

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 2025-010**

**A BY-LAW TO DESIGNATE AN AREA OF THE OLD TOWN AS A
HERITAGE CONSERVATION DISTRICT STUDY AREA PURSUANT TO
SECTION 40.1(1) OF THE *ONTARIO HERITAGE ACT*, R.S.O. 1990,
CHAPTER 0.18, AS AMENDED**

WHEREAS the purpose of a heritage conservation district study, as provided for under section 40 of the Ontario Heritage Act, is to examine the character and appearance of an area to determine if the area should be preserved as a heritage conservation district and to consider and make recommendations with regard to the establishment of a district plan to guide changes to properties located within the district;

AND WHEREAS section 40.1(1) of the Ontario Heritage Act provides that, if the council of a municipality undertakes a study of a heritage conservation district, the council may, by by-law, designate the area specified in the by-law as a heritage conservation study area for a period of up to one year;

AND WHEREAS section 40.1(2) of the Ontario Heritage Act provides that a heritage conservation district study area by-law may prohibit or set limitations with respect to the alteration of property and the erection, demolition or removal of buildings or structures, or classes of buildings or structures within the heritage conservation district study area;

AND WHEREAS the area of the Town of Niagara-on-the-Lake shown on Schedule "A" to this By-law, consists of a concentration of buildings of cultural heritage value or interest, associated with a key period in the development of the former Town of Niagara, and including the properties designated under the existing Queen-Picton Heritage Conservation District, and/or the National Historic Site of Canada and/or individually designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. 0.18.

NOW THEREFORE, BE IT ENACTED AS A BY-LAW OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. That in this by-law:

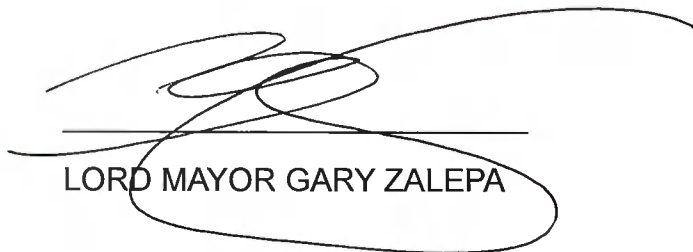
“**ALTER**” “means to change in any manner and includes to restore, renovate, repair or disturb and “alteration” has a corresponding meaning.

“**ACCESSORY BUILDING or STRUCTURE**”, “**ERECT**”, “**LOT**”, “**SECOND UNIT**” and all other terms in this by-law shall be defined as in Comprehensive Zoning By-law 4316-09.


2. The area shown on **Schedule “A”** to this by-law (the “Old Town Niagara Heritage Conservation District Study Area”) is designated as a heritage conservation district study area for a period of one year from the enactment of this by-law.
3. The Town shall undertake a heritage conservation district study in the Old Town Niagara Heritage Conservation District Study Area in accordance with the requirements of the Ontario Heritage Act, for the purpose of studying the eligibility of the area for designation; the geographic boundaries of the area to be designated; recommendations as to the objectives of the designation and the content of the heritage conservation district plan required under Section 41.1 of the Ontario Heritage Act; and recommendations as to any changes that may be required to the municipality’s Official Plan and applicable Zoning By-law.
4. During the period of one year from the date of enactment of this by-law, no person shall:
 - a. Alter any property within the Old Town Niagara Heritage Conservation District Study Area, including, without limiting the generality of the foregoing, the subdivision of land through consent pursuant to Section 53 of the Planning Act and part lot control pursuant to Section 50 of the Planning Act
 - b. Erect, demolish or remove any building or structure within the Old Town Niagara Heritage Conservation District Study Area.
5. For greater certainty, if a building permit application filed in accordance with the Ontario Building Code Act was complete on or before the date of the enactment of this by-law, this by-law does not preclude the issuance of said building permit.
6. This by-law shall not apply to any properties within the Old Town Niagara Heritage Conservation District Study Area that:
 - a. are designated under Part IV of the Ontario Heritage Act, and/or
 - b. have received Official Plan Amendment, Zoning By-law and/or Site Plan Approval within the last 3 years prior to the passage of this by-law, or for which Council has agreed to settle an Ontario Land Tribunal Appeal of an Official Plan Amendment, Zoning By-law and/or Site Plan Approval provided that the Ontario Land Tribunal allows the appeal and grants the said Official Plan Amendment, Zoning By-law and/or Site Plan Approval, and for which a heritage permit has been issued or heritage easement entered into, or for which a heritage permit or heritage easement is not required.
7. This by-law shall not apply to the following within current boundaries of the Queen-Picton Heritage Conservation District:
 - a. minor alterations to Part V designated properties, pursuant to Section 2 of By-law 2024-022;
 - b. alterations for which a heritage permit is required as part of an application for a heritage grant, but which are consistent with a previous heritage permit approval granted prior to the passage of this by-law; and,
 - c. any properties that have undergone a pre-consultation process.

8. This by-law shall not apply to the following within the Old Town Niagara Heritage Conservation District Study Area:
- a. Alterations to the interior of a building or structure legally existing on the date of passage of this By-law;
 - b. The emergency repair of a building or structure legally existing on the date of passage of this By-law;
 - c. The erection of a legally conforming and complying accessory building or structure;
 - d. The erection of a legally conforming and complying second unit;
 - e. The erection of temporary patios, and temporary structures for events;
 - f. The removal of trees pursuant to By-law 5106-18;
 - g. The erection, placement, display or maintenance of signs pursuant to By-law 4586-12.
9. The Town Clerk shall cause a copy of this by-law to be served upon the owners of all of the properties within the Old Town Niagara Heritage Conservation District Study Area within 30 days of the passage of this by-law and upon the Ontario Heritage Trust and to cause notice of this by-law to be to be published in a newspaper of general circulation in the municipality pursuant to Section 40.1(3) of the Ontario Heritage Act.
10. This by-law shall come into force and effect on March 27, 2025, and shall be in effect for one year from the passage of this by-law, unless repealed at an earlier date.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 25TH DAY OF FEBRUARY, 2025.

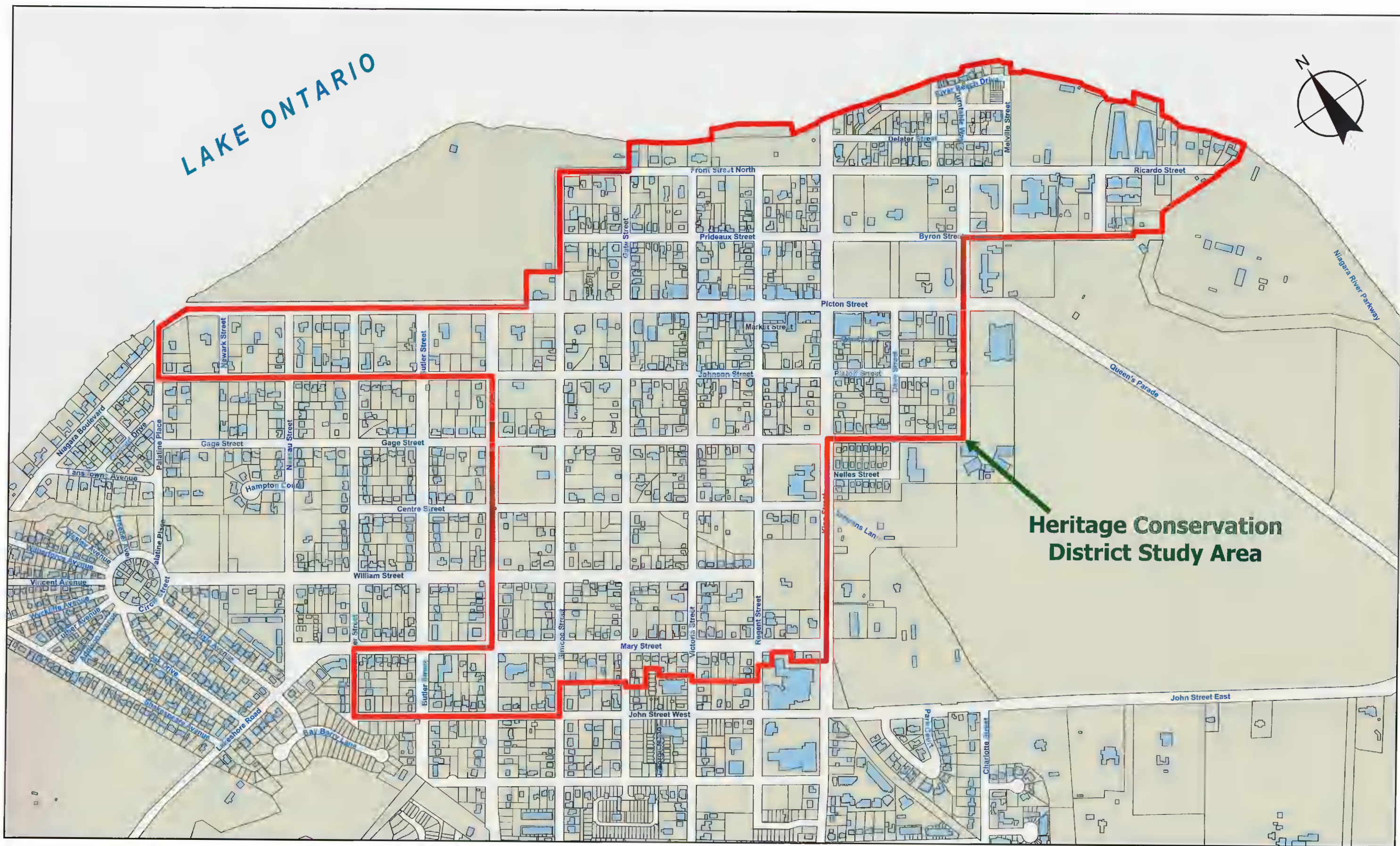


LORD MAYOR GARY ZALEPA



TOWN CLERK GRANT BIVOL

LAKE ONTARIO



**Heritage Conservation
District Study Area**

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SCHEDULE A ATTACHED TO BY-LAW 2025-010 OF THE TOWN OF NIAGARA-ON-THE-LAKE

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL