



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-25-028 **COMMITTEE DATE:** 2025-02-04  
**REPORT TO:** COTW-Planning **DUE IN COUNCIL:** 2025-02-25  
**SUBJECT:** Queen-Picton Heritage Conservation District Study – Study Area By-law

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council **ENDORSE** the proposed Queen-Picton Heritage Conservation District Study Area shown in **Appendix I** to this report; and,
- 1.2 Council **APPROVE** the enactment of a Study Area By-law under Section 40.1 of the *Ontario Heritage Act*, attached as **Appendix II** to this report, establishing the study area for the Heritage Conservation District Study, and temporary restrictions on the alteration of property within the Study Area for a one-year period.

### 2. EXECUTIVE SUMMARY

- The Queen-Picton Heritage Conservation District (“HCD”) was established in 1986 to protect the heritage character of the commercial core of Niagara-on-the Lake’s Old Town area (“Old Town”).
- Updating the HCD Plan and considering an expansion of the HCD was identified as a priority through the Town’s Planning for Progress initiative (2021) and Council’s 2022-2027 Strategic Plan.
- The Town has awarded the contract for the Queen-Picton Heritage Conservation District Study (the “HCD Study”) to Cultural Spaces, an Ottawa-based heritage consultancy firm.
- Cultural Spaces commenced background research and survey work in November 2024 and based on the work completed to date have recommended a study area for the potential expansion of the HCD (see **Appendix I** to this report).
- Section 40 of the *Ontario Heritage Act* provides that Council of a municipality may study any area of the municipality for the purpose of designating a heritage conservation district and may pass a by-law establishing an HCD study area for the period of one year.
- The Study Area by-law may include temporary restrictions on the alteration of property within the Study Area
- It is recommended that Council endorse the proposed Study Area boundary and approve a by-law under Section 40 of the Act to establish the Study Area and temporary restrictions on the of alteration of property for the period of one year (see **Appendix II** to this report).

### **3. PURPOSE**

The purpose of this report is to make a recommendation to Council on the establishment of a study area for the HCD Study. Staff also recommend approval of a Study Area by-law that will impose temporary restrictions on the alteration of property within the Study Area while the HCD Study is underway.

### **4. BACKGROUND**

The Queen-Picton Heritage Conservation District was enacted in 1986 to protect the commercial core of Niagara-on-the-Lake's Old Town area. As early as 1990, the Town of Niagara-on-the-Lake (the "Town") revisited ways to protect, preserve, and celebrate Old Town with proposed policy updates and studies aimed at updating the HCD Plan. Updating the HCD Plan was also indicated as a priority through the Town's Planning for Progress initiative (2021) and Council's Strategic Plan (2022-2027).

Through a formal RFP process, the Town retained the services of Ottawa-based heritage consultancy firm Cultural Spaces to undertake the HCD Study. Cultural Spaces is a multidisciplinary and bilingual team of specialists in heritage, sustainable development, and planning.

Prior to the commencement of the formal awarding of the contract and launch of the project, Town Heritage Staff established a Working Group with 18 volunteers associated with the MHC, the Town Historian/NOTL Museum, and the Niagara Foundation. The Working Group represented local members of the community who are committed to preserving and celebrating the historical fabric of Old Town. The exercise provided an opportunity for varied perspectives to assist with shaping the HCD Study with insight into priorities, concerns, and feedback. The Working Group conducted twelve two-hour walking tour sessions in Old Town and completed Built Heritage Surveys that were subsequently provided to the successful consultant team as part of an information package.

Cultural Spaces commenced background research and survey work as part of Phase One (the Study Phase) of the HCD Study. The Consultants have reviewed extensive documentation provided by the Town, completed their own primary and secondary research, and conducted in-person fieldwork. The background research and survey work has led to a recommendation of the study area boundary for the HCD study, which was presented to Municipal Heritage Committee in January for input. The Committee received the HCD Study status update and indicated support for the proposed HCD Study Area boundary.

### **5. DISCUSSION / ANALYSIS**

#### **Proposed HCD Study Area:**

Section 40(1) of the *Ontario Heritage Act* ("the Act") states that council of a municipality may study any area of the municipality for the purpose of designating one or more heritage conservation districts. Section 40.1(1) of the Act states that the council may by by-law designate the area specified in the by-law as a heritage conservation district study area for a period of up to one year.

Based on preliminary desktop and field research, Cultural Spaces has recommended a proposed study area boundary for the HCD Study (**Appendix I**). It includes the existing Queen-Picton HCD boundary and a surrounding area, for which further study and consideration will be given to expanding the HCD boundary.

The boundary of the Study Area has been developed based on a review of the following information:

- Queen-Picton Heritage Conservation District Plan, 1986;
- HCD Boundary Expansion By-law 2279-91, 1991;
- Secondary Plan Character Study, 2009;
- Downtown Character Area, Official Plan, 2019;
- Planning for Progress Initiative, 2021;
- Unpublished reports and research from the Town's archives;
- Extant architectural evidence; and
- Additional research (primary and secondary sources).

The Study Area is representative of extant historic architecture and its correlation to meaningful periods in the historic evolution of the Old Town from c.1814 to c.1914.

It should be noted that the Study Area is not the proposed boundary for a revised or updated Queen-Picton HCD, but rather, a boundary encompassing properties that *may* be included in the final HCD geographical area. The *Ontario Heritage Act* requires that at least 25% of properties within a defined geographic area comprising a HCD meet the "Criteria for Determining Cultural Heritage Value or Interest" (Ontario Regulation 9/06). As such, the proposed HCD boundary will represent a refinement of the Study Area boundary to ensure that the properties within meet this minimum threshold, as well as other relevant criteria developed by the consultant.

Proposed Study Area Bylaw and temporary development restrictions:

Section 40.1(2) of the Act states that a by-law establishing an HCD study area may prohibit or set limitations on the alteration of property situated in the HCD study area, and the erection, demolition or removal of buildings or structures in the HCD study area.

It is recommended that a by-law be enacted establishing an HCD Study Area as a mechanism to implement restrictions on the alteration of property within the Study Area for a period of one from the date of passage of the by-law. This will ensure no development, including lot creation, will occur within the Study Area that may have a negative impact on the heritage character of the area for a one-year period while the HCD Study is completed. It should be noted that there are approximately 75 properties within the proposed HCD Study Area that are on the Municipal Heritage Register. Staff are not currently pursuing individual heritage designation of these properties through the Council-endorsed Priority Heritage Designation work, as they have the potential for future protection depending on the recommendations of the HCD Study (Part V of the *Ontario Heritage Act*).

While the Study Area by-law will restrict the alteration of property within the study area, the proposed by-law does make some exceptions. Any Part IV individually designated properties

are proposed to be exempted from the restrictions as these properties are already protected by individual designation by-laws. It is also recommended that any properties within the Study Area that have received Official Plan Amendment, Zoning By-law Amendment or Site Plan Approval in the last three years (or for which Council has directed that a settlement be sought at the Ontario Land Tribunal), and have received, or do not require, heritage permit approvals or heritage easements, also be exempted from the by-law. These properties have recently obtained development approvals involving a thorough review of heritage conservation matters. Finally, minor heritage alterations to Part V designated properties (those within the existing Queen-Picton HCD) may be allowed pursuant to Section 2 of the Town's Heritage Delegation By-law (By-law 2024-022).

Within 30 days of the by-law's passage, notice must be provided to each owner of property within the HCD Study Area and in a newspaper of general circulation in the municipality. This triggers a 30-day period during which appeals to the by-law may be filed.

Staff recommends the use of the study area by-law as an important tool which places temporary restrictions on development within the study area while the municipality undertakes the HCD Study. The draft by-law is attached as **Appendix II** to this report.

## 6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

### Pillar

1. Vibrant & Complete Community

### Priority

1.1 Planning for Progress

### Action

1.1 b) Planning for Progress Initiatives

## 7. OPTIONS

- 7.1 **Option 1:** Council endorses the proposed Queen-Picton Heritage Conservation District Study Area shown in **Appendix I** to this report and approves the enactment of a Study Area By-law under Section 40.1 of the Ontario Heritage Act, attached as **Appendix II** to this report, establishing the study area for the Heritage Conservation District Study, and temporary restrictions on the alteration of property within the Study Area for a one-year period (**Recommended**)
- 7.2 **Option 2:** Council does not endorse the proposed Study Area and does not enact a Study Area by-law but continues the HCD Study without a Study Area by-law in place. (*Not Recommended*)

## 8. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report. The HCD Study is a funded project.

## 9. ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this report.

## 10. COMMUNICATIONS

A project webpage has been created on the Town website to provide the public with information and updates on the HCD Study.

LINK: Queen-Picton Heritage Conservation District Study | Town of Niagara-on-the-Lake  
(<https://www.notl.com/heritage-planning/queen-picton-heritage-conservation-district-study>)

A significant component of this HCD Study is the emphasis on engagement with local heritage experts, advocates, researchers, and the public. Upcoming engagement opportunities will be appropriately communicated.

## 11. CONCLUSION

This report has presented Council with a recommended Study Area for the Queen-Picton HCD Study and recommended enactment of a Study Area by-law implementing restrictions on development in the Study Area for a one-year period while the Study is underway. Staff support the use of the Study Area by-law and the advancement of the HCD study.

## 12. PREVIOUS REPORTS

- Queen-Picton Heritage Conservation District Study – Phase 1 Update – CDS-24-190

## 13. APPENDICES

- Appendix I – Proposed Heritage Conservation District Study Area
- Appendix II – Proposed Heritage Conservation District Study Area By-law

Respectfully submitted:

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