



Town of Niagara-on-the-Lake

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REPORT #: CDS-25-043 **COMMITTEE DATE:** N/A
REPORT TO: Council **DUE IN COUNCIL:** 2025-02-25
SUBJECT: Queen-Picton Heritage Conservation District Study – Revised Study Area By-law

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council **APPROVE** the enactment of a Study Area By-law under Section 40.1 of the Ontario Heritage Act, as revised and attached as **Appendix II** to this report, establishing temporary restrictions on the alteration of property within the Study Area for a one-year period, in addition to Recommendation 1.2 in Report CDS-25-028.

2. EXECUTIVE SUMMARY

- Section 40 of the Ontario Heritage Act (“the 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 a Heritage Conservation District (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.
- A proposed Study Area boundary and draft by-law for the Queen-Picton HCD Study was brought to Committee of the Whole – Planning on February 5, 2025.
- Since that date, staff have considered introducing additional exemptions in the proposed by-law, for alterations to property considered minor, and/or likely to have no impact on the heritage character of the Study Area and have subsequently revised the by-law to include those exemptions.
- It is recommended that Council approve the revised by-law (**Appendix II**) under Section 40 of the Act to establish the Study Area and temporary restrictions on the alteration of property for the period of one year.

3. PURPOSE

The purpose of this report is to make a recommendation to Council on the enactment 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. The proposed Study Area by-law brought to Committee of the Whole-Planning on February 5, 2025, has been revised by staff to introduce additional exemptions for alterations to property considered to be minor, and/or likely to have no impact on the heritage character of the Study Area. No changes have been made to the proposed Study Area boundary identified in the revised Study Area by-law.

4. BACKGROUND

Report CDS-25-028, attached as **Appendix I** to this report, sets out the rationale for a proposed study area for the Queen-Picton HCD Study and recommends that Council endorse the Study Area in the report.

Report CDS-25-028 also sets out the rationale for the passage of a Study Area by-law under the *Ontario Heritage Act*, and recommends that the Study Area by-law be enacted, establishing the Study Area and implementing temporary restrictions on the alteration of property for a one-year period.

5. DISCUSSION / ANALYSIS

No changes have been made to the proposed Study Area boundary as shown on Schedule A to the proposed Study Area by-law (attached as **Appendix II** to this report).

The proposed Study Area by-law contains certain exemptions from the restrictions on alterations to property noted in the by-law, as detailed in Staff Report CDS-25-028 and presented at the Committee of the Whole-Planning meeting. Since February 5, 2025, Staff has considered additional exemptions from the by-law and recommends that Council approve a revised Study Area by-law, including the following additional exemptions:

- Alterations to the interior of a building or structure legally existing on the date of passage of this By-law;
- The emergency repair of a building or structure legally existing on the date of passage of this By-law;
- The erection of a legally conforming and complying accessory building or structure;
- The erection of a legally conforming and complying second unit;
- The erection of temporary patios, and temporary structures for events;
- The removal of trees pursuant to By-law 5106-18;
- The erection, placement, display or maintenance of signs pursuant to By-law 4586-12.

It should be noted that Council approved a Temporary Use By-law to extend the Temporary Patio Program until December 31, 2025, but no new patios will be permitted on Queen Street while the Patio Program Review remains in progress.

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 approves the enactment of a Study Area By-law under Section 40.1 of the Ontario Heritage Act, 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.

Information has been provided to the public via media release. Following the enactment of the Study Area By-law, notice of the by-law will be mailed to all property owners within the Study Area.

11. CONCLUSION

This report has presented Council with proposed revisions to the HCD Study Area by-law including additional exemptions from the restrictions set out in the by-law, and recommended Council enact a Study Area by-law implementing restrictions on alteration to property in the Study Area for a one-year period while the HCD Study is underway.

12. PREVIOUS REPORTS

- Queen-Picton Heritage Conservation District Study – Phase 1 Update – CDS-24-190;
- Queen-Picton Heritage Conservation District Study – Study Area By-law – CDS-25-028

13. APPENDICES

- **Appendix I** – Report CDS-25-028 Queen-Picton Heritage Conservation District Study – Study Area By-law
- **Appendix II** – Proposed Heritage Conservation District Study Area By-law

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