, approve with conditions, or dismiss the application. The Board's decision is final.

## 17.2 Application Review Process

Once a heritage conservation district designation comes into force, no person, including the municipality, can erect, demolish, remove, or alter any external portion of any building or structure without a permit issued by the municipality. The permit application process enables the municipality to assess proposed changes and determine if they are appropriate or if they have a detrimental effect on the heritage attributes or character of the District.

## 17.3 Enforcement of the District Plan

The Town will enforce the requirements of the District Plan using the regulatory provisions of the Ontario Heritage Act, the Ontario Building Code Act, and the Ontario Municipal Act. The Town will use the provisions of the Ontario Heritage Act to prosecute those who contravene the requirements of this Act.

## 17.4 Monitoring the District Plan

Planning staff are responsible for implementation of the policies and guidelines in the District Plan.

The District Plan should be reviewed by Planning staff on a regular basis. The Plan is not a static document and should be monitored to ensure that the Plan's objectives are being achieved.

The policies and guidelines in this Plan may be amended by by-law after consultation and public notice. Minor administrative and technical changes to the Plan may be implemented by a resolution of Council. Such technical changes include:

- Changes to the review process including delegation of authority from Council;
- Revisions to the District Plan Inventory;
- Provision of additional commentary and illustrations in the design guidelines.

## 17.5 Financial Assistance in the District

Through designation of the Historic Old Town Heritage Conservation District, the Town has recognized the importance of this area in terms of its heritage resources, and special character. To assist in the conservation and understanding of the built heritage resources and certain cultural heritage landscape features, the Town has created a financial assistance program for Significant and Contributing properties. Further information regarding this program is available from the Community and Development Services Department.

## Part IV - Design Guidelines

Please note that Planning staff is working on the Design Guidelines. When these are completed they will be available for review on the Town's web site at [www.notl.org](http://www.notl.org).

## Part V – Appendices

Please note the Planning staff is working on this section. When completed it will be available for review on the Town's web site at [www.notl.org](http://www.notl.org). Section headings are as follows.

Definitions

Inventory

Heritage Permit Application Form

District Plan Boundary Map

Property Classification Map





LEGEND:

- Municipal Boundary
- Settlement Area Boundaries
- Queen-Picton Heritage Conservation District
- National Heritage District
- Heritage Conservation District Expansion Area
- Heritage Act - Part IV Designated Properties
- Areas of Archaeological Potential
- Niagara Escarpment Plan Area
- Niagara Escarpment Development Control Area

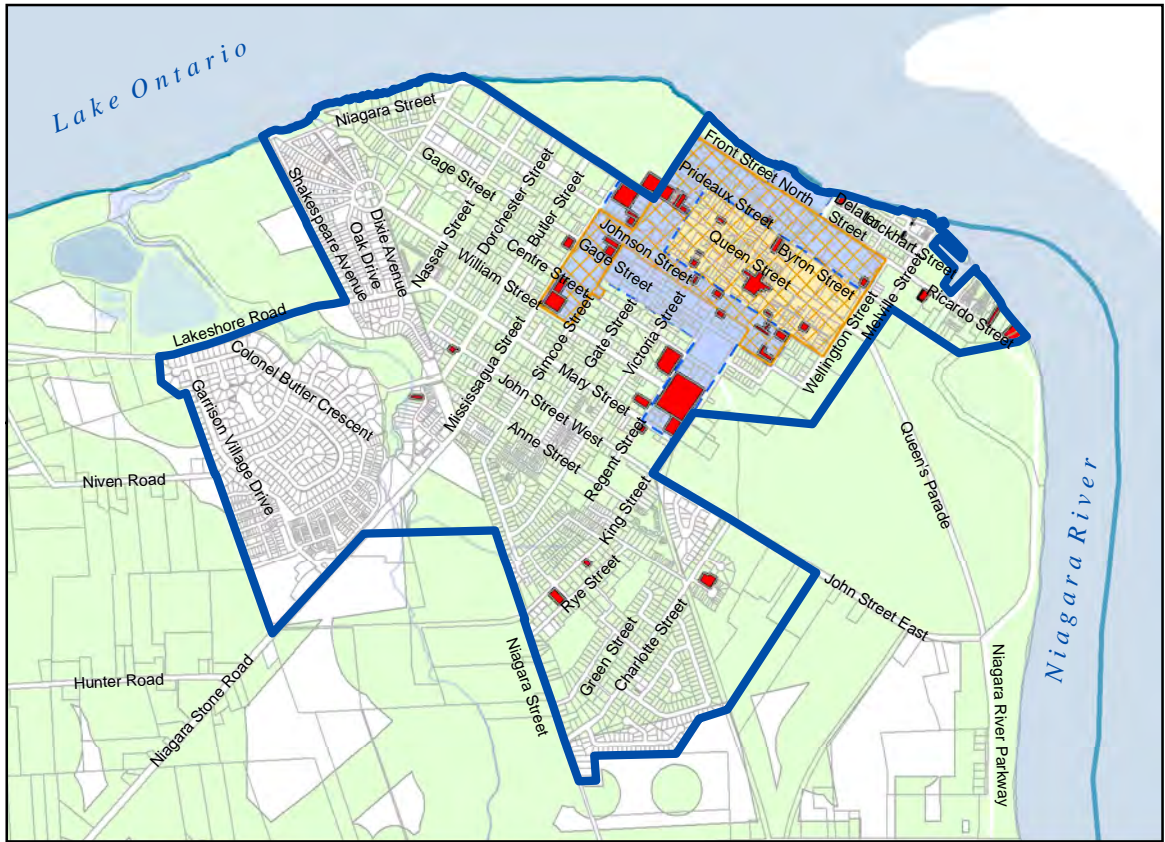


Scale - 1:65,000

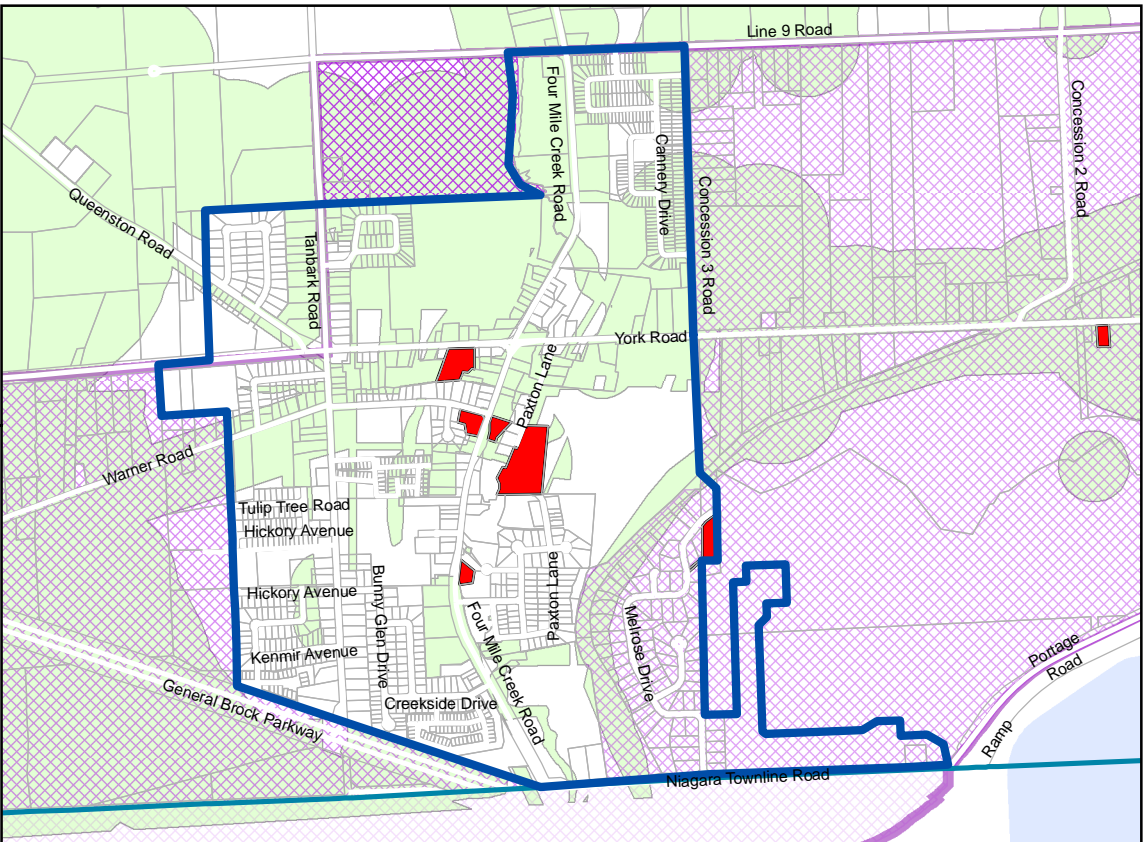
0 420 840 1,680 Meters

NOTES:  
This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.



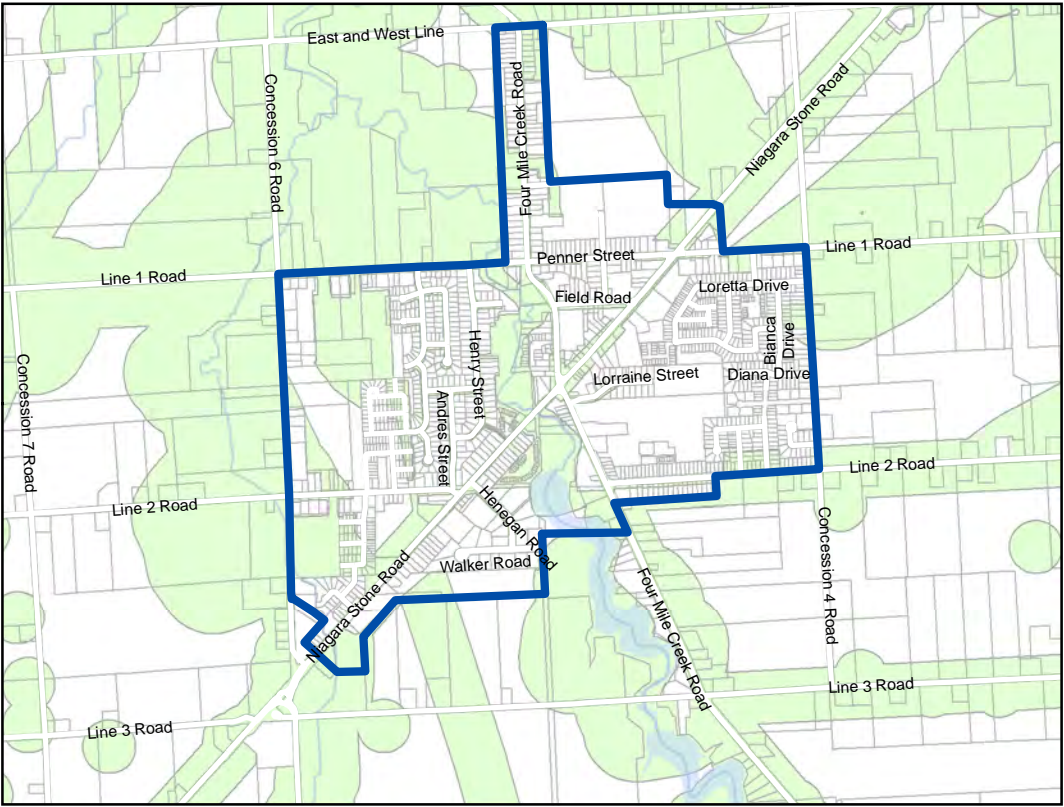


OLD TOWN

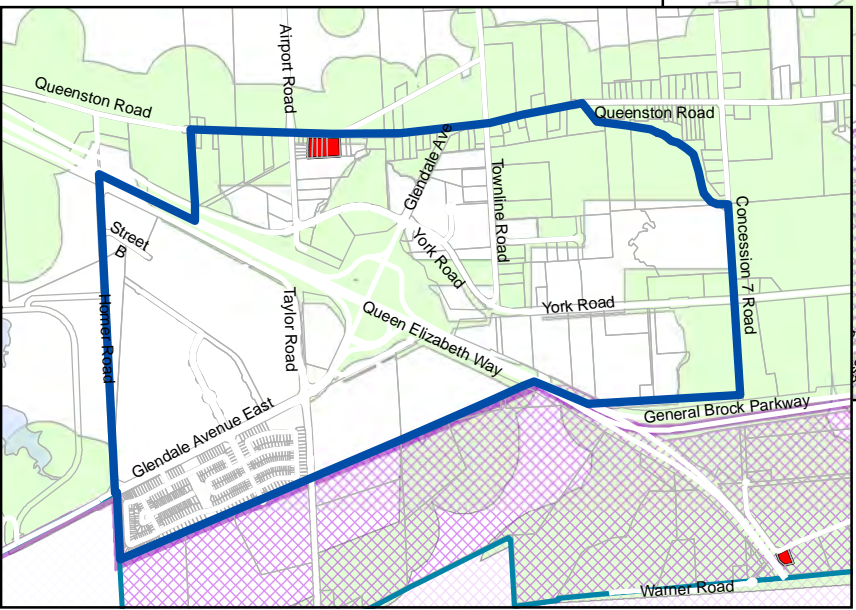


ST. DAVIDS

VIRGIL



GLENDALE



QUEENSTON



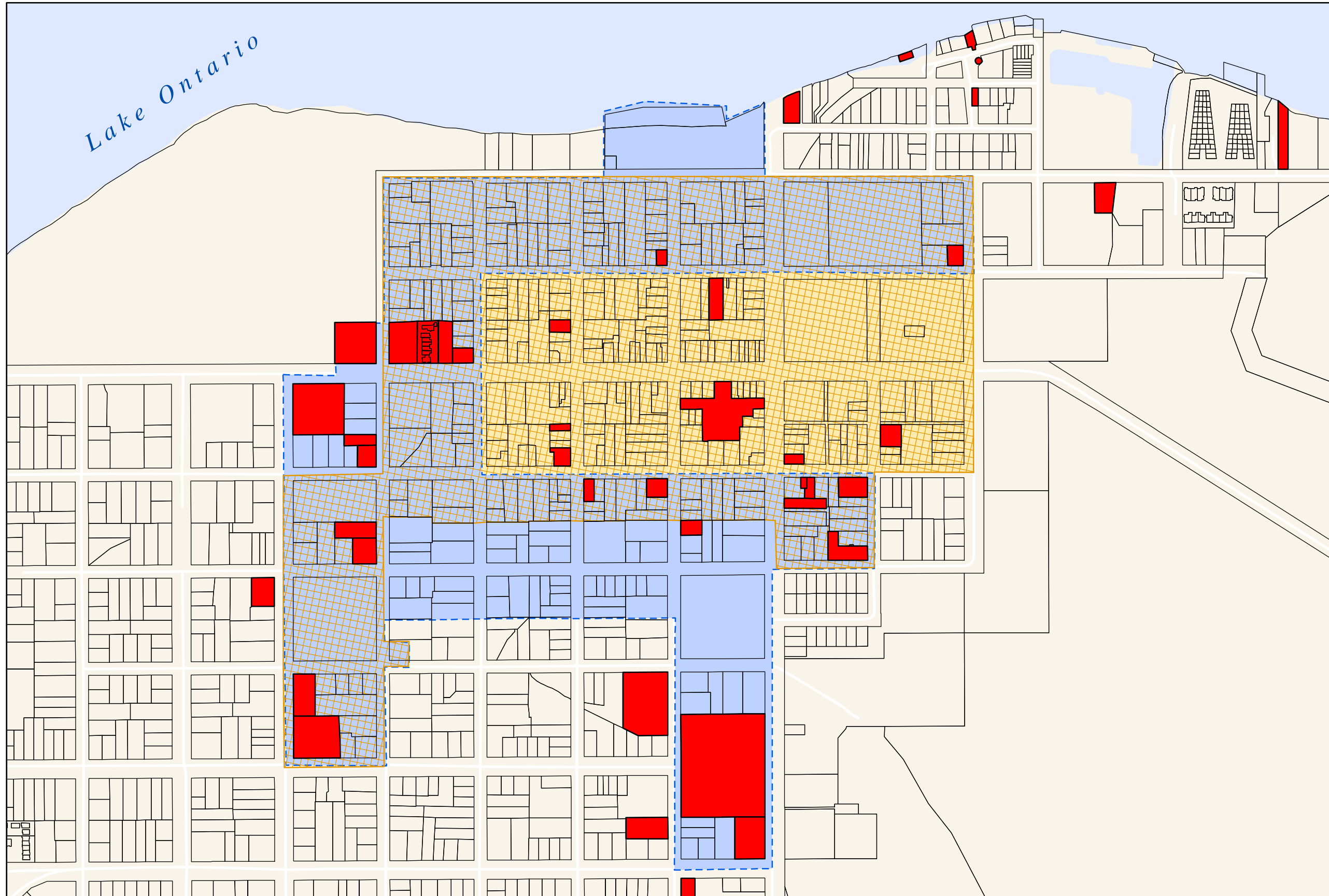
LEGEND:

- Municipal Boundary
- Settlement Area Boundaries
- Queen-Picton Heritage Conservation District
- National Heritage District
- Heritage Conservation District Expansion Area
- Heritage Act - Part IV Designated Properties
- Areas of Archaeological Potential
- Niagara Escarpment Plan Area
- Niagara Escarpment Development Control Area



NOTES:  
This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.





Queen Picton  
Heritage Conservation  
District (OHA Part V)

National  
Heritage  
District

Heritage Conservation  
District Proposed  
Expansion Area

OHA Part IV  
Designated  
Properties

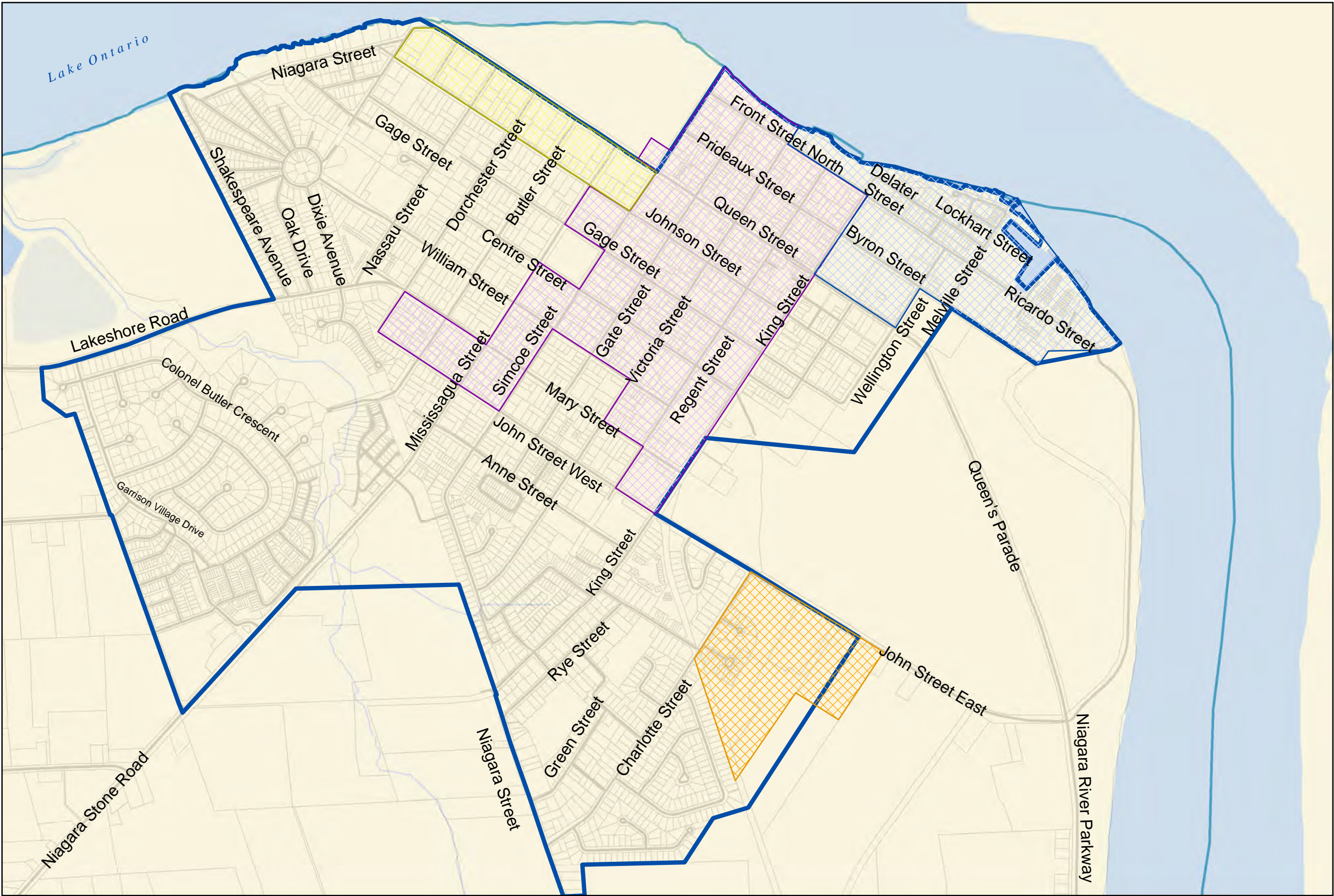


Scale - 1:6,000

0 20 40 80 Meters

NOTES:  
This map forms part of the Official Plan for the Town of  
Niagara-on-the-Lake and must be read in conjunction with the  
text, other schedules, and secondary plans. The boundaries  
and alignments of designations on this schedule are approximate  
and are not intended to be scaled.





**LEGEND:**

-  Municipal Boundary
-  Settlement Area Boundaries
-  John Street East Summer Homes Character Area
-  Queen Street Summer Homes Character Area
-  Downtown Character Area
-  Old Dock Character Area



NOTES:  
This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.





LEGEND:

- Municipal Boundary
- Provincial Highway
- Regional Road (arterial)
- Municipal Road (collectors)
- Municipal Roads (local)
- Niagara Parks Commission



Scale - 1:65,000

0 425 850 1,700 Meters

NOTES:  
This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.

ROAD RIGHT-OF-WAY WIDTHS MUNICIPAL ROADS SECTION

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

Street/Road	From	To	Designated Road Right-of-way Width
Maple Street	Princess Street	River Frontage Road	18.29 m (60 ft.)
McNab Road	Carlton Street (Reg Rd 83)	Lake Ontario	20.12 m (66 ft.)
Melville Street	Byron Street	Niagara River	20.12 m (66 ft.)
Nelson Street	Ricardo Street	Byron Street	23 m (75.47 ft.)
Niagara Boulevard	Palatine Place	Vincent Avenue	20.12 m (66 ft.)
Niagara Street	East and West Line	Rye Street	26.21 m (86 ft.)
Niven Road <sup>2</sup>	Niagara Stone Road (Reg Rd 55)	Village Road	20.12 m (66 ft.)
Oak Drive	Lakeshore Road (Reg Rd 87)	Circle Street	15.24 m (50 ft.)
Orchard Drive	Lansdowne Avenue	Palatine Place	15.24 m (50 ft.)
Paffard Street	Charlotte Street	King Street	15.24 m (50 ft.)
Palatine Place	Circle Street	Niagara Boulevard	20.12 m (66 ft.)
Partition Street	Niagara River Parkway	Front Street South / Princess Street	18.29 m (60 ft.)
Paxton Lane	York Road (Reg Rd 81)	Southern terminus	20.12 m (66 ft.)
Princess Street	Partition Street	Northern terminus	18.29 m (60 ft.)
Queenston Street	Niagara River Parkway (south intersection)	Niagara River Parkway (north intersection)	20.12 m (66 ft.)
Read Road <sup>3</sup>	Carlton Street (Reg Rd 83)	Lake Ontario	20.12 m (66 ft.)
Ricardo Street	Nelson Street	King Street	23 m (75.47 ft.)
Riverbeach Drive	Melville Street	Western terminus	20.12 m (66 ft.)
Rye Street	Niagara Street	Flynn Street	18.29 m (60 ft.)
Scott Street	Read Road	Townline (Grantham) Road	20.12 m (66 ft.)
Shakespeare Avenue	Lakeshore Road (Reg Rd 87)	Northern terminus	15.24 m (50 ft.)
Townline (Grantham ) Rd	Lakeshore Road (Reg Rd 87)	Lake Ontario	20.12 m (66 ft.)
Townline (Grantham) Rd <sup>4</sup>	Lakeshore Road (Reg Rd 87)	Carlton Street (Reg Rd 83)	20.12 m to 37 m (66 ft – 116.4 ft)
Townline (Grantham) Rd	Queenston Road	York Road (Reg Rd 81)	26 m (85.3 ft.)
Vincent Avenue	Circle Street	Shakespeare Avenue	15.24 m (50 ft.)
Walnut Street	Queenston Street	Princess Street	18.29 m (60 ft.)
Warner Road	Four Mile Creek Road (Reg Rd 100)	Queen Elizabeth Way	20.12 m (66 ft.)
Wesley Avenue	Circle Street	Northern terminus	15.24 m (50 ft.)
Wilberforce Avenue	Circle Street	Niagara Boulevard	15.24 m (50 ft.)
Wycliffe Avenue	Shakespeare Avenue	Circle Street	15.24 m (50 ft.)
All Other Rural Roads			20.12 m (66 ft.)
All Other Urban Roads except those developed under a Plan of Subdivision since 1970 (Plan of Subdivision			20.12 m (66 ft.)

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



ROAD RIGHT-OF-WAY WIDTHS REGIONAL ROADS SECTION

Regional Road Number	Road Name	Segment	Width in Metres
55	Niagara Stone Road	York Road – Concession Six Road	26.2
		Concession Six Road – Field Road	20.1
		Field Road – Mary Street	26.2
58	Homer Road	Glendale Avenue – QEW South Service Road	30.5
61	Niagara Townline Road / Portage Road	Four Mile Creek Road – Niagara Parkway	26.2
70	Taylor Road	South Limit of Niagara-on-the-Lake – Glendale Avenue	26.2
		Glendale Avenue – York Street	30.5
81	York Road	West Limit of Niagara-on-the-Lake – Niagara Parkway	26.2
83	Carlton Street	Seaway Haulage Road – Niagara Stone Road	26.2
86	Stewart Road	Lakeshore Road – Carlton Street	20.1
		Carlton Street – Niagara Stone Road	26.2
87	Lakeshore Road	Read Road – East and West Line	26.2
		East and West Line – Mississauga Road	20.1
89	Glendale Avenue	West Limit of Niagara-on-the-Lake – Taylor Road	36.6
90	Airport Road	York Road – Niagara Stone Road	26.2
100	Four Mile Creek Road	South Limit of Niagara-on-the-Lake – Johanna Drive	26.2
		Johanna Drive - :Line Nine Road	20.1
		Line Nine Road – Line Two Road	26.2
		Line Two Road – Niagara Stone Road	20.1







LEGEND:

- Municipal Boundary
- Settlement Area Boundaries
- Multi-Use Trails
- On-Road Cycling
- Unimproved Multi-Use Trails
- Municipal Parks
- Major Open Space
- Niagara Escarpment Plan Area
- Niagara Escarpment Development Control Area



Scale - 1:65,000

0 425 850 1,700 Meters

NOTES:  
This map forms part of the Official Plan for the Town of Niagara-on-the-Lake and must be read in conjunction with the text, other schedules, and secondary plans. The boundaries and alignments of designations on this schedule are approximate and are not intended to be scaled.