PART V DESIGNATIONS

Heritage Conservation Districts(HCDs)

Presenter:

Wayne Morgan



Presenter:

- Chair of a Municipal Heritage Committee (MHC) for 20 years
- City staff advisor on heritage conservation
- Secured 4 HCDs; implemented many HCDs
- Drafted a HCD in Toronto
- Currently a heritage planning consultant
- Professional planner and member OAHP
- Director and VP of CHO

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Outline

1. Overview
2. Why Designate
3. What is Part V Designation
4. Format of Designation By-law
5. What area can be designated
6. HCD Study & Plan
7. Effect of Designation
8. Process for District Designation
9. Advisory Committee – Yes / No
10. HCD versus Zoning By-law

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Overview

- A HCD is a tool to manage exterior physical change in an area that has a concentration of properties of cultural heritage value so as to maintain and enhance the area's heritage character.
  - Does not 'freeze' an area
  - Does not apply to uses on properties
  - Applies to private and public properties – the 'whole' community
  - No interiors

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Why designate?

- *Protect an area where there is a concentration of heritage properties;*
  - *Includes all properties within the area*
  - *Includes streets and other public properties*
- *Ensure new development 'fits into' a heritage area;*
  - *A HCD can include "non-heritage properties"*
  - *Provides guidelines/plan for new development*
- *More -*

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Why designate?

- *Prevent demolition;*
- *Prevent demolition by neglect (standards by-law);*
- *Prevent inappropriate exterior alterations;*
- *For heritage grant & property tax reduction;*
- *For relief under Building Code (exterior only);*
- *Provides recognition; and*
- *Request from Community (should be more than historical group)*

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Why designate?

- *Why would a group of property owners want a heritage conservation district for their area?*
  - *Most powerful municipal tool for maintaining the physical character of a neighbourhood*
  - *Stronger and more comprehensive than zoning by-law*

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What is Part V designation?

- *By-law, authorized by the Ontario Heritage Act (OHA), passed by a municipal council & registered on title to area properties.*

  - **OHA "41.** (1) Where there is in effect in a municipality an official plan that contains provisions relation to the establishment of heritage conservation district, the council of a municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district."

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Precondition – OP policy

- *OP policy permitting HCDs*

> *Areas or neighbourhoods may exist within the Town of Collingwood, that warrant preservation due to their heritage value. Council may, in consultation with the Collingwood Heritage Committee, pursue the designation of such areas as Heritage Conservation Districts under Part V of the Ontario Heritage Act.*

Collingwood Official Plan, Policy 7.2.2, 2

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Format of a designation by-law

- *Text: Preamble - Example*

http://www.toronto.ca/legdocs/bylaws/2005/law0887.pdf

BY-LAW No. 887-2005
To designate the Cabbagetown South area as a heritage conservation district.

WHEREAS City Council, at its meeting of February 16, 17 and 18, 2005, adopted Clause 33 of Toronto and East York Community Council Report 2, and in so doing authorized the passing of a by-law under section 40 of the *Ontario Heritage Act defining the Cabbagetown South area as an* area to be examined for future designation as a heritage conservation district; and

WHEREAS City Council, at its meeting of February 16, 17 and 18, 2005, passed By-law No. 135-2005 defining the study area; and

WHEREAS a heritage study of the area was conducted;

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Format of a designation by-law

- *Text: Main Body*

BY-LAW No. 887-2005 (continued)

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The area outlined by the heavy lines shown on the map attached as Schedule "A" to this by-law is designated as a heritage conservation district under Part V of the *Ontario Heritage Act, R.S.O. 1990, chapter O.18.*

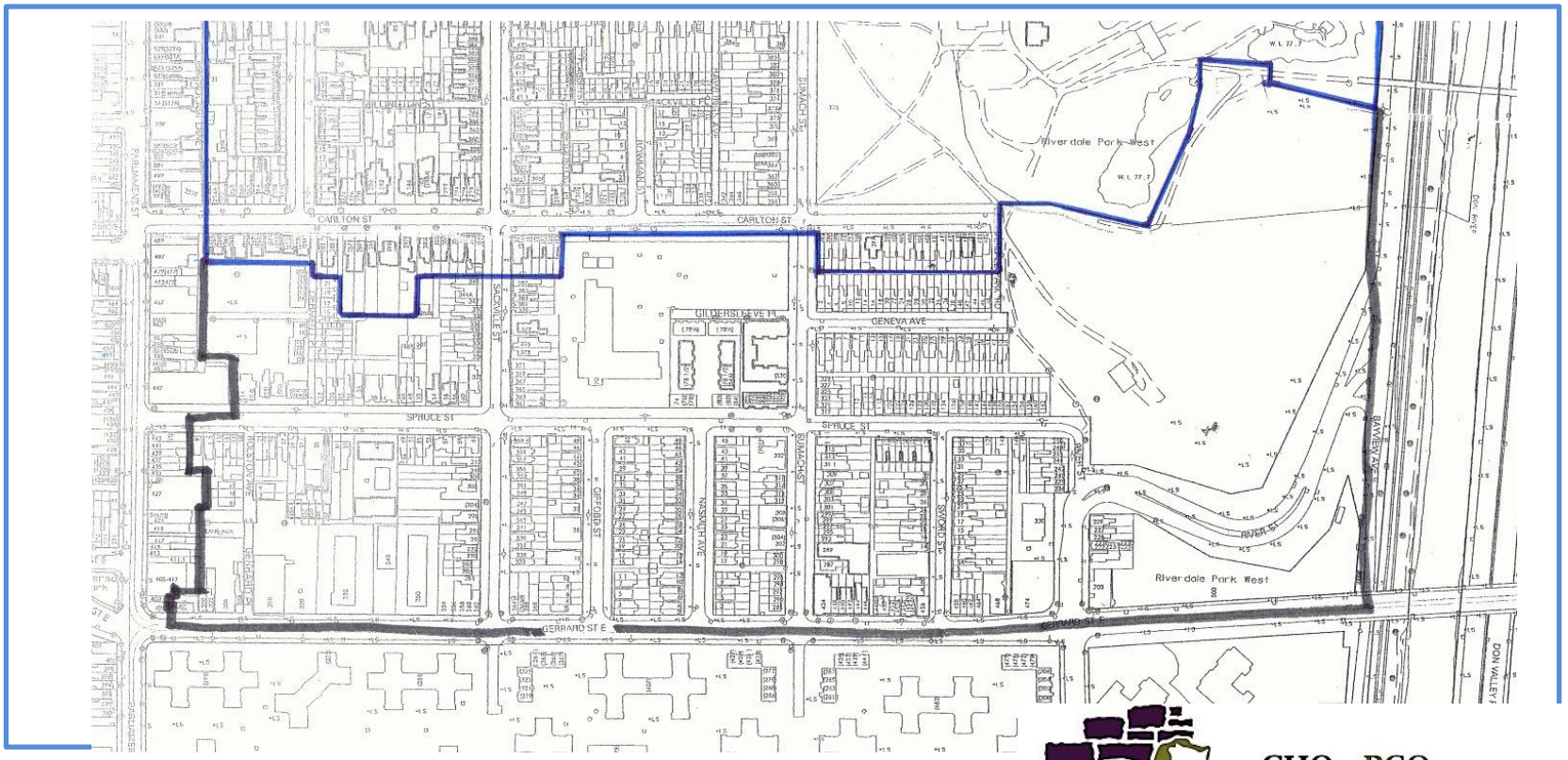
2. The heritage conservation district plan for the Cabbagetown South Heritage Conservation District prepared by City of Toronto Heritage Preservation Services, dated June 2005 is adopted.

3. A copy of the heritage character statement and heritage conservation district plan is available for inspection at the office of Heritage Preservation Services, Planning Division, Suite A17, City Hall, 100 Queen Street West, Toronto, Ontario. It is also available on the City's website @ www.toronto.ca/heritage-preservation.

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Format of a designation by-law

- *Text: Schedule A*



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What areas can be designated?

No Provincial regulation specifying areas that can be designated as HCDs

Some municipalities attempt to use Regulation 09/06 for Part IV designations and apply it to areas as a whole. The HCD must exhibit one or more of criteria which are grouped into:

1. Design or physical value
2. Historical or associative value
3. Contextual Value

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What areas can be designated?

- Some municipalities have criteria in their official plans
  e.g., Burlington

8.3.4 Heritage Conservation Designation

c) *Cultural Heritage landscapes may be conserved through designation as Heritage Conservation Districts ... where some or all of the following features have been identified:*

(i) the District contains buildings that reflect an aspect of local history by nature of location and historical significance of setting;

(ii) the District contains buildings that are of a style of architecture or method of construction which is historically or architecturally significant to the City ...;

(iii) the District contains other important physical, environmental or aesthetic features that, are not sufficient for designation, but lend support in evaluating the criteria for designation; and

(iv) the District is in an area of special association that is distinctive within the City and, as a result, adds to the character of the entire community.

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Examples of HCDs

- Over 100 approved and in operation in Ontario
- More than 15,000 properties covered by these HCDs

Toronto – South Rosedale – residential area



Toronto – Draper Street – residential street



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Examples of HCDs



Port Hope – Main Street – commercial area

Kingston – Market Square – commercial/institutional area



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Examples of HCDs



Kitchener – St Mary's – post WWII housing

Toronto – Union Station Area – 20th century commercial /institutional



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The HCD Study

OHA "40. (1) The council of a municipality may undertake a study ... for the purpose of designating one or more heritage conservation districts.

Scope of study

(2) A study under subsection (1) shall,

(a) examine the character and appearance of the area ..., including buildings, structures and other property features ..., to determine if the area should be preserved as a heritage conservation district;

(b) examine and make recommendations as to the geographic boundaries of the area to be designated;

(c) consider and make recommendations as to the objectives of the designation and the content of the heritage conservation district plan required under section 41.1;

(d) make recommendations as to any changes that will be required to the municipality's official plan and to any municipal by-laws, including any zoning by-laws."

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The HCD Study

- Municipality may designate HCD study area by by-law
  - May prohibit or set limits on alterations, demolitions and new buildings up to 1 year
  - Subject to OMB appeal
- Not recommended unless area under immediate threat

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The HCD Plan

OHA "41.1

Content of plan

(5) A heritage conservation district plan shall include,

(a) a statement of the objectives to be achieved in designating the area as a HCD;

(b) a statement explaining the cultural heritage value or interest of the HCD;

(c) a description of the heritage attributes of the HCD and of properties ...;

(d) policy statements, guidelines and procedures for achieving the stated objectives and managing change in the HCD; and

(e) a description of the alterations or classes of alterations that are minor in nature and that the owner of property in the HCD may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under section 42."

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The HCD Study and the Plan

- Although HCD Study not required, it is recommended:
  - provides the basis for the Plan
  - Provides background information to defend the Plan
  - Should include an inventory of HCD properties
- Study and Plan can be combined
- Example –
  - Munro Park/East Beach HCD Study & Plan

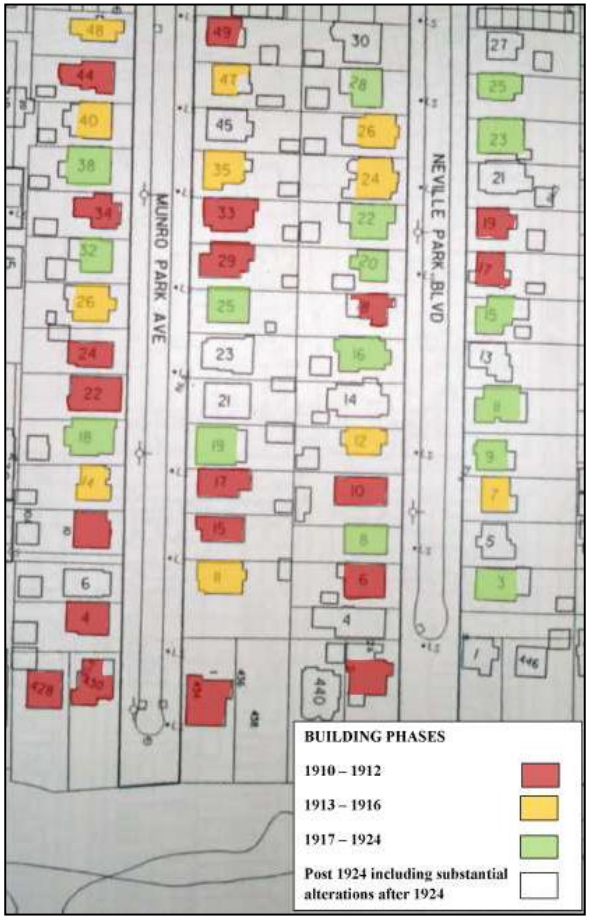
    http://www.toronto.ca/legdocs/mmis/2009/pb/bgrd/backgroundfile-18277.pdf

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Munro Park/East Beach HCD

History and Evolution of Area





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Munro Park HCD Study

Examined Built Features – Attributes:

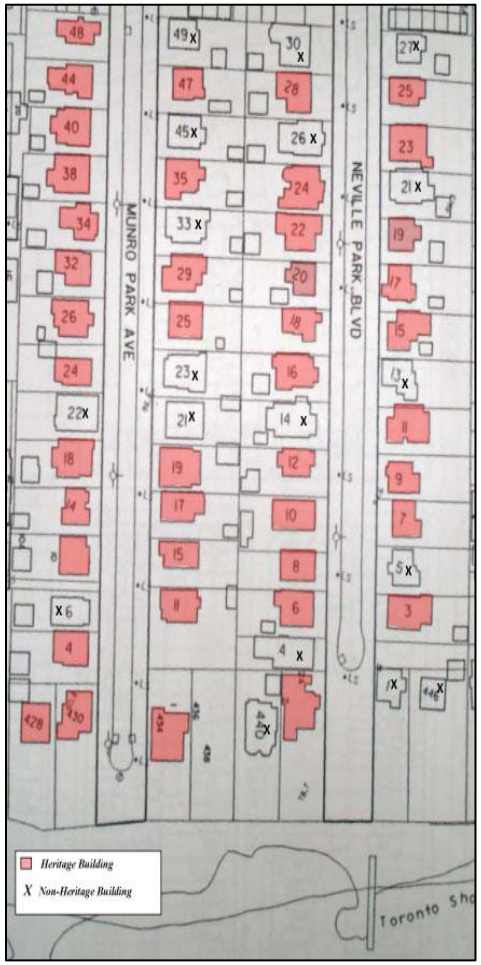
- Massing
- Setback
- Verandas
- Windows & doors
- Accessory buildings
- Height
- Predominant Building material
- roof shape
- decorative treatments
- architectural styles



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Munro Park HCD Study

Identified Heritage Buildings In the area:



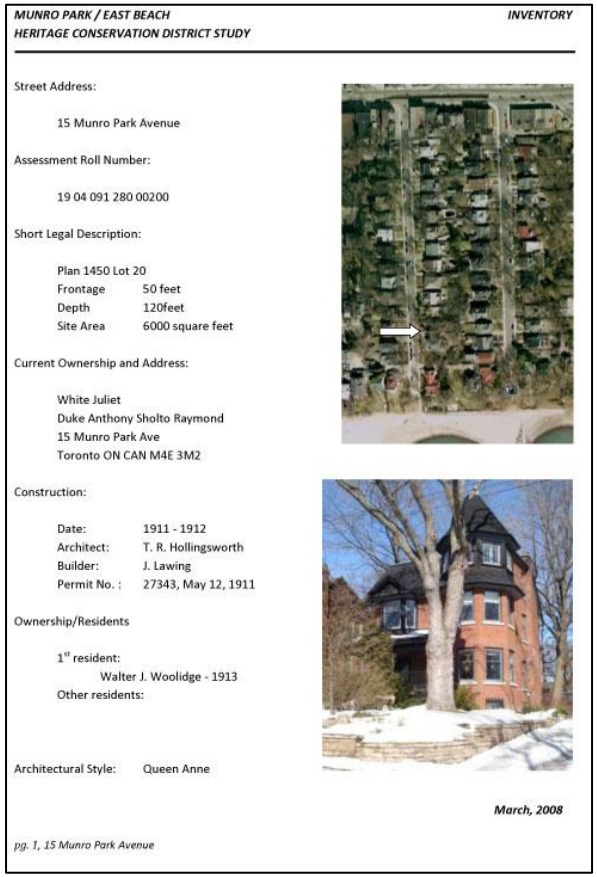
-Set out criteria for identifying heritage buildings

- keepers
- not every building merits retention

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Munro Park HCD Study

Property Inventory:



MUNRO PARK / EAST BEACH *INVENTORY*
HERITAGE CONSERVATION DISTRICT STUDY

Street Address:

15 Munro Park Avenue

Assessment Roll Number:

19 04 091 280 00200

Short Legal Description:

Plan 1450 Lot 20
Frontage 50 feet
Depth 120feet
Site Area 6000 square feet

Current Ownership and Address:

White Juliet
Duke Anthony Sholto Raymond
15 Munro Park Ave
Toronto ON CAN M4E 3M2

Construction:

Date: 1911 - 1912
Architect: T. R. Hollingsworth
Builder: J. Lawing
Permit No. : 27343, May 12, 1911

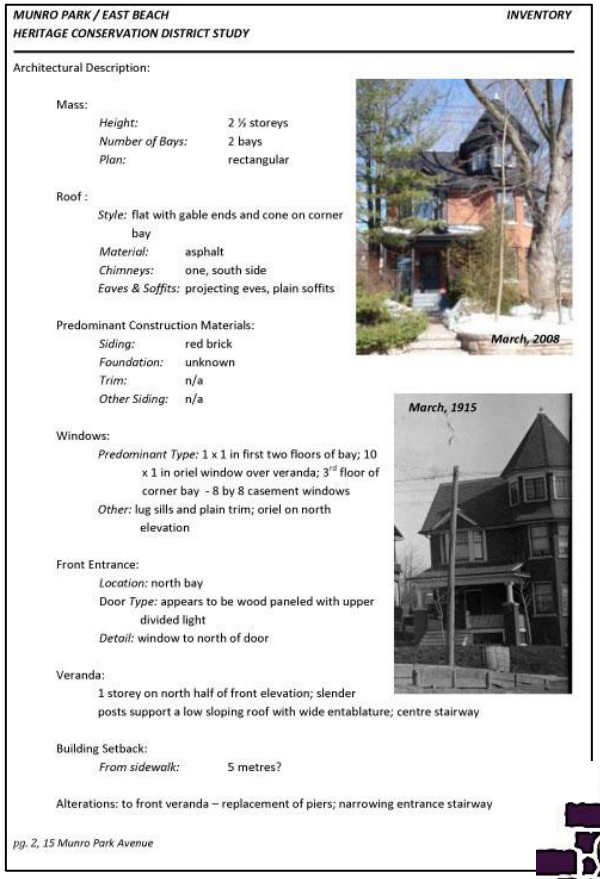
Ownership/Residents

1st resident:
Walter J. Woolidge - 1913
Other residents:

Architectural Style: Queen Anne

March, 2008

pg. 1, 15 Munro Park Avenue



MUNRO PARK / EAST BEACH *INVENTORY*
HERITAGE CONSERVATION DISTRICT STUDY

Architectural Description:

Mass:
Height: 2 ½ storeys
Number of Bays: 2 bays
Plan: rectangular

Roof :
Style: flat with gable ends and cone on corner bay
Material: asphalt
Chimneys: one, south side
Eaves & Soffits: projecting eves, plain soffits

Predominant Construction Materials:
Siding: red brick
Foundation: unknown
Trim: n/a
Other Siding: n/a

March, 2008

March, 1915

Windows:
Predominant Type: 1 x 1 in first two floors of bay; 10 x 1 in oriel window over veranda; 3rd floor of corner bay - 8 by 8 casement windows
Other: lug sills and plain trim; oriel on north elevation

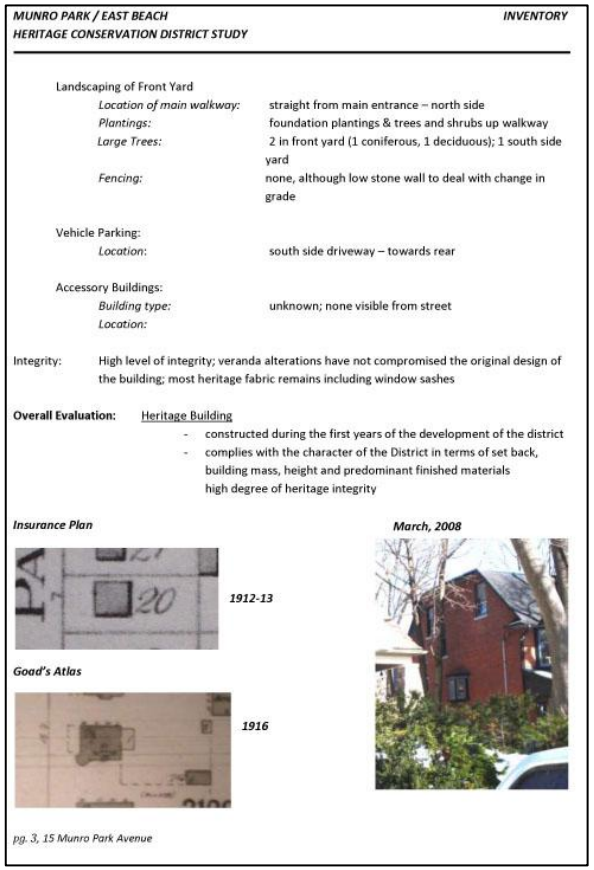
Front Entrance:
Location: north bay
Door *Type:* appears to be wood paneled with upper divided light
Detail: window to north of door

Veranda:
1 storey on north half of front elevation; slender posts support a low sloping roof with wide entablature; centre stairway

Building Setback:
From sidewalk: 5 metres?

Alterations: to front veranda – replacement of piers; narrowing entrance stairway

pg. 2, 15 Munro Park Avenue



MUNRO PARK / EAST BEACH *INVENTORY*
HERITAGE CONSERVATION DISTRICT STUDY

Landscaping of Front Yard
Location of main walkway: straight from main entrance – north side
Plantings: foundation plantings & trees and shrubs up walkway
Large Trees: 2 in front yard (1 coniferous, 1 deciduous); 1 south side yard
Fencing: none, although low stone wall to deal with change in grade

Vehicle Parking:
Location: south side driveway – towards rear

Accessory Buildings:
Building type: unknown; none visible from street
Location:

Integrity: High level of integrity; veranda alterations have not compromised the original design of the building; most heritage fabric remains including window sashes

Overall Evaluation: Heritage Building
- constructed during the first years of the development of the district
- complies with the character of the District in terms of set back, building mass, height and predominant finished materials high degree of heritage integrity

Insurance Plan ***1912-13***

Goad's Atlas ***1916***

March, 2008

pg. 3, 15 Munro Park Avenue

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Munro Park HCD Study

Examined Landscape character – Attributes:

- Topography – slope, ravine & lake bluff
- The Beach
- Front yards
- Streets – trees, parking, sidewalks, width
- Views



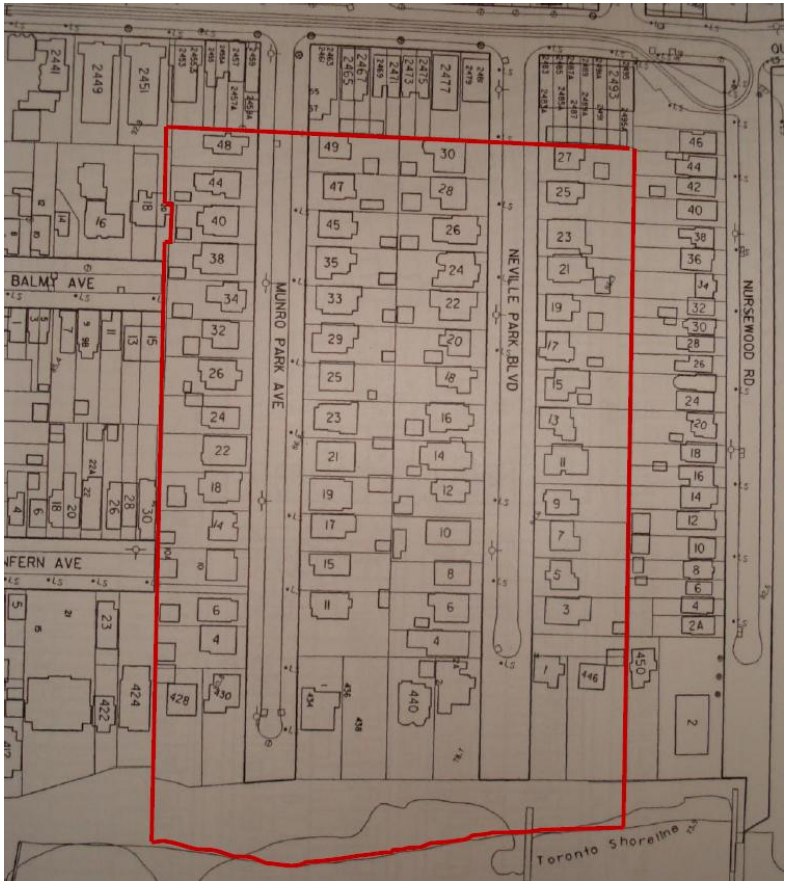


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Munro Park HCD Study

Boundary

- Confirmed



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Munro Park HCD Study

Based on Study, changes to:

- City Official Plan – none
- Zoning By-law – changes recommended

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Munro Park HCD Plan

- District Character Statement
- Plan objectives
- Policies/guidelines for:
  - Heritage buildings
  - Non-heritage buildings
  - New buildings
  - Landscape
- Exceptions:
  - not requiring a heritage permit

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Munro Park HCD Plan

- District Character Statement
  - Several paragraphs describing the physical (built and landscape) character of the District and its evolution

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Munro Park HCD Plan

Objectives:

- Retain heritage buildings
- Manage change to buildings
- Additions to the rear
- New buildings are in keeping with character
- Landscape objectives – beach, street, front yards

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Munro Park HCD Plan

Policies for Heritage Buildings

- Alterations:
  - On visible sides of building – in keeping with the architectural character of the building; do not remove important character defining features – repair rather than replace; if replace, in kind
- Additions:
  - To rear and no higher than existing roof ridge; on sides under exception
- Demolitions:
  - No

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Munro Park HCD Plan

Policies for Non-Heritage Buildings

- Alterations:
  - On visible sides of building – in keeping with the architectural character of the building and the District
- Additions:
  - To rear and no higher than existing roof ridge; on sides under exception
- Demolitions:
  - Yes – if plans for new building comply with the District Plan

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Munro Park HCD Plan

Policies for New Buildings

- Must conform to the District character in terms of height, setback, massing, use of materials, architectural style, roof type, and relationship of solids to voids
- Not introduce architectural styles that are not part of the District character
- Not create fake ‘old’ buildings

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Munro Park HCD Plan

Landscaping

- On residential properties:
  - Maintain soft landscaping in front yard
  - Limit coverage of front yard by driveways and parking pads
  - Front Yard Fencing – no
  - Trees – encourage

- Public areas:
  - Street trees – retain and develop more
  - Street width and sidewalks - maintain
  - Views - maintain
  - Beach – maintain in natural state

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Munro Park HCD Plan

Implementation:

- Heritage Permit
- Exceptions that do not require heritage permit
  - Minor alterations – listed
- Changes that conform to Plan may be approved by staff
- Council approval required for
  - Demolitions
  - New buildings
  - Alterations/additions not conforming to Plan

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Effects of HCD

OHA "42. (1) No owner of property situated in a HCD … shall do any of the following, unless the owner obtains a permit from the municipality to do so:

1. Alter or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.
2. Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure."

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Effects of HCD

- ***Property Owners***
  - Limited to building exteriors
  - Change is possible – subject to Council permission
    - Council may have delegated some approvals to staff
  - Council may require information in support of a permit application
  - Council must decide within 90 days of notice of receipt of a complete application or deemed approved.
  - Decision of Council appealable to the Ontario Municipal Board

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Effects of HCD

- ***Municipality***

OHA "41. 2 (1) Despite any other general or special Act, if a HCD plan is in effect in a municipality, the council of the municipality shall not,

(a) carry out any public work in the district that is contrary to the objectives set out in the plan; or

(b) pass a by-law for any purpose that is contrary to the objectives set out in the plan. 2005, c. 6, s. 31.

Conflict

(2) In the event of a conflict between a HCD plan and a municipal by-law that affects the designated district, the plan prevails to the extent of the conflict, but in all other respects the by-law remains in full force. "

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Effects of HCD

- A property in a HCD may be designated under the OHA Part IV:
  - Interior alterations –
    - subject to Part IV designation
  - Exterior alterations & demolitions –
    - subject to the Part V Plan in which it is locatedn

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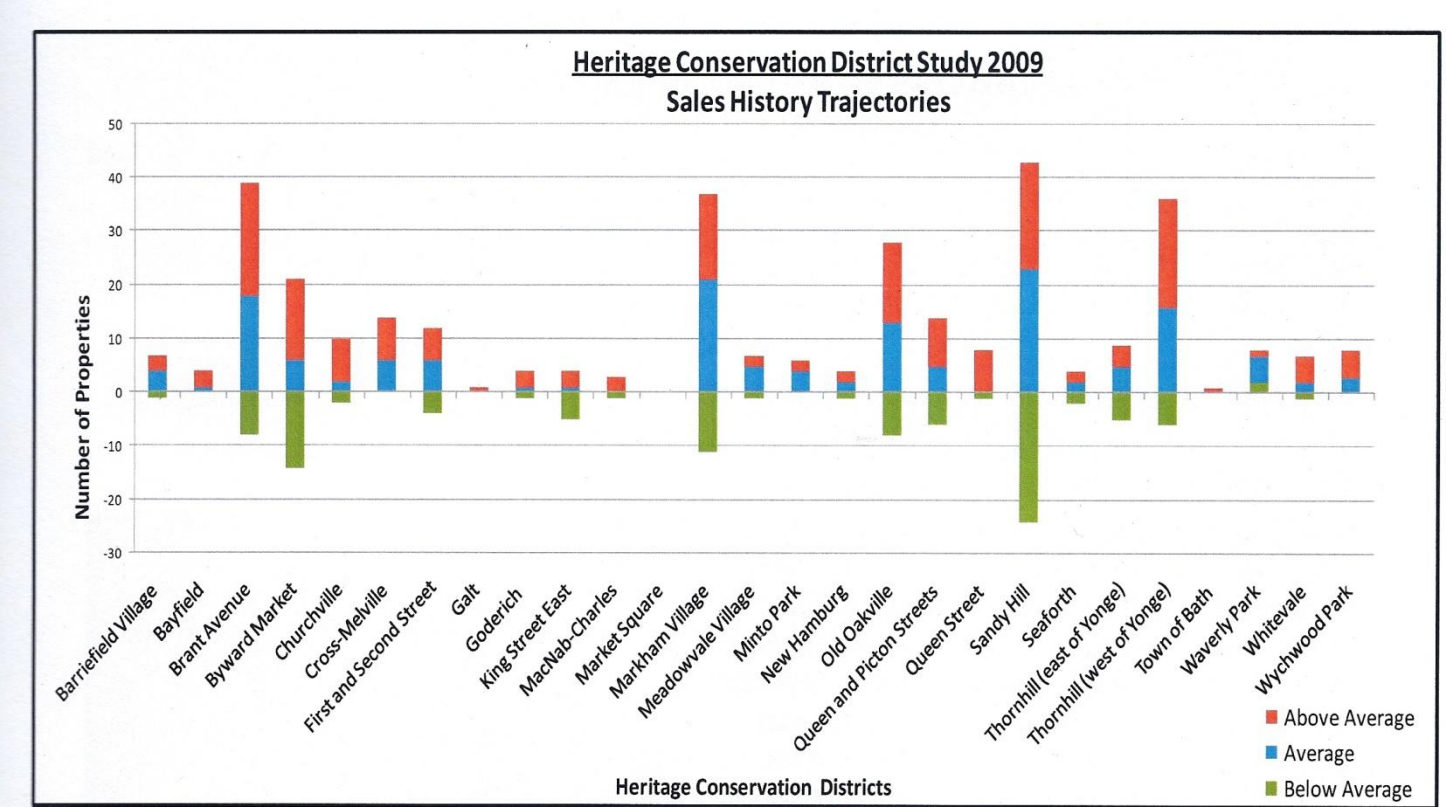
Effects of HCD

- If property owner not proposing changes:
  - None
  - HCD does not require restoration
- Interior changes
  - None

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Effects of HCD

- Property Values – U of Waterloo study



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Process to Designate a HCD:

- ***Details specified in OHA:***
  - Discussion limited to:
    - HCD Study/Plan - A Planning study?:
    - Public Consultation
      - » Do more than specified in the OHA
    - Appeals
      - » Understand that work is subject to appeal
        - Make if defensible
- ***Initially top down***:
  - Took off when the public took ownership
    - Sell the product from the resident perspective

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Process to Designate a HCD:

- ***HCD Study & Plan:***
  - A Planning study?:
    - Not specified in the OHA
    - Essentially a planning study with a strong cultural/architectural/ landscape bent
    - Suggest involving the Planning Department from the get go

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Process to Designate a HCD:

- ***Public Consultation:***
  - Details specified in Part V of OHA (41.1):
    - Before adopting the by-law and plan
      - » Make information & plan available to the public;
      - » Hold one public meeting;
      - » Consult with MHC
    - After adopting
      - » Serve notice on property owners
      - » Publish in a local newspaper.
  - Recommend much more:
    - Public meeting - before starting the Study/Plan – gauge if consensus
    - After a draft Plan has been prepared

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Process to Designate a HCD:

- ***Appeals:***
  - Within 30 days of publishing Council's by-law decision
  - To the OMB
    - Dismiss appeal
    - Allow appeal in whole or part
    - order municipal council to make changes
  - If appealed, the by-law comes into force:
    - When all appeals have been withdrawn or dismissed, or
    - On date OMB amends by-law, or
    - On date amended by Council

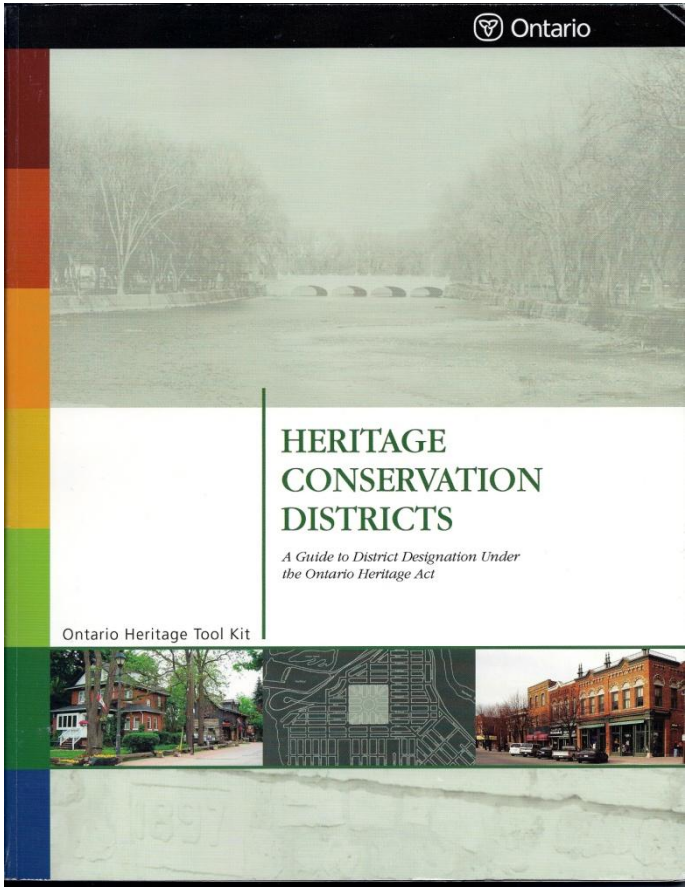
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HCDs versus Zoning

- Zoning:
  - outlines building envelope - no architectural detail
  - deals with use
  - can be varied by the C of A - appeal to OMB
  - does not deal with demolition
- HCD
  - deals with architectural detail
  - does not deal with use
  - can be varied by Council - appeal to OMB
  - deals with demolition
  - trumps zoning

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Additional resources on HCDs



Ontario Heritage Tool Kit – Ministry of Tourism, Culture & Sport Website

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Additional resources on HCDs

- Municipal websites:
  - Heritage Conservation District Plans

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To understand how other MHCs are using Part V designation:

- Join us at CHO/PCO

