

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO 5105-18**

BEING AN INTERIM CONTROL BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE UNDER SECTION 38 OF THE PLANNING ACT, R.S.O. 1990, c.P. 13, AS AMENDED

WHEREAS Section 38 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, authorizes council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or in any defined area or areas for such purposes as are set out in the interim control by-law;

AND WHEREAS the current in-force Official Plan for the Town of Niagara-on-the-Lake was adopted by Council on March 14, 1994;

AND WHEREAS the current Zoning By-law provisions were adopted by the Town of Niagara-on-the-Lake in 2009;

AND WHEREAS the Official Plan and Zoning By-law Amendment for the Old Town do not recognize the additional policies relating to the conservation of "Significant Built Heritage Resources" and "Significant Cultural Heritage Landscapes" as provided for in the policies of the Provincial Policy Statement, 2014;

AND WHEREAS the current Official Plan and Zoning By-law do not recognize the policies relating to conserving "Cultural Heritage Resources" and "Cultural Heritage Landscapes" as provided for in the Growth Plan for the Greater Golden Horseshoe, 2017;

AND WHEREAS on December 5, 2018, the Council of the Corporation of the Town of Niagara-on-the-Lake passed the following resolution:

that Council initiate a comprehensive review of the Town's Official Plan policies, which will determine the provision of appropriate development policies as required by the Planning Act;

AND WHEREAS Council has deemed it necessary and expedient to pass this Interim Control By-law to provide the Town with time to undertake the study in the "Interim Control Area" identified on the attached Schedule "A";

NOW THEREFORE The Council of the Corporation of the Town of Niagara-on-the-Lake enacts and follows:

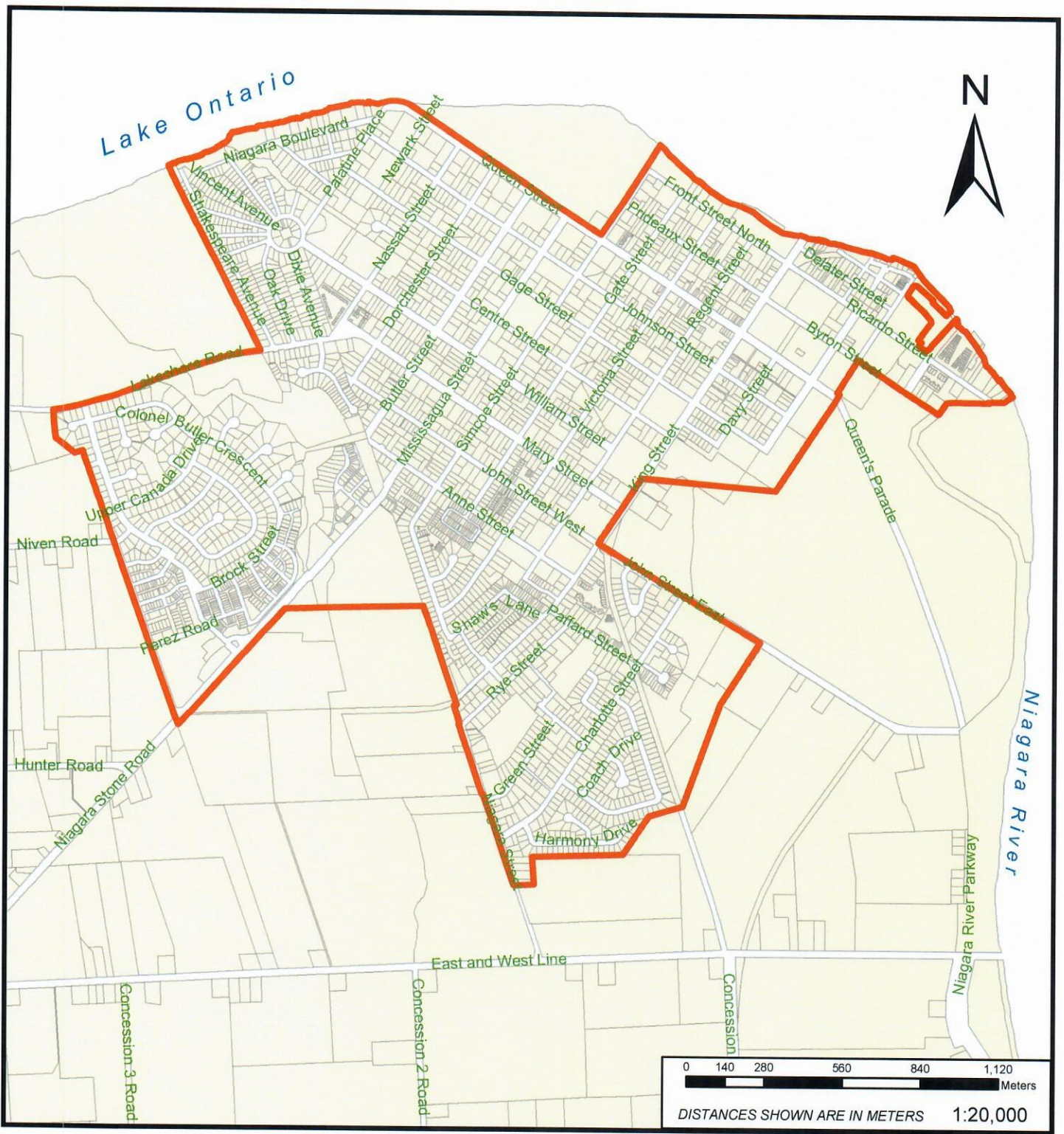
1. For the purposes of the By-law:
 - (a) "Council" shall mean the Council of The Corporation of the Town of Niagara-on-the-Lake;
 - (b) "Town" shall mean of The Corporation of the Town of Niagara-on-the-Lake; and
 - (c) "Interim Control Area" shall mean all lands identified on Schedule "A" of this By-law.
2. This By-law applies to the lands, buildings and structures within the "Study Area" identified on the attached Schedule "A".
3. Subdividing of land within the Study Area is prohibited. Without limiting the generality of the foregoing, no lot within the Study Area shall be changed in respect to size or dimension from that which existed on the day before the date of the passage of this Bylaw. Applications to subdivide land, including but not limited to consents pursuant to Section 53 of the Planning Act and part lot control exemptions pursuant to Section 50 of the Planning Act, within the Study Area, shall be deemed contrary to this By-law and are prohibited.
4. Approval of condominium descriptions, except conversions of existing buildings as of the date of passing of this by-law, within the Study Area is prohibited. Applications for approval of condominium descriptions, except conversions to condominium ownership of existing buildings as of the date of passing of this by-law, within the Study Area, shall be deemed contrary to this By-law and are prohibited.
5. Official Plan Amendment, Zoning By-law Amendment or Minor Variance applications with the Study Area that could permit lands to be subdivided, or that could facilitate applications to subdivide lands as described in Clause 3, or that could facilitate applications for approval of a condominium description as described in Clause 4, or that could otherwise facilitate the construction of townhouse or apartment residential dwelling units, shall be deemed contrary to this By-law and are prohibited.
 - a. Notwithstanding Clause 5 above, Minor Variance applications to permit addition, enlargement or improvement of an existing dwelling on an existing lot shall be permitted, provided lot dimensions do not change.
6. Any complete application to subdivide land, including but not limited to consents pursuant to Section 53 of the Planning Act, part lot control exemptions pursuant to Section 50 of the Planning Act, applications for approval of a condominium description, and any associated application for Official Plan Amendment, Zoning By-law Amendment or Minor Variance within the Interim Control Area that exists on the day before the date of the passage of this by-law shall be exempt from this By-law.
7. This By-law shall come into force and take effect immediately upon its passing by Council and shall be in effect until 11:50 PM local time on December 5, 2019, unless otherwise extended in accordance with the provisions of the Planning Act, R.S.O., c.P.13, as amended.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 5TH DAY OF
DECEMBER, 2018.


LORD MAYOR, BETTY DISERO


TOWN CLERK, PETER TODD





MAP 'A' ATTACHED TO BY-LAW 5105-18 PASSED ON THIS 5TH DAY OF DECEMBER, 2018.

Betty Disero

 LORD MAYOR
 BETTY DISERO

Peter Todd

 TOWN CLERK
 PETER TODD