

Town of Niagara-on-the-Lake

Submissions received on review of Final Draft (December 18, 2018) of the Official Plan

Prepared by: Rick Hunter  
DRAFT – August 14, 2019

**PUBLIC SUBMISSIONS**

Item #	Date	From	Summary of Issues	Comment
1	December 24, 2018	Jim Ryan	Error on Schedule B2 as it relates to the Rand Estate – small area shows a “community” use;	Mapping corrected in accordance with OPA 51.
2	December 27, 28, 2018  Jan. 4, 2019	Robert Bader	Old Town settlement boundary as it impacts the east side of 200 and 210 John Street East (on Schedule B2) appears to match the Region’s boundary. Previous drafts seem to have shown a larger area within the urban area.  When did the Regional map change to bisect 210 John Street?  Question about the triangular wedge along the boundary, and what the correct settlement boundary is at this location.  Requesting accelerated adoption of the official plan.	Note 2016 version had a different boundary, including all of 200 and none of 210 within the settlement boundary.  Boundaries now reflect Regional and Provincial required settlement area boundaries.  See Item 1 above
3	December 31, 2018  Jan. 30, 2019	John Henricks Re: 551 Butler	Is the conservation designation and boundary correct on this property and lands recently purchased from the Town?  How are we to interpret the conservation designation? What is behind the Conservation designation?  The proposed OP includes additional lands as Conservation than the existing OP, and request that the Conservation	Map schedule to be corrected to reflect the EIS.  Conservation designation to remain in the settlement areas;  Conservation designation removed from the rural area (Schedule B1) and all natural features in the rural area are part of the Schedule C1 and C2 overlays rather than a separate designation.

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			boundary be as identified on the EIS, which more accurately shows the limits of the natural heritage features.	
4	Jan. 2, 2019  Feb. 25, 2019 (2)	Michael Howe (Niagara Foundation) Re: the Wilderness, 407 King Street  Re: heritage character areas;  Re: Bob Lehman comments	<p>Niagara Foundation is pursuing the purchase of 50% of the Wilderness property, as a first step in the Foundation's plan to acquire and hold these lands for public heritage purposes.</p> <p>Request that the property be designated Open Space in the OP, to protect this historically and culturally significant estate.</p> <p>Feb 25: one significant issue is the introduction of a new concept in the Plan that comes from the recommendations of the estate lot study – the heritage character areas.</p> <p>The Niagara Foundation would be interested in hearing how the Heritage Character Area policies would be administered. We are seeking a commitment to the Town carrying out a secondary plan process for the Old Town.</p> <p>Bob Lehman comments:</p> <ol style="list-style-type: none"> <li>1. It is a better written document which places design and heritage conservation at the forefront.</li> <li>2. It proposes the use of Community Design Guidelines which would not be amendments to the official plan (that is done now). That is not appropriate, no oversight, no appeal, no process. Far better to incorporate into a Secondary Plan. Through the Secondary Plan, do an inventory and analysis of all the cultural heritage resources in the Old Town, prepare design guidelines, consider any long term need for land</li> </ol>	<p>Request for map change withdrawn.</p> <p>Section 4.8.1.5 provides for adoption of Community Design Guidelines as part of a secondary plan process but also allows them to be developed as a free-standing document, and not through an OPA. Council agreed guidelines should be adopted following a public process. No change proposed at this time.</p>

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			<p>use changes, address existing problems, then codify that in a Secondary Plan.</p> <p>3. Concept of Heritage Character Areas is introduced. Again, this can be better accomplished through Heritage Act provisions rather than Planning Act. The HCA's should be Heritage Conservation Areas under the Heritage Act. The policies are quite onerous as well.</p> <p>4. I think the objectives are exactly right but the mechanisms step outside the legislation when there is no reason to do so. Why not create Heritage Conservation District instead of character areas? Similarly, why not prepare a Secondary Plan rather than Community Design Guidelines? I think the answer will be timing and cost.</p>	<p>The identification of Heritage Character Areas were proposed by Bray Heritage as part of the Estate Lot Study. According to Bray Heritage, Heritage Character Areas are an appropriate land use planning activity. A heritage impact assessment would be required prior to site alteration, development or demolition within these areas.</p>
5	Jan. 3, 2019	Jim Ryan	<p>Not certain that the implications of the "resident owned roadways" has been considered, as it relates to long term maintenance and emergency access.</p>	<p>Reference to Sections 9.1.14.2 and 10.7.3.1 and 10.7.3.2.</p> <p>These sections provide flexibility in the development of condominium proposals; all roads have to meet the standards (including emergency access) of the Town.</p> <p>No change is recommended to the Plan.</p>
6	Jan. 15, 2019 Feb. 14, 2019	Rob Allison 46 Pierpoint Drive, Virgil	<p>(telephone conversation)</p> <p>Why do the OP schedules designate lands Residential that contain the existing Crossroads School (Niagara Stone Road, south of Line 2 Road) and the abutting site of the proposed medical centre?</p> <p>OP refers to walkable communities – adding sidewalks to Line 2 Road (west of Bordeaux St) to Con 6 Road; sidewalks should be included in all future development plans for the Virgil area.</p>	<p>Crossroads School to be designated as a Community Facility;</p> <p>No change to the designation of the proposed medical centre has been proposed, as it is an active application.</p> <p>New sidewalk construction would be a Council budget decision; it is encouraged by the OP. A future Virgil Secondary Plan would provide standards for specific roads.</p>

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			The height restriction for Virgil is up to 4 stories; south part of Virgil is in the airport flight path and the 4 storey maximum might be contrary to operational guidelines for the airport. Could also be a safety issue. Similar to Glendale, wording referring to consideration of the Federal aviation restrictions for building height should be included for Virgil.	Height restriction refers to Section 4.8.2.2  General clause added to the Plan respecting federal height requirements. (new Section 1.4.5)
7	Jan. 17, 2019	Fergus O'Donnell 69 Niagara Street	Would like to divide the 120 x 208 lot by severing the front portion with the farmhouse from the rear of the lot, in order to build a new house on the rear. Concern is with the antipathy to flag lots, referenced in the OP. Splitting the property in ½ would result in the demolition of the farmhouse.  Why are flag lots considered negatively? The flag lot would create a more varied streetscape.	Council reviewed approaches to flag lots and directed that they not be permitted.  As such, policies have been added to define Flag Lot, and to provide guidance on their use (new Section 10.13.6)
8	Jan. 24, 2019	Irene Simkus	Questions regarding the Dock Area Secondary Plan	The secondary plans will be reviewed separately from the Official Plan.  No change is recommended to the Plan.
9	Feb. 1, 2019	Stephen Bedford	Question about the Glendale Secondary Plan.  What policies exist in the New OP that are different from the old Plan for Glendale (OP Section 6.32.6 Special policy Area A-7 (Glendale Secondary Plan). Does 4.8.1.6 refer to the existing secondary plan and then the new secondary plan when it is completed? What is the status of Appendix 5 in the New OP.	The existing Secondary Plan continues in effect until replaced with a new Secondary, expected as part of the current Glendale Study.
10	Feb. 5, 2019  Feb 25 2019 Presentation	Peggy Walker 69 Collingwood Street	Concern about future trail connections identified through her property (See OPA 42), which were to be removed. Wants to make sure they are not added back into the OP.	The OP does not change any of the provisions that are approved under OPA 42, the Dock Area Secondary Plan

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11	Feb. 7, 2019 Feb. 8, 2019 Feb 22, 2019	Austin Kirkby Agricultural Advisory Committee		Various submissions responded to separately.
12	Feb. 11, 2019	Steve Hardaker 122 Cole Crescent Glendale	When identifying height restrictions in Glendale, the Escarpment needs to be a key consideration from a heritage and conservation point of view. Any taller buildings need to be restricted to the interchange area per the Secondary Plan (2010). Taller buildings be restricted to north of the QEW in order to preserve the view, understanding that a 16 storey building is already permitted near Glendale and Taylor. The OP needs to clearly define these restrictions.	Refers to Section 4.8.2.3.  This will be addressed as part of the Glendale Secondary Plan.
13	Feb. 11, 2019 Feb. 20, 2019 Feb 25, 2019 Presentation by Patrick Maloney	Ed Werner Association of Lakeshore Owners of Niagara (ALON)	<p>Many of our (ALON) concerns regarding the agricultural zone being turned in to commercial and tourist areas are not being addressed in the draft.</p> <p>The acreage required for Estate Winery status is being reduced. The size requirement of Farm Wineries is not defined. Breweries and distilleries, which were never part of the agricultural area are now being allowed into the agricultural zones. The acreage to comply is not stated and the products that are being used may come from other parts of Ontario.</p> <p>Hosting special events with outdoor entertainment will change the rural area. Traffic and noise increases.</p> <p>Feb. 20 comment: Continue concerns regarding the future of the agricultural area of NOTL.</p>	<p>Section 3.2.10.2.2 Acreage for Estate winery <i>“will generally be a contiguous parcel of not less than eight (8) hectares, with a minimum of 75% of the land being in full vineyard production”</i>.</p> <p>Proposed to remove Section which permits Estate winery on smaller acreages if all other policies are met and rural character retained.</p> <p>Section 3.2.10.3 – revised to note that Farm Winery will require a minimum 4 hectares.</p> <p>Farm wineries currently require that all wine must be made from product grown on site. Section 3.2.10.3.2 proposes to change this to allowing a percentage (up to 25%) to be from locally grown fruit.</p>

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			<p>In the 1970's, wineries were considered industrial activities. At the time, they were all located in an industrial zone as the processing of agricultural products was not considered a part of agriculture, but rather an industrial activity.</p> <p>During the 1990's, this approach changed when they were allowed in the agricultural zone. This resulted in farms having production facilities and wineries being located in the agricultural zone. A further alteration occurred when wineries were allowed to engage in hospitality activities (through site specific by-laws and special events by-law). Commercial business activities which include weddings, musical presentation, theatre productions, food fests, restaurants and rock concerts have all been done in the name of agri-tourism and "special events". The scale, number and disruption caused by these activities must be controlled. If these activities are left unchecked, we risk turning our agricultural area into a commercial district where farming is the secondary activity to the dominant commercial operations.</p> <p>Napa County (USA) now taking steps to try and manage these activities (see appendix attached to the submission).</p> <p>The present approach in NOTL has resulted in much confusion and disruption within the agricultural community. Some winery operations have more employees involved in the hospitality business than in the agricultural business, so should they still be classified as an agricultural activity? Allowing commercial businesses at such a scale create difficulties for the true farmers. It is not possible to farm safely when your neighbour's business attracts hundreds of tourists and they</p>	

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			<p>trespass onto your farm property. Residents cannot enjoy the peace and tranquility of their agricultural setting where a winery conducts noisy, disruptive events every weekend of the summer. These activities are a detriment to the farmers' right to farm, create a safety hazard for the tourists, diminish the rights of residents, and reduced property values of the neighbours.</p> <p>The proliferation of these activities into the agricultural zone will eventually ruin the reason tourists come to Niagara and why people wish to reside here.</p> <p>Specific areas to address to help develop the proper balance:</p> <ol style="list-style-type: none"> <li>1. The protection of the Greenbelt and the Guidelines for agri-tourism must be respect and enforced, particularly the scale and number of activities.</li> <li>2. The safety of tourists is paramount and the operators of events must be responsible for their guests.</li> <li>3. The noise by-law regulating activities must be clearly defined and adequately enforced.</li> <li>4. The acreage for wineries (farm and estate) should be clearly stated. The draft OP slows for subjective and ambiguous acreage requirements. Distilleries and micro-breweries should not be in the agricultural zone. They are processing plants and should be directed to commercial areas.</li> <li>5. Adequate by-law officers must be hired to enforce the laws.</li> <li>6. The cost of any enforcement should be offset by fines and license fees.</li> </ol>	<p>Clarify management of events – dealt with through regulatory controls based on premise of agriculture remaining the principal; use on the subject property and not adversely impacting surrounding land uses</p> <p>Accessory uses need to be subordinate to the principal use and usually directly related to the agricultural operation (unless specifically recognized).</p> <p>Provincial controls are addressed in the policies.</p> <p>Breweries and distilleries are not to be permitted in the Specialty Crop areas.</p>

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			<p>(reference to Stephen Bedford Jan. 2019 report “Estate Wineries in Niagara-on-the-Lake”)</p> <p>Feb 25 presentation:</p> <p>Provincial and Regional policy supports value added agricultural activities in the Agricultural Area. These policies direct that the primary use of lands designated Agricultural should be for agricultural activity, including vineyards and tender fruit. These should be supplementary or secondary to that activity. There has been a blurring of these intention to the point that the supplementary commercial or industrial uses have become the primary use of agriculturally designated properties. This has resulted in conflict and nuisance.</p> <p>Items to be address in the OP: Vision of what rural Niagara should be. Commercial or Agricultural? Feel it should remain Agricultural; Must be compliance to Greenbelt and provincial policies and other provincial guidelines; and needs to be charity so the vision is communicated to all of the parties.</p> <ol style="list-style-type: none"> <li>1. Primary use of the land should agriculture. A wedding business or a restaurant that has a greater income, and has more employees than the agricultural activity is no longer a secondary use. A commercial operation that is bigger than the agricultural activity should not be in the agricultural zones.</li> <li>2. There must be protection for the adjacent neighbour. A farmer cannot farm safely if the neighbour’s commercial activities invite hundreds of tourists adjacent to their farm. Residents of the rural area, farmers and others, should not be subjected to</li> </ol>	<p>See section 3.2.6 to 3.2.11 regarding other activities secondary to the agricultural activity.</p> <p>See objective 3.2.2.1 (m)</p>

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			<p>commercial operations that crat noise, odours, traffic and trespassers that hinder their normal farm practice.</p> <p>3. Size of farms. Estate Wineries must have a minimum lot area of 20 acres; Farm Wineries must have a minimum lot area of 10 acres.</p> <p>4. Non agricultural uses. Breweries and distilleries are processing operations that should be restricted to commercial zones.</p> <p>5. Special events. Event should be agriculture related, as an occasional event and must be secondary to agricultural activity. (regular wedding business, rock and roll concerts and restaurants are not agricultural activities).</p>	<p>Implemented</p> <p>Implemented</p> <p>Regulated – see section 3.2.9.1 (v) to (viii), section 3.2.10.2.7, among others</p>
14	Feb. 11, 2019	Terry Boulton	<p>“Delatre Street” needs to be spelled correctly in Town documents.</p> <p>For years, a stated objective of the Town has been to acquire waterfront property whenever it becomes available. That opportunity has passed, and such references in the OP should be removed.</p> <p>References seem mostly to the Dock Area Secondary Plan.</p>	<p>Spelling of street to be corrected.</p> <p>Re: Section 3.3.2.1 and 10.8.4: Trying to acquire waterfront property remains a valid planning goal.</p> <p>No change is recommended to the Plan.</p>
15	Feb. 13, 2019	Niagara Planning Group (John Henricks)	<p>Section 7.1.3.3 is an odd reference to ICBL given that the Heritage Act is not used for ICBL’s. However, the by-law noted in the Act is very similar in effect to an ICBL. Need to be clear regarding references</p>	<p>Wording of 7.1.3.3. to be revised to remove reference to an ICBL.</p>

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16	Feb. 13, 2019	Niagara Historical Society (D. F. Hemmings)	Section 7.4.2. c) notes “support the work and programs of cultural organizations and investigate various support systems and funding mechanisms including acquisition of museum facilities and archives by the Town”. Suggest either replacing the word “acquisition” with “use” or preferably to remove the last part of the clause starting at “including....”.	Section 7.4.2 c): The final clause of the section will be deleted.
17	Feb. 13, 2019  Feb 24, 2019	David Bell	<ol style="list-style-type: none"> <li>1. Should the site-specific policies from Section 10.3.6, which provide guidance for the development of Randwood be included in the new OP? These policies were approved as OPA 51 and should be carried forward. And provide guidance for any new development on 144, 16 and 200 John Street.</li> <li>2. Why is the low density designation for 200 John St E being expanded out to the Settlement Area Boundary as a residential designation, as shown on B7? The built up area on B7 does not extend to the edge of the settlement area. Should not the land use designation Low Density Residential for 200 John St remain as existing until a proper evaluation is completed for the need for these prime agricultural lands for urban development?</li> <li>3. Given the importance of the agricultural lands, should the Town not be including specific detailed policies in the OP to protect these lands from urban intrusions at the interface? At a minimum, the plan should state that at urban and non-agricultural interfaces, mitigation measures should be incorporated as part of the non-agricultural use and within the area being developed?</li> </ol>	<p>OPA 51 provisions to be carried forward as S4-4</p> <p>Underlying designation on B2 will be Residential</p> <p>There are a number of references to the interface between agricultural and other land uses (including those in settlement areas) in Section 3.</p>

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			<p>From Feb 24: the Draft represents a significant improvement over the current OP, but there are still issues.</p> <p>The Site Specific Exceptions need to be reviewed. Where development is complete, it may be appropriate to delete the reference to the site specific exemptions that apply to it; where development has not started or is not complete, then they should be continued.</p> <p>Section 1.1.1 – add heritage into the balance of concerns.</p> <p>Section 1.1.4 – why say limited growth – has been much more than any other part of the region.</p> <p>Section 1.1.5 – should be reference to rail access via GO and cycle access.</p> <p>Section 1.1.7 – Old Town and Queenston should be separated. How can you say Old Town is a stable residential community where most of the growth has occurred?</p> <p>Section 1.1.10 – no mention of hotels in Glendale (4 of them).</p> <p>Section 1.4 – Federal Agencies – add new policies: 1.4.4 Parks Canada has responsibility for numerous heritage assets in the Town. The Town policies should be sensitive to those heritage assets, and the Town should work closely with Parks Canada in the preservation and interpretation of all heritage assets in the Town. 1.4.5 Federal Agencies should be viewed as partners and stakeholders in the establishment of transportation policies and initiatives.</p>	<p>Site Specific Exceptions are being reviewed.</p> <p>Section 1.1.1 – Agreed</p> <p>Section 1.1.4 – no change required to text</p> <p>Section 1.1.5 – Agreed</p> <p>Section 1.1.7 – no change required. Both are still stable settlements</p> <p>Section 1.1.10 – hotels are part of the commercial development. No change required.</p> <p>Section 1.4 – proposed 1.4.4 is appropriate and has been added to the Plan; Section 1.4.5 is not required in the Plan;</p>

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			<p>Section 2.1.1 – add “and protecting the unique heritage and agricultural resources”.</p> <p>Section 2.1.4 – add “and maintenance” following “development”;</p> <p>Section 2.3.3 - there is no mention of the balance of new economic opportunities with other stakeholders and infrastructure. This concept of balance should be reflected in the overarching town strategies.</p> <p>2.3.5 c) Is this a true statement? Is there any shortage of employment lands in NF, Welland and St Catharines?</p> <p>2.4.2.1 e) – what does “optimize existing infrastructure to provide for efficient use of infrastructure” mean?</p> <p>2.4.3.1 – these forecasts do not agree with Stats Can. For table 2 what did the data for the 2018 election indicate? For Table 4 can you see the Development charges study?</p> <p>2.6.3.4 – Reword to “the Town will provide sufficient infrastructure to support a three year supply of new residential units”.</p> <p>Policy 3.1 – the plan should state categorically that the Specialty Crop areas will not be developed to any use other than agriculture.</p> <p>3.2.1.1 – add? “The Town will consider policies to maximize the agricultural productivity of Specialty Crop Areas.</p>	<p>Section 2.1.1 – no change proposed</p> <p>Section 2.1.4 – Agreed</p> <p>Section 2.3.3 – No change proposed</p> <p>Section 2.4.2.1 e) – no change required; intent is to use existing infrastructure more efficiently.</p> <p>Section 2.4.3.1 – these forecasts are from the Regional Plan and will be reviewed and updated as part of the Regional Municipal Comprehensive Review. They will be added as an amendment to the Plan. Table 2 has been updated to reflect 2016 census data;</p> <p>Now proposed Section 2.6.3.6 – no change proposed.</p> <p>Revisions made to Section 3 that address many of these issues;</p> <p>The entire section on specialty crop areas supports agricultural productivity;</p>

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			<p>3.2.10.6 (a) and 3.2.11.2 (a) – what does predominantly mean? Should it not be a precise fraction or percentage not subject to interpretation? And what is local fruit? (within 1 km, within NOTL, within Niagara region, within Ontario...) It is understandable that the winery may need access to some varieties to blend, and in some years a poor yield may require supplementing from other locations. This should be specifically laid out and not be so vague. May I suggest 90% fruit from on site with provisions for supplementing fruit in exceptional times due to low yields or crop transition?</p> <p>3.2.1.7 Site Specific Policies – cannot locate all the site specific locations and policies. Suggest where a development is complete, it may be appropriate to delete the reference; or where not complete, to carry them forward.</p> <p>4.3.2 Settlement Area Boundaries and Built Up Areas – is this the case that the Region sets the Settlement area Boundaries with no input from the Town? There should be guiding principles for the change in settlement area, one of the key ones being NO expansion into the Specialty Crop Area.</p> <p>4.10.3.1 – what consideration is there for accessibility?</p> <p>7.1.4.1 – add “support the museum in its mandate to collect, preserve, research, display, educate and promote the heritage of the Town.”</p> <p>7.2.3.1 Heritage Character Areas – add heritage Trail (rail r.o.w from John St to York Rd).</p>	<p>Site specific policies have been reviewed and are included in the final mapping/</p> <p>No expansion is permitted without a regional municipal comprehensive review Section 4.3.2 – Settlement Areas boundaries and built up areas are mandated through the Growth Plan and the Regional OP.</p> <p>Section 4.10.3.1 – see Policy 9.9.2 regarding accessibility</p> <p>7.1.4.1 – Not sure if this is an appropriate OP policy?</p> <p>7.2.3.1 – no change proposed</p>

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			<p>7.2.3.7 – to the designated attributes add: “the notable landscape architecture include the work of Dunington-Grubb”</p> <p>7.3.4 (d) – add: “under no circumstances will a site plan application, building permit or heritage permit be considered without the required and completed archaeological assessment”.</p> <p>7.3.4 – add a provision: “a copy of the full archaeological record will be provided to the Niagara-on-the-Lake Museum for future historical and archaeological referencing”. It should also be provided to the Municipal Heritage Committee, and made part of the public record for rezonings.</p> <p>7.4.2 c) – add: “the purchase of artifacts”</p> <p>9.3 – What about groundwater management?</p> <p>10.3.7.4 – add “or on designated properties”.</p> <p>10.5.3 – add “and alterations to any designated real property” (needs to include landscape, not just structures)</p> <p>10.5.7 – add “and the impact on any of the heritage attributes, including interior and landscape elements”.</p> <p>10.9.1 – add “including the appropriate committees” for pre-consultation.</p> <p>10.9.4 – add “its committees”</p>	<p>7.2.3.7 – no change proposed</p> <p>7.3.4. d) – no change proposed</p> <p>7.3.4, 7.4.2 c), – These provisions are administrative items that do not need to be in an official plan.</p> <p>9.3 – already covered in hydroG investigations</p> <p>10.3.7.4 – agreed</p> <p>10.5.3 – Site plan control cannot just be used for landscape alteration – there needs to be some form of development.</p> <p>10.5.7 – agreed, except for reference to interior features – site plan control cannot apply to interior features</p> <p>10.9.1 – disagree. Pre-consultation is a staff administrative procedure.</p> <p>10.9.4 – Agreed</p>

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			<p>10.9.6 – add “after review with the Municipal Heritage Committee” regarding complete application; replace “may” with “will” in the final clause.</p> <p>Table 7 – urban design and landscape plans – add “Where the lands or those lands adjacent to the lands have designated cultural or built heritage resources, the plans will illustrate the impact on the heritage attributes be they interior or exterior attributes” ; add “floor plans” to details.</p> <p>Table 7 – tree inventory and preservation – add “on vegetative buffers between commercial activities and residential lands” to list on potential adverse effects; need a definition of tree inventory and preservation plan and information that is required.</p> <p>10.10.3 – add “site plan agreements” to the list of activities for non-statutory open houses.</p> <p>10.13.1 – What are the provisions for established residential areas?</p> <p>10.13.1.4 – does this mean a detached coach house or unit above a detached garage does not comply?</p>	<p>10.9.6 – No change proposed</p> <p>Table 7 – No change proposed?</p> <p>Table 7 – Tree preservation – agreed to proposed wording addition; no further definition required.</p> <p>10.10.3 – no change proposed to the plan.</p> <p>10.13.1 – Second dwellings would be permitted in the Established Residential provided they meet the OP requirements.</p> <p>10.13.1.4 – No, they would be permitted; it means their presence could not be used as justification for a severance of the property.</p>
18	Feb. 13, 2019	Johnathan Fast	NOT SURE WHAT IS BEING REQUESTED HERE? 1875 NIAGARA STONE ROAD AS AN ATHELETIC COMPLEX?	

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19	Feb. 13, 2019  Feb 25, 2019 presentation	Jamie Slingerland Pillitteri Estates Winery	<p>Regarding Policies 3.2.10, 3.2.11 and 3.2.12 – Why the inconsistency of minimum acreages; Should they not all require minimum acreages in the OP;</p> <p>If breweries and distilleries are allowed on specialty crop lands and mostly do not use specialty crops, then why permit them on farmland?</p> <p>Regarding policy 3.2.10.7, winery related items such as winery clothing, wine books etc. have not been included. Does this mean that they will no longer be allowed?</p> <p>The greatest concern residents have in many urban areas is height and lot coverage new homes. Does the new OP reduce those heights, proximity to neighbours or lot densities?</p> <p>Feb 25 presentation:</p> <p>Here to protect my family’s interests regarding their right to ear a living in Agriculture in NOTL.</p> <p>Policy 3.2.1.2 – add one more line that the “sights, sounds and smells o agriculture are Normal Farming Practices as defined by the provincial Farm Practises legislation.</p> <p>A written definition is needed for farmland described as “cultural heritage resources. It would not be supporting an agricultural system if a landscape study or watershed study had to occur when farmers want to level soil, tile drain, irrigate, construct or deconstruct a pond, remove trees, or build a barn, etc.</p>	<p>Have included minimum acreage 8 H for estate wineries, 4 H for farm wineries</p> <p>No; specifics about uses will be addressed in zoning by-law. Intent is to ensure uses satisfy the criteria of ag related, On-farm diversified (agri tourism)</p> <p>Speaks to character - specific controls will be implemented through zoning.</p> <p>Section 3.2.4.3 already speaks to normal farm practices</p> <p>See Section 3.2.4.3: These are normal farm practises and are permitted. Intent is to address activities that would impact resources as defined.</p>

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			<p>I would request that this OP require Farm Wineries to have a minimum of 10 acres and Estate Wineries continue to have a minimum of 20 acres. As well that 75% of the land be planted to specialty crops of grapes or tender fruit.</p> <p>Policy 3.2.10.7 – support ancillary items being permitted. Item (d) should not be restricted to only B&amp;B overnight accommodation but all accommodation that is allowed in rural areas.</p> <p>From an agri-tourism aspect, vineyards (specialty crops) must be on site and part of a winery operation.</p> <p>Policy 3.2.12 – micro breweries and distilleries should be small in scale on farmland as they don't require specialty crops to exist. Micro breweries and distilleries be required to have a 10 acre minimum with 75% of the land planted to crops.</p> <p>Concerns about the number and cost of OMB hearings.</p>	<p>Agreed</p> <p>Consider broadening reference to short term tourist accommodations as per Section 10.13.2 but also add additional controls on use of agricultural land for such uses and to prohibit negative impacts on farming operations.</p> <p>Agreed – addressed in Policies 3.2.10.4. Add similar Provision to 3.2.11. Consider increasing the area to a minimum of 75% of the property.</p> <p>Remove policy – only permitted by OPA that confirms they meet tests for estate winery.</p>
20	Feb. 13, 2019	Karen Gansel	<p>Residents in Old Town have concerns about even more intensive development that would include</p> <ol style="list-style-type: none"> <li>(1) more and more semis and townhouses in smaller and smaller sizes are being allowed;</li> <li>(2) more and more bed and breakfasts and air B&amp;B's area allowed due to lack of by-laws in this area;</li> <li>(3) more wineries and hotels with outdoor wedding and concert facilities are developing with few restrictions resulting in more noise complaints especially on weekends;</li> <li>(4) more residents feeling they lost the freedom to enjoy their own backyards due to loud noise.</li> </ol>	<p>The OP provides guidance on all of these items, recognizing that planning involves managing change and recognizing new and expanded forms of development.</p>

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21	Feb. 13, 2019  March 7 2019	Ron Dale	<ol style="list-style-type: none"> <li>1. The maps do not include designated National Historic sites; no mention of Parks Canada in the Feb 13 presentation.</li> <li>2. There is not such thing as "Old Town"; you should call it something like "Historic Town of Niagara (or NOTL).</li> <li>3. Do not provide any height or massing or setback variances to By-laws. This sets precedents. You cannot allow one building that is too high and disallow others.</li> <li>4. Our heritage is our bread and butter. The Shaw, wineries, restaurants, etc. would not be successful if the heritage ambiance of the Town is compromised. Every action taken should be measured against the potential impacts on our heritage.</li> </ol> <p>March submission:</p> <ul style="list-style-type: none"> <li>• Reference to Old Town.</li> <li>• Consideration should be given to the "Veterans District" in the two block area bounded by King, Castlereagh, Davy and Veterans' Memorial Park to ensure whatever zoning is necessary to protect the character of the area. It is recommended that the designation of this area be changed from "Residential" to "Established Residential" to provide a bit more chance of preserving the heritage character of this important reminder of the impact of WWII on Niagara-on-the-Lake.</li> </ul>	<ol style="list-style-type: none"> <li>1. Parks Canada role will be noted in Section 1.4</li> <li>2. No change proposed</li> <li>3. The Planning Act provides the right to apply for variances/exemptions to the by-law. The OP provides guidance on when this is appropriate, but should not prohibit completely.</li> <li>4. The OP recognizes the significance of the heritage of the Town; heritage policies in the Plan are quite extensive.</li> </ol> <p>These changes would be considered as part of subsequent heritage review (for character areas).</p> <p>Any changes to the Established Residential areas to be part of any subsequent Secondary Plan for Old Town.</p>
22	Feb. 13, 2019	Sally Miller	<ul style="list-style-type: none"> <li>• What is the criteria used to determine Established Residential?</li> <li>• On B2, 200 John St is labelled Residential. When was the Agricultural triangle beside the rear heritage tr?? Removed/changed to Residential? This is a zoning and</li> </ul>	<p>The Established Residential designation was carried forward from the existing Official Plan, and will be reviewed as part of each Secondary Plan.</p> <p>See items related to Randwood and new policy S4-4</p>

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			<p>useage change. When was the public meeting held to announce this change? This should to Agricultural.</p> <ul style="list-style-type: none"> <li>• The Queenston Secondary Plan has conditions for “noise” for new commercial development. Why does Old Town not have a condition on noise for new commercial development beside existing residential neighbourhoods?</li> <li>• The OP needs to have a specific framework for noise. A decibel level for existing and new commercial development must be included.</li> <li>• A mapping of existing noise produces should be included in the OP. Wineries close to residential areas, hotels and outdoor venues close to residential areas and water commercial businesses (docks). We must protect the right to peaceful enjoyment of the residents.</li> <li>• All new commercial and residential development must have the approval of the urban design committee. This will protect existing homes from overbearing and over built homes; keep neighbourhoods homogenous.</li> <li>• All new commercial and residential developments must have elevations/grading of streets, front/back yards and the base of the first flor at the existing neighbouring properties. It must be compatible with existing to protect the privacy of existing; and overshadowing.</li> <li>• All new residential development must have a driveway long enough to park a car in front of a sidewalk.</li> <li>• The OP must be more specific with regards to development height; 4 stories does not state if it includes roof adornments, HVAC, etc. Be specific</li> </ul>	<p>Noise is regulated through a municipal by-law; the OP provides a general framework only, and should not be as prescriptive as suggested.</p> <p>These are site plan detail requirements; the OP would provide general guidance regarding compatibility and overshadowing?</p> <p>Agreed; but this would be a zoning standard.</p> <p>This level of detail would be defined in the zoning by-law or through appropriate design guidelines.</p>



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			<p>Community Planning Permit system will provide less opportunity for public input.</p> <p>Tree preservation wording is too vague, with words such as “where appropriate”, “reasonable location” “unnecessarily” open to interpretation. In Section 8.8.6, it should be noted that there is a regional tree by-law.</p> <p>The Rand Estate – in support of the SORE group’s position on this issue.</p> <p>March 8:</p> <p>. Lot Creation: A further look at the Draft Official Plan on page 164, further supports my attached brief on 373 Victoria, regarding the prohibition of “Flag Lots”</p> <p>Density Targets: The section on Density targets is quite confusing, given the different time spans and the fact that the Region will be updating all the #s in due time.</p> <p>Lot Sizes: there doesn't seem to be a definition for the lot size needed for Inns</p> <p>The existing OP has required 3/4 acre for 4 - 6 rooms and an acre for anything over this, but has lacked strong protective language and allowed these above mentioned Inns on undersized lots, if it was a heritage home, and/or it was assumed the owner couldn't afford to keep it up.</p> <p>Finally, with regard to the Inns on King and Davey, It is appreciated that the Draft OP recommends ensuring homes</p>	<p>The Community Planning Permit System provides different opportunities for public input but a more streamlined approach between zoning and site plan approval.</p> <p>Reference to the Region added to Section 8.8.1. Since tree preservation is regulated by by-law, the balance of Section 8.8 has been removed.</p> <p>Council has requested that policies regarding flag lots be added to the plan. (see item 7, above)</p> <p>No changes are proposed to the density targets. These will be reviewed in greater detail upon completion of the Regional Municipal Comprehensive review.</p> <p>This would be regulated in the zoning by-law.</p>

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			<p>that are on the Heritage registry, actually have some history, which the Inn at 255 King definitely does <i>not</i>.</p> <p>June 3:</p> <p>Comments proposed OPA78, subsection 4.6 Land Use Compatibility Policies under Section 6A-Development Criteria Re Town-proposed by which attempts to set infill/intensification standards-feel it is being rushed along...</p>	
25	Feb. 18, 2019 Feb. 21, 2019	Cannery Park Development Inc. (Rainer Hummel)	<p>Vacant parcel across from the office at 329 Four Mile Creek Road should be redesignated to a residential designation.</p> <p>Rationale provided in Feb. 21, 2019 email for the redesignation</p> <p>It is a very poor employment site and even a poor commercial site.</p>	No change proposed
26	Feb. 18, 2019 Feb. 21, 2019	Sleek Developments Inc. (Rainer Hummel)	<p>The vacant 12 acre parcel owned by Sleek developments adjacent to the industrial park on Niagara Stone Road in Virgil is proposed to be designated as Employment. Please consider re-designating to a mixed use or residential designation.</p> <p>Rationale provided in Feb. 21, 2019 email for the redesignation.</p> <p>The front is currently residential in the OP and zoned accordingly. Our vision is for the front to be a large, full service grocery store with a Credit Union and several other service businesses on the main level and then 4 floors of residential</p>	No change proposed

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			rental and more affordable accommodations on those upper levels; looking at covered parking structure.	
27	Feb. 19, 2019	Niagara Planning Group (John Henricks) (re south-west corner Niagara Stone Road and Airport Road)	Most of the property is proposed to be designated Conservation with a small strip along Airport Road to be designated Specialty Crop Lands.  The conservation designation is incorrect and should be replaced, as noted in NPCA letter of November 5, 2018.	Note: Conservation designation has been removed from Schedule B1; constraint area in new Schedule C2 to be revised as per NPCA letter.
28	Feb. 20, 2019	John Thwaites Thwaites Farms Ltd	<ol style="list-style-type: none"> <li>1. NOTL cannot afford an indoor pool and movie theatre (Section 4.16.6).</li> <li>2. Drainage of ag lands must continue and not be endangered by NPCA rules concerning fish and wildlife habitat (Section 11.1.11 (?) &amp; 2.4.2.1 g).</li> <li>3. Farms have multiple properties but pack in 1 location and must be allowed to grow to the scale needed to be efficient. That includes cold storage space, warehousing and packing capacity (Section 3.2.2.1 p)</li> <li>4. Trails are a huge problem when it comes to liability and food safety (Section 3.2.3.1 f).</li> <li>5. How can man made ditches and drains be treated like a natural drain for set backs? (Table 6)</li> </ol>	<p>Will remove reference to indoor swimming pool from the examples.</p> <p>Discussed through revisions to the agricultural and natural features policies.</p> <p>Good point</p> <p>The Conservation Authorities Act does not differentiate between natural and man made features.</p> <p>Table 6 is proposed to be removed from the Plan.</p>
29	Feb. 20, 2019	Unsigned comment sheet	(no specific issues raised)	
30	Feb. 21, 2019  Feb. 25, 2019 Presentation	John Gartner St David's Ratepayers Association	Request for revision of St. David's Golf Course Site Specific Open Space designation.  The OP retains the St David's Secondary Plan and designates the Golf Course and its surroundings as Community Facilities.	Special provisions S4-16 addresses the St. Davids Golf course

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			Feb 25 presentation re-iterated these points.	
31	Feb. 21, 2019	Rainer Hummel (note from Craig Larmour)		(see comments on Cannery Park Development and Sleek Developments)
32	Feb. 21, 2019  Feb. 25, 2019 Presentation	Dorothy Walker	(regarding St. Davids and Appendix 4)  Concerns that St Davids has been largely left in the shadows and relegated to an outdated secondary plan in Appendix 4.  Request that the St. Davids Secondary Plan be immediately updated to reflect the growing community's needs.  Feb 25 presentation re-iterated these points.	These concerns will be reviewed when the St Davids Secondary Plan is updated.
33	Feb. 21, 2019  Feb. 25, 2019 Presentation	Maria and Pat Rapone	Regarding the block bounded by York Rd, Con 5 Rd, Warner Rd and Tanbark Rd. (small part designated Residential and Commercial within the Settlement Boundary; larger area outside the Settlement Boundary).  Farming is not feasible or logical due to existing fragmentation and uses. Plan should allow for intensification/infill in this area as part of the settlement area.  Feb 25 presentation re-iterated these points.	No change proposed – settlement area boundaries cannot be changed as part of this OP review, based on Growth Plan and Regional OP requirements.
34	Feb. 22, 2019  Feb. 25, 2019 Presentation	M. Pearsall St. Davids Ratepayers Association	Object to the OP as it is written, since they only have an “outdated secondary plan in Appendix 4”.  The existing land use and related zoning by-laws and policy are an insufficient basis for responsible development and in need	The secondary plan continues to be relevant until a new secondary plan is prepared.

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			<p>of updating. Just re-issuing the old secondary plan without positive change is in no way addressing the needs and concerns of a significant portion of the population.</p> <p>No mention of a Heritage Conservation District for St. Davids is made in the OP, and must be added to the text of the OP, as a commitment to move forward.</p> <p>Schedule B4 is outdated and appears to contain several errors. The lot fabric on the map does not reflect the current lot fabric in St Davis and conflicts with the lot fabric shown in other schedules of the proposed OP.</p> <p>Need for improved community facilities.</p> <p>February 25, 2019 re-iterated the points noted above.</p>	<p>Heritage conservation districts may be considered anywhere in the Town.</p> <p>Any errors in the mapping will be corrected, particularly related to parkland. Parks are permitted in both the Community Facilities designation and the Residential designation.</p>
35	Feb. 25, 2019	Quartek Group Susan Smith	<p>Section 3.2.10.7 (b) hospitality room/area should have a definition available to avoid interpretation issues for what constitutes this space (i.e. outdoor, indoor).</p> <p>Section 4.10.4.3 (f) there is reference to a requirement for a detailed site and area analysis, what is included in this analysis and who (profession) can perform this analysis?</p> <p>493-407 Line 2 Road why is the designation remaining as low density residential when there is an active file that was approved by the Council to change it to Commercial? Is it because it is under LPAT and need to wait for the decision?</p>	<p>Revisions to Section 3 address this issue.</p> <p>Detailed site analysis could be undertaken by a qualified planning consultant or heritage consultant.</p> <p>If the current application is approved, it would be added to the Plan at that time.</p>
36	Feb. 25, 2019	Susan and Richard Sherk	We are against the creation of Flag Lots in the town core, particularly within the Mary/Mississauga border. It is not	Policies for Flag Lots have been added to the Plan. (see item 7, above)

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			compatible with the Cultural heritage landscape; it will set precedent for houses to be build in backyards and it is not accessible for fire service. (current example is 373 Victoria St)	
37	Feb. 25, 2019	SGL Planning & Design Inc. David Riley (Two Sisters Resorts Corp and Solmar (Niagara 2)	<p>Settlement Boundary and Built up Area; The settlement area boundary (Old Town has been revised appropriately on all schedules. On Schedule B7, a small sliver of land n the south side of John St E has not been identified as being “Built up area” and should be corrected.</p> <p>Land Use Designations: The land use designations on proposed Schedule B2 to not correspond with the land use designations approved and implemented through OPA 51 for 144 and 176 John Street East.</p> <p>John St E Summer Homes Character Area: The attributes listed within policy 7.2.3.7 (b) should be consider as a preliminary list of attributes that should be subject to further assessment to warrant whether conservation and/or maintenance of these attributes is merited (through a Heritage Impact Assessment). As written, the proposed policies require more clarity with respect to the heritage attributes of this area in order to ensure that mitigation of heritage attributes is appropriately addressed.</p>	<p>Schedule B7 to be corrected to reflect the Regional Built up area.</p> <p>See S4-4</p> <p>Agreed</p> <p>As noted in the Bray Estate Lot Study, the listing of attributes was not intended to be exhaustive, but reflected existing sources of information.</p>
38	Feb. 26, 2019	Stephen Bedford Robert and Jan MacInnis William St property	Property is incorrectly designated Conservation. It should be designated Residential.	<p>The existing OP shows it as Residential; Draft 1 of proposed OP to Dec 18 draft all show most of the property as Conservation.</p> <p>Schedule corrected.</p>
39	Feb 25, 2019 presentation	Paul Shepherd	Concern expressed regarding Streetscape protection along Virgil’s commercial corridor.	4.11.5.11 (Niagara Stone Road) revised to add a provision regarding streetscape improvements and CIP along the commercial corridor

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			<p>Concern expressed regarding the Dock Area Secondary Plan and errors and deferred areas from that plan being carried forward.</p> <p>Stressed the importance of public input.</p>	No changes made to Dock Area Secondary Plan;
40	Feb 25, 2019 Presentation	Sullivan Mahoney Bertoia 1357 Niagara Stone Road	The current and longstanding use of the property is as an automotive repair/maintenance business. The current OP designates the lands Service Commercial and the existing use would be legal non-conforming. The proposed OP designates the lands Mixed Use. Section 4.12.3.1 does not include the current long standing permitted use. The lands are most appropriately designated Commercial.	No change proposed
41	Feb. 25, 2019 Presentation	Sullivan Mahoney Sobot & Yerich	No written comment available.	
42	Feb 20, 2019 Feb 25, 2019 Presentation	Grape Growers of Ontario Debbie Zimmerman	<ol style="list-style-type: none"> <li>1. A more definitive statement of the importance of the economic value of agriculture to the Town in Section 1, which reflects the importance of agriculture to the economy of the Town.</li> <li>2. Supportive of the direction in Sections 3.1.1 and 3.2.1.1, but suggest reviewing the Lincoln Official Plan and as example to apply to Specialty Agriculture.</li> <li>3. We would suggest that the Natural Heritage System as it applies to agriculture be moved into Section 3.2.6.1 "Agriculture Related Uses and On-farm Diversified Uses" so it better reflects the Greenbelt Plan.</li> <li>4. The naturalization sites need to be managed to protect them from becoming reservoirs or harbour sites for</li> </ol>	<p>The submissions from the Grape Growers were reviewed as part of the broader review of Sections 3 and 8, with the concerns addressed.</p> <p>3 The NHS is broader than just the agricultural area –do not feel this would be appropriate. Can address the provisions of the GBP in Section 8.</p>

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			<p>noxious weeds, invasive pests and other fauna that might negatively impact on the surrounding properties.</p> <p>5. As that in Section 3.2.6.1 VQA wines be changed to include 100% Ontario grown and VQA wines.</p> <p>6. Support locally grown product. Estate wineries are ancillary to the agricultural land use, they support the requirement of a minimum acreage.</p> <p>7. Locally grown needs to be clearly defined as “grown in Ontario” in Section 11.4, Definition.</p>	<p>3.2.6.1 revised to reflect 100% Ontario Grown and VQA</p> <p>10 H – Estate winery and 4 H – Farm winery proposed.</p> <p>See definition</p>
43	Feb 25, 2019 Presentation	Patrick Maloney Sullivan Mahoney Re Ed Werner	Feb 25 presentation similar to Ed Werner’s prior comments	
44	Feb 25, 2019 Presentation	Niagara Planning Group	<p>May be similar to prior comments</p> <p>Expand Section 4.4.3.6 to permit either Town initiated secondary plan for Virgil or a privately initiated Official Plan Amendment for the Greenfield areas.</p> <p>Section 3.2.10.6 (Estate Wineries) and 3.2.11.2 (Farm Wineries) – Industry needs greater flexibility; already heavily regulated by the Province. Recommend removal of requirement for on-site crushing.</p> <p>551 Butler Street – Conservation area designation goes beyond what is demonstrated in the EIS completed for the property and should be adjusted.</p> <p>SW corner of Airport Road &amp; Niagara Stone Road – previously raised issue of the extent of conservation designation.</p>	<p>No change proposed.</p> <p>Amend reference to crushed on site to crushed locally</p> <p>Mapping to be modified – see item 3 above</p>

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45	Feb 25, 2019 Presentation	Ontario Craft Wineries and Winery & Grower Alliance of Ontario	<p>Strongly supportive of 3.1.1; 3.2.1.1 to 3.2.1.3; 3.2.2.1.</p> <p>Suggested revisions:</p> <p>Section 3.2.10.9 – replace the word “will” with “should” in the second sentence to provide more flexibility for normal farm practices.</p> <p>Section 3.2.10.10 (regarding outdoor events) – this provision has a clear regulatory direction as opposed to policy. Are these controls better addressed through another process rather than the OP process?</p> <p>Section 3.2.12.1 (regarding micro-breweries and distilleries) – these terms are undefined; these uses are not typically low water users or low effluent producers and do not use local product.</p> <p>Other issues include:</p> <p>Members are subject to several provincial regulatory and licensing requirements. There are means by which the Province’s regulatory requirements and the OP policies can be mutually reinforcing.</p> <p>Identifying the best means of recognizing alignment with and possible cross-referencing to the Region’s value-added on-farm policies.</p> <p>Clarity is needed on the potential conflict between “key hydrologic features” and the ongoing and critical management of farm drainage and irrigation systems.</p>	<p>The submissions of the Ontario Craft Wineries were reviewed as part of the broader review of Sections 3 and 8, with the concerns addressed.</p> <p>Reference regulatory by-laws but be clear that these events will be controlled and will be limited.</p> <p>Not appropriate to get into regulations this is a land use control document.</p> <p>Region’s policies are under review.</p>

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			Clarity is needed on definitions and/or interpretation (including micro brewery, micro distillery, local for the purpose of product, and possible refinement for estate and farm winery – and acceptable associated retail activity (e.g. 3.2.10.7 a, b & c would benefit from a clearer definition of local)	
46	Feb 25, 2019 Presentation	Andrea Kaiser	<p>Section 1.2.5.1 – reference should be made to the regional value added policies that support this plan</p> <p>Section 2.5.1.1 – Agricultural and accessory tourism should be added as employment areas.</p> <p>Section 3.2.1.1 – add “including agri-tourism activities as outlined by regional value add policies” at the end of the sentence.</p> <p>Section 3.2.9 – regional policies allow recurring events as part of regular agri-tourism activities. Section 3.2.10.10 recognizes recurring events as a possible use.</p> <p>Section 3.2.10 – wineries, breweries and distilleries. These need to be separated with separate provisions if allowed in agricultural areas.</p> <p>Section 3.2.10.4 – Estate Wineries. There should be a minimum acreage. A minimum 75% of the land should be planted, rather than reference to “majority of land”.</p> <p>Remove section 3.2.10.5.</p> <p>Section 3.2.10.6 – have to be consistent with AGCO guidelines.</p>	<p>The submission was reviewed as part of the broader review of Sections 3 and 8, with the concerns addressed.</p> <p>Not consistent with approach in the Growth Plan. Definitions are limiting. They are employment uses.</p> <p>Regional policies are under review. Predate updated provincial policies on ag related, on farm diversified and agri-tourism uses.</p> <p>Town has considerable history in managing events – has the right to take a local approach.</p>

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			<p>Section 3.2.10.7 – add “accessory wine related uses” to retail sales; and remove the phrase “such as bed and breakfast”.</p> <p>Section 3.2.10.9 – define what majority of land is – 75% for example, and remove reference to dictating what can be on the balance of the farm as some wineries may wish to plant other fruits for markets or fruit wine production.</p> <p>Section 3.2.10.10 – need to recognize recurring events as per regional policy.</p> <p>Section 3.2.11 – need a minimum acreage and add retail of accessory wine related items as well as per AGCO guidelines.</p> <p>Section 4.11.4 – need to add Distilleries and breweries here.</p> <p>Agri-tourism uses (Definition) – accommodation should not be limited to bed and breakfast as other types of accommodations are contemplated. regional value add uses are not included in this definition.</p> <p>Estate Winery Definition – need to be expanded to include the retailing of wine and potential agri-tourism uses.</p> <p>Farm Winery Definition – need to add wines are sold onsite.</p> <p>No definition of brewery or distillery.</p> <p>Agricultural market should be added back as a defined terms and permitted use.</p>	

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47	Feb 25, 2019 Presentation	Patrick Little Heelis, Little SORE Association	<ol style="list-style-type: none"> <li>1. The OPA 51 provisions should be added to the OP as a site specific exception;</li> <li>2. A portion of 200 John St E is currently designated and zoned Agricultural.</li> <li>3. Lack of policies related to development on the rural/urban divide. The new OP does not sufficiently protect agricultural uses in the absence of edge planning controls such as buffering, separate, etc. between agricultural and non-agricultural uses. These are needed to establish conformity with the Greenbelt Plan and the Growth Plan.</li> <li>4. SORE applauds the addition of Heritage Character Areas, however, seek clarity on the boundaries of the John St E Character Area – it shows 144, 176 and 588 Charlotte St but on a portion of 200 John St. E – is this a mapping error? If not, this property should be included.</li> <li>5. The Plan should continue to include criteria for a Planning Impact Analysis.</li> <li>6. The criteria for compatibility in the existing plan that has been removed from the proposed plan should be put back in.</li> </ol>	<p>See S4-4</p> <p>Addressed in 2.6.1.4; 2.6.2.1; 3.2.1.2; 3.2.2.1</p> <p>Planning Justification Report is listed in Table 7</p> <p>Section 4.7 addresses compatibility</p>
48	Mar. 14/19	Anthony Annunziata	<p>In follow-up to TC Feb. 28/19 section 3.2.17.5 it mentions "the following provisions apply to specified lands identified in Schedule B". It lists 13 properties. However, not all of the properties are included on schedule B as indicated in the FINAL Draft. One particular property referred to as <b>S3-4 in Schedule B</b>, I believe this property is 1882 Niagara Stone Road. But because it isn't listed in schedule B, I can not be sure.</p>	<p>All site specific policies have been reviewed and those carried forward have been mapped.</p>

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49	Mar. 14/19	Stephen Bedford Consulting (SBC) (Werner and ALON Group)	<p>We will focus our comments on the Agricultural and Protected Countryside polices of the Plan.</p> <p>We agree with the submission of the Grapegrowers of Ontario and their request to have Section 1 expanded to more specifically recognize the significance of agriculture to the Town, both economically and socially. We also agree with the Grapegrowers that the protection of the land base is what is most important.</p> <p>Section 1 also needs to be expanded to describe more clearly the vision for the agricultural area in a qualitative way. What is the rural character, the agricultural landscape and community fabric the Town wishes to create in the future? The present policies do not provide sufficient guidance to Council and community with respect to this balance.</p> <p>The Town has not always been the centre of grape growing and wine making in Ontario or Canada. The Town needs to protect the land base and landscape so that the future transition of crops to a more economic one is possible.</p> <p>However, these on-farm diversified uses (the uses that attract many tourists, traffic and noise) are intended to be secondary to the farm use.</p> <p><b><u>Vineyards and Wineries</u></b></p> <p>Expansion of marketing efforts for wineries-negatively impacting NOTL way of life.</p> <p>For Niagara-on-the-Lake, the starting point to managing land use implications of the winery industry in the Town is limiting the numbers. The 20 acre farm for an estate winery and a 10</p>	The submission has been reviewed as part of the broader review of Sections 3 and 8, with the concerns addressed.

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			<p>acre farm for a farm winery as presently exists should be the absolute minimum size.</p> <p>Estate wineries should use a minimum of 75% Niagara grown grapes in their wine production. Further research might reveal that this number should be increased further, perhaps to 85%. The present policy suggestion of "majority of locally grown grapes" is unacceptable as it does not encourage economically viable local wineries nor the local grape grower.</p> <p>The number of visitors and number of events is changing the agricultural area into a commercial district. These numbers can potentially be managed by limiting the interior size of the wineries which would limit visitor numbers and controlling the use of the exterior of a winery including the use of accessory tents. The definition of "Special Events" in the zoning bylaw was never intended by Council to be applied to the marketing opportunities for farms. (research Napa's licensing regulations)</p> <p>Section 3.2.1.2 The "agricultural system" be amended to specifically add "the residences of the farm operators and the non-farm residents" as unique characteristics that the Town will respond to.</p> <p>Section 3.2.2 Objectives n) Be amended to read, as shown in red ...by implementing edge controls (buffering, separation, <b>within the Settlement Area</b> etc.)...</p>	

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			<p>“Where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System, based on provincial guidance. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.”</p> <p>Section 3.2.6 Agriculture-Related Uses and On-farm Diversified Uses This section should be expanded to add policies that deal specifically with "outdoor events", events that are held outdoors and/or within an accessory temporary tent. These uses need to be described and defined in further detail as the present zoning definitions of "Special Events" were not intended to deal with the marketing initiatives of wineries.</p> <p>Please note the definition of Events, Special in the zoning bylaw.</p> <p>Section 3.2.6.2 The addition of agriculturally related uses and on-farm diversified uses may be permitted. However, it is important to continue to add emphasis, at every opportunity to state that on farm diversified uses must be secondary to the main use, agriculture, the growing of crops.</p>	

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			<p>Policy 3.2.6.3 The policy presently states that agriculture-related uses and on-farm diversified uses greater than 500 sq. m. should be subject to a zoning bylaw amendment. This size should be reduced to 400 sq. m., the present size criteria found in the zoning bylaw.</p> <p>c) This section be amended to add as shown in red, 'Whether the use is compatible with the existing farming operation and/or surrounding farming operations, <b>nearby farm and non-farm residences</b>; and ...</p> <p>Section 3.2.7.2 Agriculture-related uses should be amended to delete ...<b>"or from further away"...</b> this change would encourage more production of the product locally</p> <p>Section 3.2.9 Agri-tourism uses It is these uses that need much more specific attention as they are changing the landscape of Niagara-on-the-Lake.</p> <p>Policies need to be added/clarified to Section 3.2.9.1 to more clearly manage "outdoor events" and the use of "accessory tents" for events that could be held inside the permanent buildings. The following activities need to be defined;</p> <p>Outdoor events and/or events in accessory tents in relationship to agri-tourism uses</p>	

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			<ul style="list-style-type: none"> <li>o Determine the scale/size of each outdoor event on every property</li> <li>o The number of outdoor events occurring in the Town at any one time and the number of outdoor events occurring on a single property.</li> <li>o An outdoor event on a property every weekend of the summer is not an occasional activity.</li> <li>o Noise from all activities must remain within the boundaries of the property. At the present time amplified sound is not permitted.</li> <li>o Parking shall be screened from the road</li> <li>o Impact on adjacent residential uses as well as farming operations</li> </ul> <p>3.2.10 Wineries, Breweries and Distilleries Section 3.2.10.1 should differentiate between wineries, breweries and distilleries.</p> <p>Section 3.2.10.5 This section should be deleted as proposals less than 20 acres should not be permitted in order to limit the number of wineries and promote grape growing.</p> <p>Section 3.2.10.6 b) of this section be amended to "...made from 75% locally grown fruit...crushed.."</p> <p>Section 3.2.10.7</p>	

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			<p>The maximum floor area for these uses should be established in this policy in order to understand the potential numbers of visitors to the town.</p> <p>Restaurants should be specifically prohibited consistent with Provincial Guidelines.</p> <p>Section 3.2.10.7 This section should be amended to ensure only Bed and Breakfasts be allowed to provide overnight accommodations. The scale of bed and breakfasts is managed through other policies and regulations. Larger scale accommodations are urban uses and should be directed to Settlement Areas:</p> <p>Section 3.2.10.10 This section requires a complete rethinking. Outdoor events and events that are held in "accessory tents" are a major source of complaint in the agricultural area for farm operators, non-farm residents as well as urban residents. It is these events that are changing the landscape of Niagara - on-the-Lake and require closer management both through policy and regulation.</p> <p>Section 3.2.11 Farm wineries 3.2.11.1; the existing minimum farm size for a farm winery of 10 acres must be maintained as a minimum. Further research may indicate that this size in fact should be increased, as with each additional farm winery the value of the property increases to the extent that the</p>	<p>See 3.2.10.2.7</p>

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			<p>growing of the crop is made less viable. It is the growing of crops that is the major goal of the agricultural area.</p> <p>Section 3.2.11.3; The maximum size of the floor space for retail sales and other uses within the farm winery building should be established by policy.</p> <p>Section 3.2.11.4; This policy should be deleted as it is counterproductive to the concept of a small farm operation engaging in wine making, creating a specialized product and selling that specialized wine.</p> <p>3.2.12 Micro Breweries and Distilleries Consistent with Policy 3.2.10 these uses be directed to Settlement Areas.</p>	
50	Mar. 6/19	Josh Bice, Bice Builders	<p><b><u>Further Development of Greenfield Area of Virgil</u></b></p> <p>We have reviewed Section 4.4.3.6. of the Draft Official Plan.</p> <p>We are <b>not</b> supportive of Section 4.4.3.6. and would request that it be revised to the following:</p> <p><i>"Further development within the Greenfield area of Virgil shall only be permitted following completion of a Town initiated secondary plan for the settlement area or a privately initiated Official Plan Amendment(s) (OPA) for the Greenfield areas. Either approach will, at a minimum, establish a detailed land use transportation and servicing</i></p>	No change proposed

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			<p><i>plan for the area; provide for the integration of the Greenfield areas with abutting developed area; and establish development policies related to land use, transportation and recreation, cultural heritage resource conservation, environmental protection, staging of development cost sharing and provision of municipal services."</i></p>	
51	Mar. 12/19	David Bell	<p>(in addition to previous comments Feb. 25/19)</p> <p>9.1.1 Add a section/comments on public transit within the Town</p> <p style="padding-left: 40px;">Add a section to address alternative inter city transportation, bus, GO rail(connectors), air</p> <p style="padding-left: 40px;">Should parking be mentioned in 9.1.1.1</p> <p>9.1.2.1f) Does not talk to the efficiency of walking and cycling, ie it is more efficient to walk 10 minutes to a community centre than to drive to it, nor does it address the safety of pedestrians and cyclists.</p> <p>9.1.4.4 I don't think the word development should refer to a defined term here.</p> <p>9.1.5.2 Would the Town consider/support a regional approach to local transit?</p> <p>9.1.8 Collector Roads Reference is made to providing connections to arterial roads. What are arterial roads? Interestingly there are no collector roads running into the centre of Old Town? It implies there is no organized flow of</p>	<p>No changes proposed to the plan. 9.1.2 c speaks to public transit 9.1.3.5 reference inter regional transit Airport is reference in Sections 2.2.6, 2.2.3, 6, 9.1.13.1</p> <p>No change proposed to the plan.</p> <p>agree</p> <p>Not an OP provision</p>

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			<p>traffic in that area. I would suggest that Mississauga, Queen through to the Parkway, John from Parkway to King, and King from John to Queen are all collectors.</p> <p>9.1.9 Local Roads</p> <p>Some distinction between local and collector roads are not clear. The stated comment that they are intended to provide access to individual properties, to me implies Residential properties. I think that commercial traffic should be limited in local roads, and large traffic developments, be it commercial or a subdivision should direct traffic to collector roads.</p> <p>9.1.11.1 Again I don't think the word development should reference a defined term.</p> <p>9.1.12.3 reference to <u>arterial road</u> again</p> <p>9.1.12.7 A cash-in-lieu of parking program may be fine in concept, but if the Town is not using the funds to provide increased parking capacity, or the town does not have a plan to add capacity in the future, the concept is flawed. The amount of the fee should be based on the cost to build an appropriate parking structure in the area of interest (cost per space)</p> <p>General:</p>	<p>agree</p> <p>No change required to the Plan.</p> <p>The Airport is covered in its own section and does not require any changes here.</p>

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			<p>There is no policy with regard to the Airport in this section. Should there be? There is no policy or provision for marine transportation. Should there be? Should TAC be involved in the review of significant development projects?</p>	
52	Mar. 18/19	Gary Dolch	<p>I am one of the owners of the property immediately abutting the Niagara District Airport to the south (414 Niagara Stone Road) and fronting onto Regional Road 55. Our entire property is 40.4 acres in size. Schedule A and B1 to the Draft Official Plan shows the airport as being designated Niagara District Airport but excludes the rear portion of our property which is currently zoned Airport related through minutes of settlement at an OMB hearing.</p> <p>In addition, please find attached the airport commission letter to the Town regarding our lands. We respectfully request that the front lands be included as per the request of the airport commission in the attached documentation. (Niagara District Airport, July 22, 2013)</p> <p>Also please be advised that the NPCA floodplain is to be removed from the subject lands 414 Niagara Stone Road and should not be identified as conservation on Schedule B1. (Refer to letter from NPCA 5-Nov-2018-flood plain properties 414 Niagara Stone RD re Hydraulics Assessment.)</p> <p>I would also request that some consideration be given to permit a hotel on the lands adjacent to the airport as hotels normally compliment viable airports. We have had numerous requests from the Airport Commission and other private entities.</p>	<p>The mapping should reflect the OMB approved zoning;</p> <p>Mapping to be revised to reflect NPCA issues;</p> <p>Only within the area designated for Airport; outside of that area would not comply with the Greenbelt Plan</p>

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53	Mar. 16/19	John Gartner	<p>Comments specific to St Davids area</p> <p>Figures for the current (or nearest date tabulated) population for the St Davids settlement.</p> <p>The current Regional forecasts for Niagara on the Lake with population broken down to the settlement areas level. Eg the figures used as the basis for the current transportation plans (2041)</p> <p>A more general but fundamental concern is the use of obsolete population projections as the basis for the New Plans policies. In most cases for example the population has already surpassed the projections well into the future (particularly glaring in the case of St Davids.</p> <p>Any comments you could make regarding my concerns respecting the generality of the proposed Community Services designation; its open ended policy allowing Residential development <i>without</i> Amendment and the negative implications of this policy on the possibility of the preservation of PASSIVE open space including all or a significant part of the St Davids Golf Course as a permanent open space or parkland reserve.</p> <p>One more specific subject discussed were the development applications and current proposals in St. D. One such specific matter in this regard is the proposal for new development on Paxton Lane. I have received mixed messages regarding the status of this development proposal. I was advised it would require further approvals</p>	<p>We are constrained by the Growth Plan legislation that establishes the hierarchy of approved plans for the growth plan numbers – Growth Plan, Regional Plan, then local Plan.</p> <p>See revisions proposed to Section 4.14.4.1</p>

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			and would be subject of review by the Urban Design Committee prior to proceeding. Is this correct?	
54	Mar. 16/19	Thomas Elltoft	<p>Section 8 natural heritage</p> <p>Although there are many references to maintaining the natural heritage system and the proper governance of our ecosystems. There is little to no protection around the actual governing policies.</p> <p>In section 8.3 the significant woodland protection simply excludes every single woodland within the urban area. This does not protect any existing treed areas whatsoever. Ash bore has been used as an excuse across the Niagara Region to transform completely sound ecosystems into development lands. Trees die all the time but it does not exclude their abilities to maintain significant ecological functions.</p> <p>The Town of NOTL has received failing grades for its water shed and tree canopy consistently over the last 2 decades. The governor generals report to the NPCA clearly identifies NOTL as lacking in tree canopy. Zero advancements have been made to protect what little remains.</p> <p>There is nothing in this official plan to protect our ecosystems from over development. As the trigger for an ESI does not come into effect until a planning application comes forward. Unfortunately, developers will clear the lands prior to an application.</p> <p>As a municipality it is our responsibility to map, plan and govern the natural heritage systems within our urban</p>	<p>Significant is defined as per the Greenbelt Plan; Policy 8.3.18 provides criteria for significant woodlands in the settlement area</p> <p>(This reflects the predominance of the active agricultural sector and specialty crop lands in the Town)</p> <p>May be regulated through Town or Regional Tree Preservation By-law in advance of development.</p> <p>2 ha is only one of the criteria – others are noted in 8.3.18.</p>

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			<p>boundaries. Once again there is not one single woodland left that covers more than a two hectare area with in the urban boundary.</p> <p>In order to protect anything for our future ecological functions an absolute policy must be created.</p> <p>Section 8 of the draft plan albeit at a quick glance appears to be concerned and engaged in preservation. It is actually a developers guide to clear cutting. An open slate to development if you will. There is not one policy that actually prevents development on any woodland within the urban boundary.</p> <p>The municipality must reevaluate its natural heritage system and clearly identify the areas and channels that will actually "Enhance, Preserve and Restore" our natural heritage system.</p>	
55	Mar. 13/19	Terry Davis, as member of NOTL Transportation Advisory Committee	<p>Given NOTL's demographics, I have questions around the intent of item 9.1.3.3 and the goal of protecting land near transportation corridors for high density residential use. It reads to me as if the goal is to support more efficient commuter travel for residents who use transit to commute to work, which may well be what's intended. I'm just not sure it's the best objective for NOTL. Has any consideration being given to protecting this land for specific types of retail commercial uses? (i.e. to help residents leave their vehicles at home when they shop)</p> <p>That said, I do like the goal of supporting active transportation by requiring pedestrian and cycling linkages.</p>	No change proposed to the plan.

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			<p>I would like the Official Plan to incorporate language around promoting transportation safety-- the safe use of trails, sidewalks and roads by pedestrians and cyclists, etc., as well as safe driving.</p> <p>In 4.16.8, for example, the plan notes that secondary plans will provide for a transportation network of roads, sidewalks, bike lanes and pathways to provide for the efficient movement of people and vehicles and reduce potential conflicts, but there is no mention of promoting public safety.</p>	<p>Agreed</p> <p>Added “safe and” before “efficient” 9.1.4.8 speaks to safety.</p>
56	Mar. 6/19	Sal Florio	<p>This evening I read an article in the NOTL Local newspaper titled "Wineries Need Stronger Support", Pg. 3, March 7, 2019.</p> <p>It concluded with a paragraph where they indicated that you seemed to support the minimum acreage for wineries. This is very upsetting for myself and I am sure other grape farmers who are farming more than 5 acres and thus able to get a winemaking licence but yet are prevented by the town from running a farm winery because they currently do not have exactly the 10 acres required.</p> <p>When I reviewed the Official Plan draft it seemed to me that the town was finally moving in the right direction by being flexible and not having a 10 acre requirement for a farm winery.</p> <p>I urge you Lord Mayor, your Councillors and the Agricultural Committee to not give in to the wineries and impose a 10 acre restriction on farm wineries. Please listen to what your consultants have said in their reports where it is clearly</p>	<p>Submission considered as part of the broader review of the Section 3 – Protected Countryside.</p>

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			outlined and recommended that small farmers be provided with the ability to diversify and offer additional products due to their small scale operations and ownership of smaller than average land parcels.	
57	Mar. 15/19	Jolanta Janny Lyons House B&B	<p>Section 7 Schedule D3 and 04.</p> <p>I ask that the proposed expansion of the Heritage District boundaries above the Queen-Picton Heritage District and the National Heritage District as shown on Schedule D3 be deleted from Schedule D3.</p> <p>The Town commissioned the Bray Heritage to study town's estate lots and to bring forward recommendations on how to protect cultural heritage landscapes in Old Town. The Bray Study identified 10 heritage character areas. Only 4 of them have been included in the proposed OP, Schedule D4.</p> <p>I would like to have all 10 heritage character areas and in particular the War Time Housing Area, included in Schedule D4, with a clear understanding that further studies and public consultations will take place.</p>	<p>Proposed Heritage District is to be removed from Schedule D</p> <p>As noted through the Bray report, not all of the ten (10) character areas had sufficient existing information on their character to warrant identification at this time. The plan provides for adding new character areas.</p>
58	Feb. 28/19	Malcolm Lawrie	<p>Concerned with environmental designations on property that may impact farm operation and use of existing irrigation pond next to a watercourse/drain</p> <p>Reviewed NOTL Official Plan mapping and identified "Conservation" designation on Schedule B1 (Land Use Plan) for the watercourse/drain and "Provincial Natural Heritage System" designation on Schedule C (Natural Heritage System)</p>	<p>Conservation designation has been removed from Schedule B1 and the features are an overlay in Schedules C1 and C2.</p> <p>Revisions made to the Plan to recognize the relationship between the natural heritage features, agriculture and the agricultural drainage infrastructure.</p>

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			<p>for a larger area on the property (see attached Schedule information- 4 pages)</p> <p>Owner noted that a tree farm previously existed on portions of the property but was removed, in part, due to ash trees...now planted with grapes (see attached air photographs from 2015 and 2002 - 2 pages) 463 Scott St.</p>	
59	Mar. 15/19	John Kinney, Whirlpool Jet Boat Tours and the principals of D.G. Bawtinheimer, Limited	Property tenant and owners - Lot 255, 70 Front St. in the Village Queenston, better know as, the Queenston Sand Docks	Refers to the Queenston Secondary Plan, which is outside the review of this Plan.
60	Mar. 15/19 (2)	John Kinney, President & Operating Partner of Niagara Gorge Jet Boating Ltd. DBA Whirlpool Jet Boat Tours (WJBT)	Our organization has been a dock area commercial resident since 1992. Furthermore, we are a long standing licensee of the Town of Niagara on the Lake at 1 Melville St. better known as the Town Dock.	Refers to the Dock Area Secondary Plan, which is outside the review of this Plan.
61	Feb. 28/19	Dave Anthony	<p>2.4.2.1 The objectives of the Town's growth strategy are to:</p> <p>i) develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile and active transportation;</p> <p>j) promote healthy, active communities by planning public streets, spaces and facilities to be safe, meet the needs of</p>	No change proposed to the Plan.

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			<p>pedestrians, foster social interaction and facilitate active transportation and community connectivity; and</p> <p>k) provide active transportation-friendly structures and amenities</p> <p>Comment &gt; I think we need to be more specific, regarding the intention to develop parks, bike paths and walking trails. Terms such as "active transportation" may have some meaning to a discipline scientist, but are nebulous to a lay person.</p> <p>General comment: This document should be written so that a lay person can make use of it. In general terms it is, but there are some exceptions as noted above.</p> <p>2.6.2.1 Healthy neighbourhoods and communities</p> <p>Comment &gt; developers which do not respect these values and demonstrate the intention to meet their spirit need not be made welcome in the form of permits to develop.</p> <p>Reference sections on height:</p> <p>Context is good, but I think there should also be a specific "not to exceed" height requirement (such as at Paris, France). I think a maximum of 2 stories / 10m should be explicitly stated.</p> <p>4.10.3.5 The design and location considerations for multiple unit residential buildings shall include provisions of the following:</p>	<p>Section 4.8.2 addresses building height restrictions in the settlement areas.</p>

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			<p>a) The height, mass, scale and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses or on cultural heritage resources.</p> <p>In the event a developer has removed cultural heritage assets, the developer will be dealt with under the law. Any development will only be permitted to proceed as if the cultural heritage asset were still in place.</p> <p>Other Notes:</p> <ol style="list-style-type: none"> <li>1. When a developer seeks a permit to proceed, the application must include the developer's plans to install at its cost, any infrastructure modifications or facilities, needed to mitigate the impact of the proposed development</li> <li>2. Any proposed development must be supported with an Environmental and Social Impact Assessment (ESIA), to define impacts on the Project Affected Community and the mitigation initiatives to be undertaken by the Project Developer at its cost.</li> </ol>	<p>These tend to be standard Town requirements.</p>
62	Mar. 7/19	Win Laar	<p>Address the concern of residents about noise from propane-fired cannons used to deter birds from vineyards.</p> <p>With 40% of the town's population living in rural areas and an increasing number of residents living in the minor urban areas of St. Davids, Queenston and Virgil, only a small fraction of whom are farmers, there is a huge proportion of citizens of NOTL impacted by the choices of a few growers.</p>	<p>This is a regulatory concern that may be outside the Town's ability to regulate, given protection to normal farm practices, etc.</p>

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			<p>Residents and growers who use propane-fired cannons are not playing on a level playing field. The Normal Farm Practices Protection Board (NFPPB) already protects the farmer, but there is no one protecting the residents. Since guidelines were established for distance of cannons from neighbouring homes the decibel level of the cannons has increased.</p> <p>Clearly in NOTL we have reached a tipping point. If we choose to intensify residences while intensifying vineyards we must also find a way to co-exist peacefully. Is it possible for growers and residents to come together to learn from each other and find some compromises? Is there anyone on council who would take on the challenge of bringing the two groups together?</p>	
63	Mar. 12/19	Margaret Louter	<p>Respecting Paragraph 1.1.7, I believe that Old Town and Queenston should be described separately, as Old Town is more than just a stable residential community. Old Town is also the home of many tourist destinations. The Old Town has a business district of retail shops, restaurants, galleries, hotels and the Shaw Festival.</p> <p>Focusing only on the residential component of Old Town is not an accurate description of this settlement area.</p> <p>I believe that Paragraph 11.1.9 should also be amended. The phrase "Virgil has always been a crossroads and service centre for the agricultural area of the Town is misleading and not a complete picture of this settlement area. The term "always" is an absolute term.</p>	<p>No change proposed to the plan;</p> <p>Replaced "always" with "historically".</p>

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			<p>Focusing only on the commercial component of Virgil is not an accurate description of this settlement area.</p> <p>As the Official Plan will be the primary planning document to direct the Town's action when it comes to growth and development, I respectfully request that when expressing the History and Context of a settlement area that it be expressed in such a manner that is more accurate so that this less than accurate information doesn't become part of a Planning Justification Report to support a future proposed development application.</p> <p><u>Respecting Safety:</u></p> <p>The Official Plan provides as follows, "A traffic and/or parking impact analysis will be required for any proposed development or site alteration that may have a significant impact on traffic flow and safety, which may include an analysis of parking standards".</p> <p>The language is subjective and there is uncertainty as to the meaning of "significant impact". Also, the analysis requirement does not take into consideration the impact the development will have on the surrounding neighbourhood or in some cases, the entire Town as a whole.</p> <p>The Official Plan should include an objective that for future development there be a provision that the development should include an analysis on whether or not parking areas and traffic movements will or will not negatively impact the surrounding neighbourhood from the perspectives of safety</p>	<p>No change proposed to the Plan</p>

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			<p>and if such a negative impact is identified that wherever possible, safety measures be put in place as a condition of the approval for the development.</p> <p>It is acknowledged that the Official Plan does include a provision that a traffic and/or parking impact analysis will be required for any proposed development or site alteration that may have a significant impact on traffic flow and safety, which may include an analysis of parking standards. What is lacking is the manner in which the "significant impact" is determined and whether or not the impact on the surrounding neighbourhood is a determining factor.</p> <p><u>Respecting Land Uses in the Vicinity of the Niagara District Airport:</u></p> <p>A great deal of lands are subject to Airport Zoning Regulations of the Niagara District Airport that include height restrictions due to potential aviation safety hazards. These Regulations have been registered on the titles to many of the lands in the Niagara Region. If you have not included this fact in the Official Plan, please consider including this acknowledgement.</p>	<p>Added section 1.4.5: Lands in the vicinity of the Niagara District Airport may be subject to Federal Airport Zoning Regulations that include height restrictions due to potential aviation safety hazards.</p>
64	Mar. 11/19	Janice Johnston	<p>Heritage - The Plan needs to clearly distinguish between 3 terms - Preservation, Restoration and Adaptive Reuse. In addition to being a member of the MHC I also belong to the Historic Charleston Foundation (I went to grad school in the US and worked there for many yrs - thus the connection) which uses these terms.</p>	<p>Section 7.2.2 contemplates the preparation of a Heritage Master Plan, which would be the venue to develop the strategy as discussed.</p>

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			<ul style="list-style-type: none"> <li>• Preservation means a house is kept in the state as "<i>preserved as found</i>". I would defer to Ron and Drew Chapman but I believe we have 0 in NOTL</li> <li>• Restoration means a house has been restored to a certain period in time. I would defer to Ron and Drew Chapman but I believe we have 0 or very few in NOTL</li> <li>• Adaptive Reuse- in my time on the MHC most of the buildings which are designated fit into this category as while they have preserved certain elements most have been adapted for modern use (e.g. new kitchens, etc.)</li> </ul> <p>The Official Plan should consider addressing what the heritage strategy is for NOTL (e.g. Adaptive Reuse or Restoration or both). This needs to be clearly defined as it always leads to a debate at MHC meetings.</p> <p>There are more private cemeteries in NOTL than there are public (ref: David Hemmings book on Cemeteries of NOTL). Under Section 7.1.3.7 it only refers to those owned by the town. Without appropriate protection NOTL is at risk of losing the private cemeteries. These also need to be designated as many of them contain more history than the public cemeteries.</p>	<p>Reference to private cemeteries have been added to the plan (e.g. Section 4.14.3; 7.1.3.8; 7.2.1)</p>
			<p>Sec 10.13.1.3- it is not clear as to the parameters for secondary dwellings. Does this mean that people will be permitted to say for example convert a garage which is separate from a home into say a studio apartment? The rules today state that for this to happen the garage must be connected to the home -does the official plan eliminate this requirement?</p>	<p>10.13.1.1 will permit second residential units in an accessory structure, except outside the settlement areas, where it must be in the main residential unit (10.12.1.13).</p>

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			Bicycle Trails- the plan only mentions cycling/bicycling twice. Should not the official plan state that a separate plan should/will be developed to implement a comprehensive cycling strategy for NOTL/Queenston/Virgil etc? There are 0 bicycle paths today to join St Davids to the rest of NOTL, the Niagara Parkway is incomplete, etc.	Section 9.1.4 addresses active transportation, which includes cycling.
65	Feb. 28/19	Amy Klassen, Niagara Historical Society & Museum	We think the OP should highlight the need to preserve the character of all neighbourhoods in NOTL, with any new development reflecting the height of buildings, massing, lost coverage, etc., of the neighbourhood. Each neighbourhood has a distinct character and many reflect a specific time period. In particular, the Museum's own neighbourhood on Castlereagh Street has a special character which fits its history. It consists of wartime housing which was built for vets following WWII, with Memorial Park created for them to use as well. On top of this, it all sits on land that was part of the Commons. The Official Plan should change the zoning of this neighbourhood from Residential to Established Residential in order to protect the historic character of this neighbourhood.	The OP does recognize character and has extensive policies for protecting character.  The OP also identifies other means of dealing with heritage character areas.
66	Feb. 28/19	City of Niagara Falls	I have no comments to offer at this time, please keep us informed of the progress.	
67	Mar. 11/19	Thomas Richardson, Sullivan, Mahoney LLP	1014 Queenston Road we provided an Exhibit Book with respect to the above-referenced property. In that exhibit book are contained two natural heritage assessments for the above-referenced property.	The studies provide the context for recognizing development on the property, and would fall under the general approach for exceptions under Section 11.1.

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			<p>The Colville Consulting report dated September 23, 2016, is entitled "Natural Heritage Assessment". That assessment considered the proposed designation of the subject property and then undertook a site- specific natural heritage assessment, including a site visit. The Colville report assessed the natural heritage features based on the criteria listed in Policies 7.B.1.3, 7.B.1.4 and 7.B.1.5 of the Niagara Region Official Plan. The Colville report concluded that the mixed plantation and treed land area do not meet any of the criteria to be considered a significant woodland. It recommended that Schedule C to the draft Niagara-on-the-Lake Official Plan should be amended to remove the woodland designation from this portion of the property. It also recommended that the Natural Heritage System presented in Schedule C be refined to exclude the plantation and treed land areas on this property, while Schedule B1 should also be revised to exclude the conservation designation from this portion of the property.</p> <p>The Beacon Environmental report dated September 14, 2016, also assessed the natural heritage features identified in the Land Use schedules of the new draft Official Plan. The Beacon report states that the assessment is based on a site survey of the property conducted in July of 2016 and a review of the natural heritage planning policies of the Official Plans of the Town of Niagara-on-the-Lake and of the Region of Niagara and the Provincial Greenbelt Plan. The Beacon report states that based on its examination, the plantation does not meet the criteria of the Niagara Region or the Niagara-on-the-Lake Official Plans for significant woodland, nor does it meet the MNR Greenbelt criteria for significant woodland.</p>	

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68	Feb. 28/19	Paul Sheppard	373 Victoria Street- ZBA-26-2018 Flag Lots  I have great concern about this proposal and the effect on continuing planning in Old Town.	See prior discussion Flag lots (see Item 7, above)
69	Mar. 15/19	Paul Shepherd (2)	At the last Public Meeting concerning the revised Official Plan, ... I had addressed three topics: <ul style="list-style-type: none"> <li>- confusions between the Dock Area Secondary Plan and subsequent revisions</li> <li>- building height, in particular Virgil commercial development</li> <li>- need to alter wording to ensure full public process</li> </ul> <p>1.Dock Area Secondary Plan vs Draft Official Plan</p> <p>The Draft Official Plan adopts the Dock Area Secondary Plan, which is outdated by a subsequent Master Plan that reduces the scope. This latter Master Plan reflects more closely design decisions agreed with the residents at that time which simplified the design, and reduced the scope of intrusions into the dock area. That scope addressed the park design, the shore design and altered the traffic patterns to be simpler within the residential area.</p> <p>I would also add my objection to an item lost in the discussion which is the traffic pattern concerning parking, traffic and a proposed drop off area within the King-Ricardo juncture adjoining Queens Royal Park. In addition to the current jumble of cars and pedestrians, the plan</p>	The OP carries forward the current Dock Area Secondary Plan, which will remain in effect until revised by Council.

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			<p>proposes to increase parking, and add a drop off area for public transportation. This is unworkable, and will make a poor situation worse.</p> <p>2. Building Heights:</p> <p>In my presentation, I expressed my opposition to the manner of commercial development in the village of Virgil- the height and mass of the "box store" style which is overwhelming any sense of scale and appropriate sense of a village centre or main street. Recent development includes stores of 34-36 ft plus. I note that the previous draft OP (7.1.2.2- June 2016) defined building height limits of 14 metres (45ft.) or up to 4 storeys. The current buildings employ these heights for retail functions that require only 10ft +/- ceiling space (salon; coffee shop, pet store, etc.) with more tertiary and structural space than usable space, and parapets and tower facades that extend 6 ft or 8ft above the roofline. These are buildings that are built as sign boards. They are massive when they need not be, and they destroy any sense of scale to what should be a "main street".</p> <p>I note that the height clauses do not appear In this OP, and presumably will be applied by a Virgil Secondary Plan, but that will be too late.</p> <p>2A. Dock Area Building Heights:</p> <p>The Dock Area Secondary Plan does include a height limit for residential development. It is shown as 8.5M (31ft.) by a small diagram (only 1.5M less than other development areas</p>	<p>Building height is reference in a number of locations in the Plan (e.g. 4.8.2; 4.10.3.1; S4-17 (Queenston Quarry); 7.2.5.8)</p> <p>The Dock Area Secondary Plan will continue in effect until it is replaced by a future secondary plan.</p>

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			<p>of Old Town and Glendale). The historic 2-Storey houses in the dock area are 7.6m (25ft.), - the highest being 7.9m. It is the newly built houses that go higher- one or two extremely so.</p> <p>3. Public Process:</p> <p>In reading through aspects of the Draft OP, I noted items pertaining to the public process- Public Meetings to provide information to the residents and receive their feedback.</p> <p>In some circumstances, Council "may call" for a public meeting; elsewhere it reads "should call". I believe in all cases it should read "must call". Public input is most important.</p>	<p>The Official Plan provides general direction on additional public meetings, beyond the minimum requirements of the Planning Act. (see Section 10.10 for alternative procedures for public comment).</p>
70	Mar. 15/19	<p>Dana Anderson and Kelly Martel, MHBC</p> <p>(for Heelis, Little, Almas &amp; Murray LLP on behalf of Save our Randwood Estate)</p>	<p>(588 Charlotte Street, 144 John Street East, 176 John Street East, 200 John Street East and 210 John Street East)</p> <p><b><i>We recommend that Council and Staff consider the comments contained within the various submissions received on the December 2018 Official Plan and take the time necessary to update the Plan and policies to ensure that any warranted changes are made to the Plan and policies prior to adoption.</i></b></p> <p>The current and in-force Official Plan includes policies and mapping which specifically designate 144 John Street East and 176 John Street East as General Commercial (Randwood Estate), Open Space (Randwood Estate) and Conservation, with corresponding site-specific policies included in Section 1 0.3.6</p>	<p>Related to OPA 51 – see S4-4</p> <p>OPA 51 provisions to be added as S4-4</p>

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			<p>and 15.3.2. These policies were approved as Official Plan Amendment 51</p> <p><b><i>We recommend that the Plan be updated to incorporate the existing site-specific policies for the Randwood Estate as a site specific policy prior to being recommended for Adoption by Council.</i></b></p> <p><u>Application of the Residential Land Use Designation on portions of 200 and 210 John Street East within the Urban Area Boundary currently zoned Agricultural</u></p> <p><b><i>It is our opinion that an assessment to determine the appropriate land use designation for these lands should be undertaken which provides a rationale for the extension of the land use designation and that a "to be determined" or "special study area" designation be applied to this area on an interim basis. The agricultural zoning should remain in place until such an assessment has been completed, in consultation with the public and relevant stakeholders, and any resulting changes should be incorporated into the Official Plan through a future Amendment following such a process.</i></b></p> <p>4. <u>Extent of Built Up Boundary not Consistent with Regional Official Plan</u></p> <p>Schedule B7 of the proposed new OP leaves a sliver of lands within the Settlement Area Boundary 'undesignated' (i.e. the lands are not identified as built up area or intensification area). These lands were identified as Built Up Area as part of Official Plan Amendment 43 (OPA 43) and are shown as Built Up Area on Schedule A of the</p>	<p>It is appropriate for the residential boundary to match the settlement area boundary.</p> <p>The Settlement Area boundaries are intended to match the approved Regional boundaries.</p>

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			<p>Regional Official Plan. The local Official Plan must conform to the Region's OP and their approved Schedule A identifies the lands as Built Up Area. For reference, this condition is shown in a figure appended to this letter.</p> <p><b><i>It is our opinion that the Official Plan mapping requires modification before the Plan is adopted.</i></b></p> <p>5. <u>Development along the Rural/ Urban Areas of the Rural/ Urban Interface)</u></p> <p>The background, purpose and objectives of the new Official Plan include recognizing the importance of and supporting the Town's agricultural system. In this regard, Objective 3.2.2.1 n) states that it is an objective of the Town to manage the interface between agricultural and non-agricultural uses by implementing edge planning controls (buffering, separation, etc.) that protect the ability to farm. it does not appear that the proposed plan contains any policies related to development along the rural/urban areas.</p> <p><b><i>Policy 3.1.2.5 of the Greenbelt Plan and Policy 4.2.6.3 of the Growth Plan speak to edge planning controls and identify that mitigation is to be part of the non-agricultural use. It is our opinion that a policy should be added to Section 3 of the Official Plan that speaks to these Provincial requirements related to edge planning controls and mitigation against specialty crop uses being incorporated as part of the non-agricultural uses to ensure consistency and conformity with the Greenbelt Plan and Growth Plan.</i></b></p>	<p>The Plan contains provisions respecting the rural/urban interface.</p>

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			<p><b><i>Example wording to be added as a new policy in Section 3: "Where agricultural uses and non-agricultural uses interface, mitigation measures should be incorporated as part of the non-agricultural uses, within the area being developed".</i></b></p> <p>6. <u>Stormwater Management</u></p> <p>Consistent with best practices, storm water detention ponds are integral parts of the volume and quality control of storm water within Settlement Areas.</p> <p><b><i>It is our opinion that a policy be added to Section 9.3 Stormwater Management which requires any servicing for development within a Settlement Area be located within the Settlement Area.</i></b></p> <p>7. John Street East Summer Homes Character Area</p> <p>The December 2018 Official Plan includes a section that identifies several Heritage Character Areas as Cultural Heritage Landscapes. For areas identified as such, any site alteration, development, or demolition proposed requires a Heritage Impact Assessment, and additional research requested by the Town as deemed necessary. In addition to other policies of the Plan, additional policies apply to site alteration or development within the John Street East Summer Homes Character Area including requiring a commemoration plan, demonstration of conservation of specific heritage values and attributes of the area, maintenance and conservation of mature vegetation and</p>	<p>Agreed - Policy 9.3.14 added.</p> <p>The boundaries of the character areas were recommended through the Bray Heritage Estate Lot Study.</p>

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			<p>existing stone walls within the area, conservation of the broader area (including the Commons) and designation of individual properties under the Heritage Act.</p> <p><i>These policies are generally positive and we are supportive of the inclusion of these policies within the Official Plan. However, we would like further clarity on the determination of the boundaries for this Character Area, as the boundaries of the Character Area, as shown on Schedule D4 of the Official Plan, include 144 John Street East, 176 John Street East, 210 John Street East, 588 Charlotte Street but only a portion of 200 John Street East. We believe that including 200 John Street East in its entirety within the Character Area warrants consideration given the history of this parcel as part of the Rand Estate and Council's decision to include in the Part IV Heritage Act Designations in 2018. The boundary should be modified to include this area if there has been no background study completed which provides rationale as to why these lands should not be included.</i></p> <p>8. <u>Planning Impact Analysis</u></p> <p><i>It is our opinion that the Official Plan should be revised to include planning impact analysis criteria before it is adopted.</i></p> <p>9. <u>Height and Low Rise Character</u></p> <p><i>The proposed policies contained within the proposed December 2018 Official Plan further reinforce the low rise character of the Town's unique and historic settlement</i></p>	<p>Now planning justification report</p>

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			<p><b><i>areas. We are supportive of the proposed policies in this regard.</i></b></p> <p>10. <u>Land Use Compatibility Policies</u></p> <p>The current Official Plan includes a section in in Part 2 of the Plan which speaks to land use compatibility, identifying that intensification development within the Built Up Area should be compatible with surrounding existing and planned land uses as shown in the Land Use Schedules and should be consistent with a series of criteria (4.6 a)-f)). The December 2018 also includes a section which provides detailed policy direction on assessing land use compatibility and intensification within the Built Up Area (Section 4.7, and specifically 4.7.2.1 a) - g) and 4.7.2.2). The compatibility policies are generally similar to the existing ones; however, some criteria have been removed while additional criteria have been added.</p> <p>For reference, the existing and proposed criteria are as follows:</p> <p><b><i>We recommend that the Town provide explicit confirmation that the proposed new compatibility analysis framework continues to capture all items contained within the existing compatibility analysis framework, or explain the rationale for any changes.</i></b></p> <p>11. <u>Natural Heritage System Mapping</u></p> <p><b><i>It is assumed that this mapping has been revised to implement the Regional and Provincial National Heritage</i></b></p>	<p>Schedules C1 and C2 deal with natural features and natural heritage system mapping.</p>

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			<p><b><i>System mapping. Should this be the case, we are supportive of the proposed Natural Heritage System mapping.</i></b></p>	
71	Mar. 6/19	<p>Neal DeRuyter, MHBC On behalf of Queenston Quarry Reclamation Company (QQR)</p>	<p><b>5523 Townline Road</b></p> <p>Several planning approvals have been obtained for these lands including Official Plan Amendment No. 45 which refined the urban boundary on the subject lands and sets out the permitted uses and densities within the urban area.</p> <p>Of significant concern, it appears that the site-specific policies applicable to the subject lands have not been carried forward in the Draft Official Plan despite the recent planning approvals. I</p> <p>The Extractive policies of the Town's Official Plan continue to apply until such time as the quarry licence has been surrendered and a Record of Site Condition is filed (Section 12.3.1).</p> <p><b>Escarpment Recreation Area</b></p> <p>Designated Recreation Areas are areas of existing or potential recreational development associated with the escarpment. This designation provides opportunities for compatible recreational development and recreational uses on the escarpment. The Escarpment Recreation Area designation permits seasonal and permanent residences as well as connection to municipal services subject to Regional agreement. Of note, the Queenston Quarry is the first and</p>	See S4-17, Queenston Quarry and S5-2

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			<p>only land parcel in Niagara Region that contains the Escarpment Recreation Area designation.</p> <p>Sections 2.2.7 &amp; 5.1.2 should also recognize that the Queenston Quarry lands are designated Escarpment Recreation Area in the 2017 NEP.</p> <p>Section 4.8.2.1 states that building heights in St. Davids generally do not exceed 10 m. The proposed apartments and hotel in the urban area are approved to be 7 storeys.</p> <p>Section 4.10.3.2 states that high rise development is not permitted within St. Davids. It is our understanding based on the policies in the draft Official Plan that high rise is considered development of five or more storeys in height. As noted, the apartments and hotel are approved to be 7 storeys in height.</p> <p>Section 5.2.3 appears to reflect the conflict provisions of the Greenbelt Act rather than the Niagara Escarpment Planning and Development Act which applies to the NEP Area. It is unclear whether Section 5.2.3 is consistent with Section 14 of the Niagara Escarpment Planning and Development Act. Any by-law passed by the Town including the draft Official Plan must conform with the 2017 NEP. If there is a conflict between the NEP and Town's Official Plan covering any part of the NEP Area, then the provisions of the NEP prevail.</p> <p>Section 10.13.2.3 states that country inns are not permitted in the NEP. This is not consistent with the direction provided in the Escarpment Recreation Area designation.</p>	<p>Specific cross reference to OPA 45 no longer required</p> <p>Reference to S4-17 added.</p>

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			<p>Appendix 4 (St. Davids Secondary Plan) does not include the approved designations and policies for the Queenston Quarry as set out in OPA 45.</p> <p>Schedule B1 (Town Land Use Plan) should designate the Queenston Quarry lands outside of the Settlement Area as Escarpment Recreation Area.</p> <p>Schedule B4 (St. Davids Land Use Plan) does not correctly identify the land use designations on the Queenston Quarry lands in the urban area. It is also not clear whether the urban boundary reflects the boundary as approved by the OMB in 2012.</p> <p>Schedule E1 does not correctly identify the Regional Roads and Provincial Highways in the vicinity of the Queenston Quarry e.g. Highway 405, Townline Road, Portage Road, etc.</p>	<p>See S4-17 and S5-2; no changes have been made to the secondary plan.</p> <p>Intended to match the OPA 45 boundaries</p> <p>Schedule E1 has been updated</p>
72	Mar. 14/19	Dan Patterson, Niagara College	<p>Overall, there was a common theme where Post-Secondary Educational Institutions (PSE) (i.e., Niagara College) was absent, or not identified as an important community sustainability and growth partner. This could simply be an oversight, however, educational institutions in the community they reside, as a whole are only mentioned a few times, and predominantly in reference to grade schools. The College, and all PSEs are key, strategic actors in the desirability of communities, and of particular interest to investors, employers, highly qualified talent, and families when considering relocation and area attractiveness. It would make sense for Niagara College to be leveraged (more prominently) in this respect, especially considering the emphasis the Town places on investment and resident attraction.</p>	<p>Additional references to the role and importance of education in the Town have been added.</p>

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73	Mar. 14/19	Ed Werner (I and my neighbours...)	<p>...wish to draw your attention to two comments made by other presenters.</p> <p>The first comment, "According to Price Waterhouse half of the wineries in Ontario are not profitable".</p> <p>This comment requires further analysis as it is misleading. The speaker would have you believe that the agricultural industry is in trouble and needs to have further commercialization in order to prosper. We ask you to consider the following issues.</p> <ol style="list-style-type: none"> <li>1. Are the non-profitable wineries located in Niagara? If they are in Prince Edward County or Peele Island should Niagara-on-the-Lake Council alter its Official Plan to suit the needs of other regions?</li> <li>2. There are many ways to structure a corporation to achieve various outcomes. Some corporations may be willing to create a loss because of their other profitable investments. Some wealthy people own a winery for purposes of acquiring a certain lifestyle and are prepared to create or accept losses in pursuit of their lifestyle.</li> <li>3. The tax laws of our country will allow a business to amortize it's capital costs and use the expenses of establishing a business to reduce it's income. Wineries are very capital intensive to start. As a result of the allowable write offs it may take many years for the financial statements to show a profit. That doesn't mean that the wineries are in financial difficulty.</li> <li>4. Speculators will purchase an agricultural zoned farm or winery because they have been incorrectly</li> </ol>	No changes required to the Plan

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			<p>informed that they can open a commercial operation. Some councillors and professional planning advisors are under the belief that the agricultural zone automatically allows for wineries, bars, restaurants, distilleries, breweries, and commercial tourist operations. The intention of the speculator is not to have a profitable winery under the present by-laws. It is their hope that they can acquire cheap farmland and then convince Council to give them the right to carry on a commercial tourist operation.</p> <p>5. Please do not be misled that the industry is in trouble. One cannot know the financial reasons for a private winery to show a loss. However, from the public information available on the internet one can draw the conclusion that the industry is healthy.</p> <p>a. The Canadian Vintners Association in its 2016-2017 Annual report "Canada's Wine Economy- Ripe Robust Remarkable" states that the wine industry contributed \$1.1 Billion to the tax revenue of Canada.</p> <p>b. "Jackson Triggs Winery was purchased in 2016 by the Ontario Teacher's Pension Fund for about \$1.03 Billion."</p> <p>c. APL as of its 2018 public financial statement had "sales over \$363 million" and before "tax earnings of \$41 million."</p> <p>Please consider the above examples when you make your decisions for the future of the agricultural zones of</p>	

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			<p>Niagara on the Lake. By allowing commercial operations into the agricultural zones you are not saving the farm or the farmer. The farmer will sell his farm to an out of town commercial operator for a profit and then end up working for the new owners as a contract employee. The farm itself becomes more commercial as the new operators seek to gain a profit from the tourist operations. The land, once commercialized with buildings, infrastructure, and parking lots, will never return to farming.</p> <p>The second comment that needs to be addressed is, "Wineries are entitled to 24 events". This is incorrect.</p> <p>Wineries are only allowed events as per their site specific by-law. Some have more than 24 and some have zero. There is a clause that states wineries can have up to 24 events. This clause has never applied to the agricultural zone. It applies only to wineries in the urban zone and only if there is no site specific requirement. Some former councilors and some former administrators failed to understand these requirements.</p> <p>We also point out that the Estate Winery By-law that applies to the Urban area disallows the use of amplified music. How we have arrived at our present state where every winery applicant, even those in the agricultural zone, think they are entitled to 24 outdoor weddings or concerts is beyond comprehension. We have attached pertinent sections of the Estate Winery By-law for your review. We hope that you will recognize the rights of rural residents and their property rights and not fall</p>	

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			<p>victim to commercial enterprises who show zero respect for their neighbours or the existing by-laws.</p> <p>Wineries in the URBAN areas are regulated under <b>by-law 4316-09</b></p> <ul style="list-style-type: none"> <li>• Section 6.13(g) (2) II No amplified music shall be permitted . II</li> <li>• Section 6.13(g) (6). 11 A maximum number of 75 guests are permitted for each event. II</li> </ul> <p>Wineries in the AGRICULTURAL Zone are regulated under <b>by-law 500A-74.</b></p> <p>Wineries in the agricultural zone are controlled only by site specific by- law. Hence they all have different rules and regulations subject to the desires of council at the time of the application.</p>	
74	Mar. 17/19	Peter Neame	<p>2.6.1 Make reference in this section to the region's Smarter Niagara initiative, which covers many of these same ideas.</p> <p>2.6.1.4 This should be something that the Town actually commits to doing, as many other municipalities are. Change "may" to "will" in the first sentence: The Town <del>may</del><b>will</b> prepare a municipal sustainability plan and <del>may</del><b>will</b> develop sustainable <i>development</i> standards...</p> <p>2.6.1.5 In the first sentence, it looks like you have suddenly introduced a new requirement that applicants prepare a sustainability plan. If this was intended, you need to flesh this</p>	<p>Not necessary to cross reference a specific Niagara program.</p> <p>As an interim measure, we believe that this should be undertaken.</p>

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			<p><i>out</i>, specify what applicants need to do this, and what should be in their plan. Otherwise, delete this section.</p> <p>2.6.2.1 e) Add as follows: e) maintaining the Town's scenic beauty, <b>including landscaping and tree cover</b>; and</p> <p>2.2.7.3 Isn't this too restrictive for farm stands? I suggest using the same language as in 3.2.7.2, allowing for product from surrounding farms or farther as long as the majority is from their own operation.</p> <p>4.4.2.1 d)iv - The examples could be more inclusive to include a range of energy-efficient practices, for example: design subdivisions for energy efficiency (i.e. designing/locating houses to catch and retain solar heat, <b>improved insulation, use of photovoltaic panels, etc.</b>).</p> <p>4.8.1.6 and 4.8.1.7 - Are the "Urban Design Standards and Guidelines" referred to <i>here</i>, the same as the "Community Design Guidelines" referred to in the previous sections? If <i>so</i>, make sure you use the same terminology. If <i>not</i>, you need to have definitions of both in the definitions section (11.4) of the Plan.</p> <p>4.10.4.3 c) ii, bullet 5 Why do you need the reference in here to Carolinian forest trees? The report should cover all <i>trees</i>, and indeed that is what it says. It should also reference the new urban tree bylaw 5106-18:</p> <ul style="list-style-type: none"> <li>An arborist report which will consider the potential impacts on all trees <del>and addresses Carolinian Canada</del></li> </ul>	<p>Agree</p> <p>Agree</p> <p>Consistency in reference to community design standards have been made.</p> <p>It is not appropriate to reference specific municipal by-laws in an OP, as it is the by-laws that are to be in conformity with the OP.</p> <p>Final clause can be removed from the Plan.</p>

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			<p><del>species,</del> consistent with Town of NOTL By-Law No. 5106-18; and ...</p> <p>7.2.3.4, 7.2.3.5, 7.2.3.7 all c)i - In all 3 cases, define the term "commemoration plan". This is the first time it appears, and is nowhere defined. Define in 11.4.</p> <p>7.2.3.7 c) You could just refer to the Town's new tree bylaw, or else add: "Any tree planting must be consistent with Town of NOTL By-law No. 5106-18"</p> <p>Section 8 Natural Heritage While this is an important topic to cover in this Plan, this section is really complex, with a host of overlapping terms and what appears to be conflicting requirements. For the public, especially the farming community, it must be really hard to understand. I suggest you need to simplify this considerably, reducing it to the use of a few well-defined terms, and making sure the requirements are consistent with other sections of the Plan.</p> <p>8.3.3 a) Capitalize the term Core Natural Areas.</p> <p>8.3.16 EIS is not usually used for identifying habitat features like this. Just say 'environmental study'.</p> <p>8.4.6 Write out EIS, don't just use the abbreviation.</p>	<p>A commemorative plan is referenced in the Bray Heritage Estate Lot study and would establish commemoration features where appropriate.</p> <p>It is not appropriate to reference specific municipal by-laws in an OP, as it is the by-laws that are to be in conformity with the OP.</p> <p>The vegetation plan may well go beyond any minimum requirements of a tree preservation by-law.</p> <p>It is difficult to simplify as we need to reflect provincial and regional requirements.</p> <p>The EIS is an appropriate mechanism, and the policy anticipates "other similar investigation". Section 8.12 provides guidance on the scope of and EIS.</p>

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			<p>8.4.7 This whole paragraph is confusing. What policies are being referred to? Which policies apply, and why are they 'appropriate'?</p> <p>8.4.9 Protected Countryside should have a definition.</p> <p>8.5.10 This refers to "...a requirement of establishing a condition of natural self-sustaining vegetation...". Where is this requirement specified or defined?</p> <p>8.5.11 d) This list ends in 'and', but there is no following item. Is something missing here, or is the 'and' in the wrong place.</p> <p>8.8 Rewrite this whole section to be consistent with By-Law 5106-18, making reference to it where appropriate.</p> <p>This section is wordy and confusing. I suggest the following text:</p> <p>8.12.1 An Environmental Impact Study (EIS) will <del>generally be required in the following instances:</del> <b>for any development or site alteration within or adjacent to any component of the Natural Heritage System.</b></p> <p>The following sections provide enough room to waive or modify the scope of the EIS to meet site-specific conditions.</p> <p>8.12.2 It's not clear why the distinction between settlement and non-settlement areas is needed. Why shouldn't the Town control both? Delete the last 2 sentences:</p>	<p>The Protected Countryside is a designation in the Plan and as identified in the Greenbelt Plan. A separate definition is not required.</p> <p>The term is defined in Section 11 and the requirement is part of the Vegetation Protection Zone and referenced in Section 8.5.11.</p> <p>“and” removed from this clause and moved to the one above it.</p> <p>The Official Plan provides the overall guidance; the By-law is usually more detailed and prescriptive. See earlier comment.</p>

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			<p>8.12.2 An EIS required under this Plan shall be submitted with the <i>development</i> application and shall be prepared in accordance with the Regional EIS Guidelines. An EIS shall be prepared to the satisfaction of the Town, in consultation with the NPCA and the Region. <del>Within Settlement Areas, an WIS shall be prepared to the satisfaction of the town in consultation with the Region and NPCA. Outside of Settlement Areas, an EIS shall be prepared to the satisfaction of the Region, in consultation with the Town and NPCA.</del></p> <p>Suggested change to be consistent with above:</p> <p>8.12.3 The Town and/or Region, in consultation with the Region and the NPCA, shall review the proposed ...</p> <p>8.12 Does this exemption include agriculture-related and on-farm diversified uses as well as agricultural uses? If so, you should say so. But, why is this exemption here? These can all have significant impacts which should at least be recognized and addressed. If they are insignificant in any particular case, the study can be waived according to other provisions. I suggest deleting this section.</p> <p>The Town should have a role in approving the ToR. Adjust last sentence as follow:</p> <p>8.12.4 It shall be the responsibility of the Town and/or Region to approve the terms of reference.</p> <p>Table 7</p>	<p>The exemption is provided through the Greenbelt Plan</p> <p>No change proposed.</p>

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			<p>Definition for Environmental Impact Study:  An Environmental Impact Study should be prepared for any development or site alteration that may affect the natural and physical environment of the Town. The Environmental Impact Study should include:</p> <ul style="list-style-type: none"> <li>• A description of the natural and physical environment</li> <li>• A description and assessment of potential negative impacts of the development or site alteration on that natural and physical environment</li> <li>• A description of any mitigative measures to reduce, eliminate or offset those negative impacts</li> </ul> <p>The Environmental Impact Study should be designed to be appropriate to the context and site features of the proposed development or site alteration.</p> <p>Note that this definition overlaps substantially with the next definition in Table 7, for an Environmental Planning Study. I suggest these terms be combined, using EIS for both.</p>	
75	Mar. 2/19	Ron & Irene Simkus	<p><b>Appendix 6 – Dock Area Secondary Plan</b></p> <p>In parallel with the process currently undertaken by Town Council to review and approve the Niagara- On-The-lake Official Plan, <i>we</i>, as concerned residents of the Niagara-On-The-Lake Dock Area, have pooled our time to review and update the text of the Dock Area Secondary Plan, which is Appendix 6 of the Official Plan.</p>	The Secondary Plans will be reviewed separately from the Official Plan.

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76	Mar. 5/19	Debi Pratt <b>2019 Dock Area</b> working committee	<p>I agree with <u>all</u> the information submitted by them (Ron and Irene Simkus). Please accept this letter as my endorsement of <u>all</u> the edits/comments in their submission.</p> <p>I was pleased to repeatedly see in the Dec. 2019 document, the predominance of the main themes of our long standing belief of a passive, pedestrian friendly area. The content of the final document should easily relate back to those themes when getting into specifics. <b>The edits reflect the many hours of input dedicated to getting this document right, pertinent and approved.</b></p>	The Secondary Plans will be reviewed separately from the Official Plan.
77	Mar. 4/19	Louise Bodogh	<p>I have been involved with the <b>Dock Area Secondary Plan</b> for years. After working with all my neighbours in the Dock Area I am in full agreement with the submission that has been sent to you by Ron and Irene Simkus. I am hoping that this will be the end of needless consulting firms that we have had in the past. Let's do this!</p>	The Secondary Plans will be reviewed separately from the Official Plan.
78	Mar. 18/19	Peter and Zora Ristevski	<p>Our property is 57 Delatre and the <b>Dock Area</b> Future changes and plans are of major interest.</p> <p>During public meeting and consultation, key requirement and public preference was for "natural ecological shoreline that is integrated with the overall passive use of the park". This is not highlighted in the plan. References are made to wider path, increased traffic, purchasing of private property etc, all outdated and incorrect strategies.</p> <p>Like most of the neighbours, we are in full agreements with the comments and references made by Mr. and Mrs. Simkus.</p>	The Secondary Plans will be reviewed separately from the Official Plan.

Item #	Date	From	Summary of Issues	Comment
79	Mar. 29/19	Parks Canada	No changes proposed; suggest information that could be added to better explain their mandate and land holdings.	Too detailed for OP
80	Apr. 8/19	CN Rail		No action required.
81	Apr. 9/19 Apr. 12/19	Steve Pohorly	1267 Niagara Stone Road – property question	
82	Apr. 9/19	St. Davids Ratepayers Association	<p>The following was adopted at the SDRA exec. Meeting, March 19, 2019. There will be additional points but to my knowledge these are confirmed and will be forwarded to Council with the additional points under separate SDRA cover and possibly subject to minor editorial revision:</p> <ol style="list-style-type: none"> <li>1. That the general provision exempting proposals for the conversion of lands within the Community Facilities designation to Residential uses be removed as it relates to privately owned lands and that a requirement for amendment of the plan be required for any land use changes to private lands, so designated, prior to the approval of any rezoning or land use change.</li> <li>2. That a new designation be created "Protected Public Open Space-Parkland"; and appropriate policies be written to clearly indicate the Town of Niagara on the Lake's desire to protect these lands in their current "natural" state for the enjoyment of the present and future residents of the municipality</li> </ol>	<p>Major revisions to St David will be part of the secondary plan review.</p> <p>Revision to the plan made to require an official plan amendment.</p>

Item #	Date	From	Summary of Issues	Comment
			<p>3. That the St. Davids Golf Course be removed from the Community Facilities designation and be designated Protected Open space-Parkland.</p> <p>4. That the future population projections currently included in the plan be understood to be obsolete; and that it be recognized that the current population of St Davids and the recent residential development and approvals in the settlement area be recognized as having achieved in a large part the foreseeable near-term future objectives of the plan for population growth and intensification.</p> <p>5. "That the policies of section 7.2 (Conservation Districts) and Schedule D2 (Heritage Resources and Archaeology Settlement Areas) be amended to address the proposed Heritage Conservation District Expansion Area."</p> <p>6. Correct the land use plan for St Davids (Schedule B4). The lot fabric as shown does not reflect the current lot fabric in St Davids and is in conflict with the lot fabric shown in other schedules of the December 18, 2018 draft Official Plan.</p> <p>7. Since the village of St Davids has equally long-term establishment of a community and many of the</p>	<p>St David's Golf course now subject to special provisions S4-16</p> <p>The proposed Heritage Conservation District is to be removed from the Plan.</p> <p>This will be reviewed as part of the secondary plan review.</p>

Item #	Date	From	Summary of Issues	Comment
			residential areas as the Old Town and Queenston, correct Schedule B4 to match Schedules B2 and BS which differentiate between "residential" and "established residential" for the Old Town and Queenston areas respectively.	
83	Apr. 11/19 Apr. 16/19 to NOTL	Jamie Slingerland Grower #1147 1111 Line One Pillitteri Estates Winery	Letter to the editor: Rational and History of Winery Acreages  Opinion regarding the establishment of an Estate Winery application for Queenston Mile Winery.	Issues addressed through revisions to Section 3;
84	Apr. 12/19	TransCanada PipeLines Limited D. Quilty, MHBC	Suggest update to Section 9.4.7: 9.4.7 TransCanada has two high pressure natural gas pipelines crossing the Town as shown on Schedules ____ to this plan. TransCanada is regulated by the National Energy Board (NEB) which has a number of requirements regulating development in proximity to its pipelines. This includes approval requirements for activities within 30 metres of the pipeline centreline such as conducting a ground disturbance, constructing or installing a facility across on or along the pipeline right-of-way, driving a vehicle, mobile equipment or machinery across the right-of-way, and the use of explosives.	Agreed. To be added to Schedule E1
85	Apr. 15/19	Bryce Murray, Heelis Little Almas Murray LLP on behalf of Liberty Sites (3) Ltd.	325 King Street (Block bounded by King, Centre, Regent and Gage Streets)	

Item #	Date	From	Summary of Issues	Comment
86	Apr. 15/19	Allan Visser	Own houses at 292 and 314 Mary Street and 475 Butler Street Have been included in Downtown Heritage Character Area.	Boundaries were based on the recommendations of the Bray Heritage Estate Lot Study
87	Apr. 16/19	Alexandra Haasen Niagara Planning Group	551 Butler – EIS – boundary review	See item 3
88	May 2/19	Sue Mabee, District School Board of Niagara	Crossroads redesignated – Community Facilities	Agreed
89	May 6/19	J. Patrick Maloney, Sullivan Mahoney	434 Hunter Road – Cornerstone Community Church Request site specific designation to identify existing church (by-law 500JO-95 and site plan attached)	The use is a permitted use in the zoning by-law.
90	May 31/19	Niagara Planning Group (NPG) Inc. John R. Henricks	OPA-01-19 – Residential Infill Policies	See Section 4.5.3.10 (as modified), which proposed to carry forward the OPA 78 provisions.
91	June 3/19	Kenn and Christel Baker	551 Butler Street – proposed new lot Share in concern for responsible infill policy	See item 3
92	June 3/19	Comments-Public Summary	Open House May 27, 2019 (15 members of public) <ul style="list-style-type: none"> <li>• Would the proposed amendment apply to all urban areas or only Old Town?</li> <li>• The amendment could make all development look the same - variation in built form gives the Town its unique and attractive character.</li> <li>• Separate development criteria should be established for each urban area</li> <li>• If the Official Plan amendment is approved will the Interim Control By-law be repealed?</li> <li>• Clarify terminology such as "generally consistent", "adjacent" and "minimize"</li> <li>• Need more details on the requirement that side yard setbacks increase as lot frontage increases</li> </ul>	Various issues addressed through the revisions to the Plan.

Item #	Date	From	Summary of Issues	Comment
			<ul style="list-style-type: none"> <li>• Proposed development criteria should address "flag lots" and "estate lots"</li> <li>• Require more time to review proposed policies in relation to Draft Official Plan and Estate Lot Study</li> </ul>	