

Applicable Policies

Ontario Heritage Act, R.S.O. 1990, c. O.18

PART IV

CONSERVATION OF PROPERTY OF CULTURAL HERITAGE VALUE OR INTEREST

Definition

26 (1) In this Part,

“property” means real property and includes all buildings and structures thereon. 2005, c. 6, s. 14.

Principles

26.0.1 A council of a municipality shall consider the prescribed principles, if any, when the council exercises a decision-making authority under a prescribed provision of this Part. 2019, c. 9, Sched. 11, s. 3.

DESIGNATION OF PROPERTIES BY MUNICIPALITIES

Designation by municipal by-law

29 (1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,

- (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed, the property meets the prescribed criteria; and
- (b) the designation is made in accordance with the process set out in this section. 2005, c. 6, s. 17 (1); 2019, c. 9, Sched. 11, s. 7 (1); 2022, c. 21, Sched. 6, s. 4 (1).

Alteration of property

33 (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be, unless the owner applies to the council of the municipality in

which the property is situate and receives consent in writing to the alteration. 2019, c. 9, Sched. 11, s. 11.

Application

(2) An application under subsection (1) shall be accompanied by the prescribed information and material. 2019, c. 9, Sched. 11, s. 11.

Other information

(3) A council may require that an applicant provide any other information or material that the council considers it may need. 2019, c. 9, Sched. 11, s. 11.

Notice of complete application

(4) The council shall, upon receiving all information and material required under subsections (2) and (3), if any, serve a notice on the applicant informing the applicant that the application is complete. 2019, c. 9, Sched. 11, s. 11.

Notification re completeness of application

(5) The council may, at any time, notify the applicant of the information and material required under subsection (2) or (3) that has been provided, if any, and any information and material under those subsections that has not been provided. 2019, c. 9, Sched. 11, s. 11.

Decision of council

(6) The council, after consultation with its municipal heritage committee, if one is established, and within the time period determined under subsection (7),

(a) shall,

(i) consent to the application,

(ii) consent to the application on terms and conditions, or

(iii) refuse the application; and

(b) shall serve notice of its decision on the owner of the property and on the Trust. 2019, c. 9, Sched. 11, s. 11.

Same

(7) For the purposes of subsection (6), the time period is determined as follows:

1. Unless paragraph 2 applies, the period is 90 days after a notice under subsection (4) is served on the applicant or such longer period after the notice is served as is agreed upon by the owner and the council.
2. If a notice under subsection (4) or (5) is not served on the applicant within 60 days after the day the application commenced, as determined in accordance with the regulations, the period is 90 days after the end of that 60-day period or such longer period after the end of the 60-day period as is agreed upon by the owner and the council. 2019, c. 9, Sched. 11, s. 11.

Deemed consent

(8) If the council fails to notify the owner under clause (6) (b) within the time period determined under subsection (7), the council shall be deemed to have consented to the application. 2019, c. 9, Sched. 11, s. 11.

Appeal to Tribunal

(9) If the council of a municipality consents to an application upon certain terms and conditions or refuses an application, the owner may, within 30 days after receipt of the notice under clause (6) (b), appeal the council's decision to the Tribunal by giving a notice of appeal to the Tribunal and to the clerk of the municipality setting out the objection to the decision and the reasons in support of the objection, accompanied by the fee charged by the Tribunal. 2019, c. 9, Sched. 11, s. 11; 2021, c. 4, Sched. 6, s. 74 (2).

If notice of appeal

(10) If a notice of appeal is given within the time period specified in subsection (9), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to the owner of the property and to such other persons or bodies as the Tribunal may determine. 2019, c. 9, Sched. 11, s. 11.

Powers of Tribunal

(11) After holding a hearing, the Tribunal may order,

- (a) that the appeal be dismissed; or
- (b) that the municipality consent to the application without terms and conditions or with such terms and conditions as the Tribunal may specify in the order. 2019, c. 9, Sched. 11, s. 11.

Demolition or removal

34 (1) No owner of property designated under section 29 shall do either of the following, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal:

1. Demolish or remove, or permit the demolition or removal of, any of the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be.
2. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property, whether or not the demolition or removal would affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be. 2019, c. 9, Sched. 11, s. 12.

Application

(2) An application under subsection (1) shall be accompanied by the prescribed information and material. 2019, c. 9, Sched. 11, s. 12.

Other information

(3) A council may require that an applicant provide any other information or material that the council considers it may need. 2019, c. 9, Sched. 11, s. 12.

Notice confirming complete application

(4) The council shall, upon receiving all information and material required under subsections (2) and (3), if any, serve a notice on the applicant informing the applicant that the application is complete. 2019, c. 9, Sched. 11, s. 12.

Notification re completeness of application

(4.1) The council may, at any time, notify the applicant of the information and material required under subsection (2) or (3) that has been provided, if any, and any information and material under those subsections that has not been provided. 2019, c. 9, Sched. 11, s. 12.

Decision of council

(4.2) The council, after consultation with its municipal heritage committee, if one is established, and within the time period determined under subsection (4.3),

- (a) shall,

- (i) consent to the application,
 - (ii) consent to the application, subject to such terms and conditions as may be specified by the council, or
 - (iii) refuse the application;
- (b) shall serve notice of its decision on the owner of the property and on the Trust; and
- (c) shall publish its decision in a newspaper having general circulation in the municipality. 2019, c. 9, Sched. 11, s. 12.

Same

(4.3) For the purposes of subsection (4.2), the time period is determined as follows:

1. Unless paragraph 2 applies, the period is 90 days after a notice under subsection (4) is served on the applicant or such longer period after the notice is served as is agreed upon by the owner and the council.
2. If a notice under subsection (4) or (4.1) is not served on the applicant within 60 days after the day the application commenced, as determined in accordance with the regulations, the period is 90 days after the end of that 60-day period or such longer period after the end of the 60-day period as is agreed upon by the owner and the council. 2019, c. 9, Sched. 11, s. 12.

Deemed consent

(4.4) If the council fails to notify the owner under clause (4.2) (b) within the time period determined under subsection (4.3), the council shall be deemed to have consented to the application. 2019, c. 9, Sched. 11, s. 12.

Appeal to Tribunal

34.1 (1) If the council of a municipality consents to an application subject to terms and conditions under subclause 34 (4.2) (a) (ii) or refuses an application under subclause 34 (4.2) (a) (iii), the owner of the property that was the subject of the application may appeal the council's decision to the Tribunal within 30 days of the day the owner received notice of the council's decision. 2017, c. 23, Sched. 5, s. 64; 2019, c. 9, Sched. 11, s. 13 (1).

Notice of appeal

(2) An owner of property who wishes to appeal the decision of the council of a municipality shall, within 30 days of the day the owner received notice of the council's

decision, give notice of appeal to the Tribunal and to the clerk of the municipality. 2017, c. 23, Sched. 5, s. 64.

Content of notice

(3) A notice of appeal shall set out the objection to the council's decision and the reasons in support of the objection and be accompanied by the fee charged by the Tribunal. 2019, c. 9, Sched. 11, s. 13 (2); 2021, c. 4, Sched. 6, s. 74 (2).

If notice of appeal

(4) If a notice of appeal is given within the time period specified in subsection (2), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the Tribunal may determine. 2019, c. 9, Sched. 11, s. 13 (2).

Powers of Tribunal

(5) After holding a hearing, the Tribunal may order,

- (a) that the appeal be dismissed; or
- (b) that the municipality consent to the demolition or removal referred to in paragraph 1 or 2 of subsection 34 (1), as the case may be, without terms and conditions or with such terms and conditions as the Tribunal may specify in the order. 2019, c. 9, Sched. 11, s. 13 (2).

Council consents to application under s. 34 — required steps or actions

34.3 (1) The council of a municipality shall take such steps or actions as may be prescribed if the owner of a property designated under section 29 has applied in writing to the council for consent to a demolition or removal referred to in paragraph 1 or 2 of subsection 34 (1) in respect of the property and,

- (a) the council consents to the application under subclause 34 (4.2) (a) (i) or (ii) or is deemed to have consented to the application under subsection 34 (4.4); or
- (b) the Tribunal has ordered that the municipality give its consent under clause 34.1 (5) (b). 2019, c. 9, Sched. 11, s. 14.

ONTARIO REGULATION 385/21 under Ontario Heritage Act, R.S.O. 1990, c. O.18

Required Steps — Section 34.3 of the Act

Council consents to application under s. 34 of the Act

7. (1) The following steps are prescribed for the purposes of subsection 34.3 (1) of the Act:

1. After the demolition or removal of a building, structure or heritage attribute on the property is complete, the council of the municipality shall, in consultation with the municipal heritage committee established under section 28 of the Act, if one has been established, make one of the following determinations:
 - i. The property continues to have cultural heritage value or interest and, despite the demolition or removal, the statement explaining the cultural heritage value or interest of the property and the description of the heritage attributes of the property are accurate and do not need to be amended.
 - ii. The property continues to have cultural heritage value or interest but, as a result of the demolition or removal, the statement explaining the cultural heritage value or interest of the property or the description of the heritage attributes of the property is no longer accurate and needs to be amended.
 - iii. The property no longer has cultural heritage value or interest as a result of the demolition or removal.
2. If the council makes the determination described in subparagraph 1 i, the clerk of the municipality shall ensure that notice of the determination is served on the owner of the property and the Trust.
3. If the council makes the determination described in subparagraph 1 ii,
 - i. the council shall,
 - A. pass a by-law that amends the by-law made under section 29 of the Act designating the property to update the statement of cultural heritage value or interest and the description of the property's heritage attributes to reflect the changes resulting from the demolition or removal, and
 - B. ensure that the amending by-law complies with the requirements set out in section 3 and includes a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, and
 - ii. the clerk of the municipality shall,
 - A. ensure that a copy of the amending by-law is served on the owner of the property,

- B. publish notice of the amending by-law in a newspaper having general circulation in the municipality, and
 - C. ensure that a copy of the amending by-law is registered against the property affected by the amending by-law in the appropriate land registry office and that a copy of the registered amending by-law is served on the Trust.
4. If the council makes the determination described in subparagraph 1 iii,
- i. the council shall pass a by-law to repeal the by-law or the part thereof designating the property under section 29 of the Act, and
 - ii. the clerk of the municipality shall,
 - A. ensure that a copy of the repealing by-law is served on the owner of the property,
 - B. publish notice of the repealing by-law in a newspaper having general circulation in the municipality,
 - C. ensure that a copy of the repealing by-law is registered against the property affected by the repealing by-law in the appropriate land registry office and that a copy of the registered repealing by-law is served on the Trust, and
 - D. ensure that any reference to the property is deleted from the register referred to in subsection 27 (1) of the Act.
5. If, as part of the removal mentioned in paragraph 1, a building or structure is moved to another property,
- i. the council of a municipality shall, in consultation with the municipal heritage committee established under section 28 of the Act, determine if the other property meets the criteria referred to in clause 29 (1) (a) of the Act,
 - ii. if it is determined under subparagraph i that the other property meets the criteria, the council of a municipality may pass a by-law designating the other property to be of cultural heritage value or interest, and
 - iii. if a designating by-law is passed under subparagraph ii, the council of a municipality shall ensure that the by-law complies with the requirements set out in section 3 and includes a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.
6. If a designating by-law is passed under subparagraph 5 ii, the clerk of the municipality shall,

- i. ensure that a copy of the designating by-law is served on the owner of the property affected by the designating by-law,
- ii. publish notice of the designating by-law in a newspaper having general circulation in the municipality, and
- iii. ensure that a copy of the designating by-law is registered against the property affected by the designating by-law in the appropriate land registry office and that a copy of the registered designating by-law is served on the Trust.

(2) A by-law passed under this section comes into force on the day the by-law is passed.

(3) A designating by-law passed under subparagraph 5 ii of subsection (1) is deemed to be a by-law passed under subsection 29 (1) of the Act.

(4) For greater certainty, sections 29, 30.1 and 31 of the Act do not apply in respect of passing a by-law under this section, but sections 30.1 and 31 of the Act apply in respect of an amendment or repeal of a by-law or part thereof passed under this section.

**O. Reg. 9/06: CRITERIA FOR DETERMINING CULTURAL
HERITAGE VALUE OR INTEREST under Ontario Heritage Act,
R.S.O. 1990, c. O.18**

Criteria, s. 27 (3) (b) of the Act

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 27 (3) (b) of the Act. O. Reg. 569/22, s. 1.

(2) Property that has not been designated under Part IV of the Act may be included in the register referred to in subsection 27 (1) of the Act on and after the day subsection 3 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force if the property meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.

4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
9. The property has contextual value because it is a landmark. O. Reg. 569/22, s. 1.

(3) For clarity, subsection (2) does not apply in respect of a property that has not been designated under Part IV but was included in the register as of the day subsection 3 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force. O. Reg. 569/22, s. 1.

Criteria, s. 29 (1) (a) of the Act

2. (1) The criteria set out in subsections (2) and (3) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 569/22, s. 1.

(2) Section 1, as it read immediately before the day subsection 3 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply in respect of a property for which a notice of intention to designate it was given under subsection 29 (1.1) of the Act after January 24, 2006 and before the day subsection 3 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force. O. Reg. 569/22, s. 1.

(3) In respect of a property for which a notice of intention to designate it is given under subsection 29 (1.1) of the Act on or after the day subsection 3 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the property may be designated under section 29 of the Act if it meets two or more of the criteria for determining whether it is of cultural heritage value or interest set out in paragraphs 1 to 9 of subsection 1 (2). O. Reg. 569/22, s. 1.

Planning Act, R.S.O. 1990, c. P.13

Provincial interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

Provincial Policy Statement, 2020

2.6 Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

Definitions:

Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential: means areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The Ontario Heritage Act requires archaeological potential to be confirmed by a licensed archaeologist

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.

Conserved: means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the Drainage Act; or
- c) for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a)

Heritage attributes: means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).

Protected heritage property: means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

Significant: means (e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Office Consolidation 2020

1.2.1 Guiding Principles

- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities

4.2.7 Cultural Heritage Resources

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.

7. Definitions

Cultural Heritage Resources:

Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Niagara Official Plan, 2022

2.2.1 Managing Urban Growth

2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- (j) conservation or reuse of cultural heritage resources pursuant to Section 6.5.

2.2.2 Strategic Intensification and Higher Densities

2.2.2.10 Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:

- b) the location and boundaries of local growth centres and corridors, that:

- vi. revitalize and, where appropriate, preserve cultural heritage resources within areas that reflect local heritage, character, and streetscapes pursuant to Section 6.5;

6.5 Cultural Heritage

The objectives of this section are as follows:

- a) support the identification, conservation, wise use and management of cultural heritage resources; and

6.5.1 Cultural Heritage Resources

6.5.1.1 Significant cultural heritage resources shall be conserved in order to foster a sense of place and benefit communities, including First Nations and Métis communities.

6.5.1.2 The Region encourages Local Area Municipalities to designate properties of cultural heritage value or interest, either individually or as part of a larger area or Heritage Conservation District, under the Ontario Heritage Act.

6.5.1.3 Local Area Municipalities shall advise the Region of properties of cultural heritage value or interest that have been designated or listed on the register under the Ontario Heritage Act.

6.5.1.4 Local Area Municipalities are encouraged to develop and use cultural master plans to inform decision-making.

6.5.1.5 Development and site alteration on protected heritage property or adjacent lands shall not be permitted, except where the proposed development and site alteration has been evaluated through a heritage impact assessment and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

6.5.1.6 The Region shall maintain cultural asset mapping of fixed resources including cemeteries, designated or listed built heritage resources, historic sites, and the historic Welland Canal to assist in the review of development applications.

6.5.1.7 Local Area Municipalities are encouraged to consider the use of heritage impact assessment in conserving cultural heritage resources on a community planning basis.

Town of Niagara-on-the-Lake Official Plan, 2017 **Consolidation, as amended**

SECTION 6: General Development Policies

6.1 Archaeological Survey

As a condition of a planning application for the development or redevelopment of land, the municipality in consultation with the authority having jurisdiction may require the proponent to undertake an Archaeological Survey for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found. Detailed requirements are contained in SECTION 18: HERITAGE CONSERVATION.

6.9 Estate Lots

Estate lots are those properties in an urban area containing a dwelling of historical or architectural significance which makes a contribution to the streetscape or character of the municipality and have the potential of being subdivided into additional lots. Prior to

any application for a plan of subdivision or consent the proponent shall submit to the municipality the following:

- a) A streetscape study prepared by a qualified professional planner or other appropriate professional and approved by the Town demonstrating that the creation of a lot(s) will not negatively affect the character of the street or nearby homes.
- b) The proponent demonstrates that there is no negative impact on vegetation or drainage in the area.
- c) The proponent demonstrates that the ambience, character, setting and historic value of the existing home will be retained.
- d) Both the severed and retained parcel should have a frontage, lot area and proposed setbacks that complement the character and historic home and surrounding homes.

Section 6A: Growth Management Policies

4.6 Land Use Compatibility Policies

Intensification and/or redevelopment should be consistent with:

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;
- b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;
- e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.
- f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to: ...
 - Lot frontages lot area, depth
 - Building Setbacks
 - Privacy and overview
 - Lot grading and drainage
 - Parking
 - Servicing

18.2 Goals and Objectives

- (1) To protect, preserve and encourage the restoration of the original architectural detail wherever feasible on all buildings having architectural and historical merit within the context of the Town of Niagara-on-the-Lake, as well as on all buildings contributing towards the heritage value of the Town of Niagara-on-the-Lake.
- (2) To encourage good contemporary building design by using sympathetic forms while avoiding simply copying historic architecture. To restrict building design that is not compatible with existing structures or unsympathetic alterations to buildings that

would detract from the character of a Heritage Resource. Where lands or buildings have been designated pursuant to the Ontario Heritage Act the provisions of that Act regarding buildings and additions shall apply. In the Queen-Picton Heritage Conservation District the design of new buildings and structures shall also be subject to the requirements of the Queen-Picton Street Heritage District Plan.

- (3) To prevent the demolition, destruction or inappropriate alteration or use of heritage resources.
- (4) To encourage appropriate character and uses adjacent to heritage resources in those areas designated as Heritage Conservation Districts.
- (5) To develop and encourage creative, appropriate and economically viable uses of heritage resources.
- (6) To support and encourage the voluntary designation of historic buildings and structures.
- (7) To recognize the importance of archaeological sites within the municipality that represent the physical remains of a lengthy settlement history and a fragile non-renewable cultural legacy.

18.4 General Heritage Conservation Policies

- (2) It shall be the policy of Council to encourage the preservation of buildings and sites having historical and/or architectural values.