

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2024-050**

By-law to Designate a Heritage Conservation District Study Area within a Defined Area in the Town of Amherstburg

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 Amherstburg, identified in Schedule “A” attached to this By-law, consists of a concentration of buildings of cultural heritage value or interest, including the properties individually designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18.

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. THAT in this By-law:

“**ACCESSORY**” when used to describe a use, a building or a structure, means a use, a building or a structure that is incidental, subordinate and devoted to a main use, building or structure and located on the same lot therewith, and includes a private garage which is not attached to the main building in any way but does not include a single unit dwelling in an Agricultural Zone. (By-law 2006-61) (4) “

“**BUILDING**” means any structure having a roof supported by walls and/or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, but does not include any vehicle as defined herein.

“**DEVELOPMENT**” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.

“**ERECT**” means to do anything in the erection, building, construction, reconstruction, installation, enlargement, extension, material or structural alteration or repair of a building or structure and shall include any preliminary physical operations such as excavating, grading, piling, cribbing, filling or draining, the relocation of a building or structure, the installation of a building unit fabricated or removed from elsewhere, and the demolition or removal of a building or any part thereof and further includes any work for which a building permit is required under the Building By-law of the Corporation.

“**EXISTING**” means legally existing as of the date of the passing of the By-law.

“**LOT**” means a parcel of land described in a deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision, other than a registered plan of subdivision which has been deemed not to be a registered plan of subdivision by a By-law passed pursuant to Section 51 of the Planning Act, 1990 as amended from time to time, or any successors thereto.

“**SECONDARY DWELLING UNIT**” means a dwelling unit ancillary and subordinate to an owner occupied primary single detached, semi-detached, or rowhouse dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupant thereof.

“**STRUCTURE**” means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway, any paved surface located directly on the ground, a fence, sign, or light fixtures.

2. The area identified in Schedule “A” attached hereto (Amherstburg Heritage Conservation District Study Area) is designated as a heritage conservation district study area for a period of one year from the date of enactment of this By-law.
3. The Town shall undertake a heritage conservation district study in accordance with the requirements of section 40(2) of the *Ontario Heritage Act*, for the purpose of examining the character and appearance of the area, examine and make recommendations as to the area to be designated, consider and make recommendations as to the objectives of the designation and the content of the heritage conservation district plan, and make recommendations as to any changes required to the municipal official plan or any municipal by-laws.
4. The erection, demolition or removal of buildings or structures within the heritage conservation district study area is prohibited with the exception of:
 - (i) a change to the interior of such legally existing buildings or structures;
 - (ii) the repair of a building or structure lawfully existing on the day of passing of this By-law;
 - (iii) a change to the façade of such legally existing buildings or structures where that façade does not address a public street or highway;
 - (iv) the erection of a legally conforming accessory building or structure;
 - (v) the erection of a legally conforming secondary dwelling unit;
 - (vi) a development on a lot associated with an open building permit which has been issued prior the passage of this By-law;
 - (vii) a development on a lot associated with a Site Plan Control application which has been deemed complete, or registered on title, within the previous three years prior to the passage of this By-law;
 - (viii) the erection, demolition or removal of buildings or structures within the heritage conservations district study area that has been endorsed by the Municipal Heritage Committee.
5. THAT where any conflict exists between the provisions of this By-law and any other by-law of The Town of Amherstburg, this By-law shall prevail.
6. THAT this By-law shall come into force and take effect immediately upon the final passing thereof.
7. The Clerk is hereby authorized and directed:

- (i) to cause a copy of this By-law to be served upon the owners of all of the properties within the Heritage Conservation District Study Area and upon the Ontario Heritage Trust within 30 days of the passage of this Bylaw, by a method permitted by the Ontario Heritage Act; and,
- (ii) to publish a notice of passing of this By-law in a newspaper having general circulation in the Town of Amherstburg.

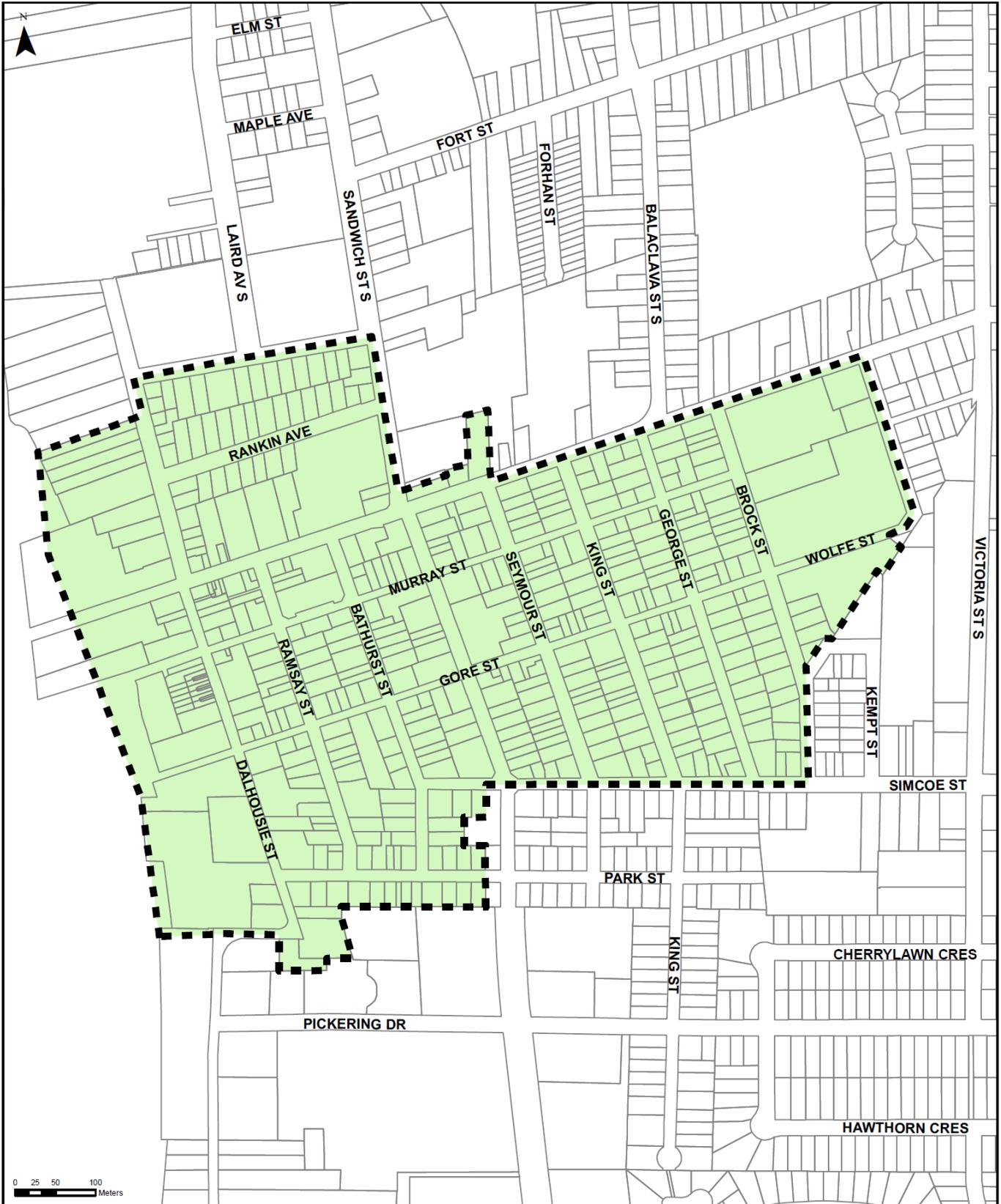
Read a first, second and third time and finally passed this 8th day of July, 2024.

MAYOR- MICHAEL PRUE

CLERK- KEVIN FOX

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2024-050 AMHERSTBURG HERITAGE CONSERVATION DISTRICT STUDY AREA



TOWN OF AMHERSTBURG
Heritage Conservation District Study Area

Date: June 12, 2014

 HCD Study Area