

**Minutes of An Amherstburg Municipal Council Meeting Held  
On Thursday, March 3, 2011 At 4:30 p.m. In Council  
Chambers**

**PRESENT:** Mayor Wayne Hurst  
Deputy Mayor Ron Sutherland  
Councillor Bart DiPasquale  
Councillor Robert (Bob) Pillon  
Councillor Diane Pouget  
Councillor John Sutton

**ALSO PRESENT:** Pamela Malott, Chief Administrative Officer  
Brenda Percy, Manager of Council & Leg. Services/Clerk  
Stephen Brown, Chief Building Official  
Michelle Lavin Chittle, Clerk, Building & Development Services  
Jackie Lassaline, Lassaline Planning Consultants Inc.  
Members of Amherstburg Heritage Committee

**ABSENT:** Councillor Carolyn Davies

**CALL TO ORDER**

The Mayor called the meeting to order.

**DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

There were no disclosures of pecuniary interest.

**PRESENTATION**

A presentation by Jackie Lassaline, Lassaline Planning Consultants Inc. pertaining to Heritage and Urban Planning Guideline processes, more particularly heritage district versus architectural control guidelines. A copy of the presentation is attached and forms an Addendum to these minutes.

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

**That the presentation by Jackie Lassaline be received.**

The Mayor put the Motion.

**Motion Carried**

**Heritage District Overview**

John MacDonald, Heritage Committee provided a PowerPoint Presentation with regard to a Heritage District Overview. A copy of the presentation is attached and forms an Addendum to these minutes.

In response to a question from Council, Jackie Lassaline provided a timeline for completion of the Plan.

Councillor Sutton moved, Councillor Pillon seconded:

**That Council receive the presentation from the Heritage Committee;**

**And further that Council direct Administration to take the necessary steps to move forward with the establishment of a heritage district.**

The Mayor put the Motion.

**Motion Carried**

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

**That correspondence from Ministry of Tourism and Culture – Ontario Heritage Week – February 23, 2011 be received.**

The Mayor put the Motion.

**Motion Carried**

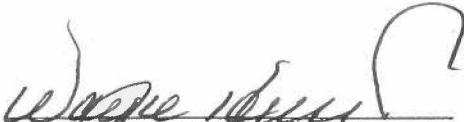
**ADJOURNMENT**

Councillor Sutton moved, Councillor DiPasquale seconded:

**That Council rise and adjourn at 5:15 p.m.**

The Mayor put the Motion.

**Motion Carried**

  
MAYOR - WAYNE HURST

  
CLERK - BRENDA M. PERCY

## COMPARISON CHART: HERITAGE DISTRICT vs. ARCHITECTURAL CONTROL

ISSUE:	HERITAGE DISTRICT	ARCHITECTURAL CONTROL	NOTES
1) Process to date	<p>75 % completed</p> <p><b>Completed</b> - Heritage District Study; Adopting By-law; Amending By-law; Heritage District Plan.</p> <p><b>Not completed</b> - Public Meeting and Implementation Plan.</p>	<p>25 % completed</p> <p><b>Completed</b> - Heritage District Study.</p> <p><b>Not completed</b> - Official Plan Amendment, Zoning By-law Amendment, Site Plan Administration and Implementation program.</p>	<ul style="list-style-type: none"> <li>Use of the Heritage District Study would form part of background for both district or controls;</li> <li>The adopting documents for the district have been completed.</li> <li>OPA, Zoning By-law amendment for Heritage properties, documents would have to be completed for arch. Control.</li> </ul>
2) Demolition Permit?	<p><b>Yes</b> - in consultation with the Heritage Committee, council may within 90 days of request, issue the demolition permit, refuse the demolition permit with notice, or approve the demolition with conditions.</p>	<p><b>Yes</b> - council may under section 33 of the planning act and municipal by-law issue a demolition permit, refuse a demolition permit, or approve a demolition permit with conditions.</p>	<ul style="list-style-type: none"> <li>Both demolition permits may be appealed.</li> </ul>
3) Protection of viewscape?	<p><b>Yes</b> - a district provides for protection of the heritage viewscape as a grouping or district.</p>	<p><b>Yes partially</b> - new development will have to conform to official plan guidelines, however guidance provided under the official plan is only direction, not mandatory compliance with heritage sensitivities.</p>	<ul style="list-style-type: none"> <li>Heritage District will protect the viewscape by talking into account neighbourhood heritage issues. These heritage issues (i.e. building setbacks, walkways, landscaping) will be addressed as a neighbourhood rather than an individual property.</li> </ul>
4) Confidence in preservation/protection?	<p><b>More</b> - a district provides the neighbourhood with the confidence that all heritage features will be protected. This offers security to land owners while promotes investment.</p>	<p><b>Less</b> - without the neighbourhood or district approach, people are less likely to invest in the preservation of the heritage. There will be a lack of confidence in investment for fear that their neighbour may develop a non-heritage structure and destroy the heritage viewscape.</p>	<ul style="list-style-type: none"> <li>The general public will have less confidence in investing in their heritage through official plan policies.</li> <li>The public will have more confidence in investing in heritage preservation when the heritage act legislation is implemented.</li> </ul>

## COMPARISON CHART: HERITAGE DISTRICT VS. ARCHITECTURAL CONTROL

ISSUE:	HERITAGE DISTRICT	ARCHITECTURAL CONTROL	NOTES
5) Heritage Architecture protection?	<p>Yes - legislation will protect significant heritage architecture and viewscape within the district. As well, legislation will protect the significant heritage when new structures are proposed or additions are requested.</p> <p>A Heritage District will conserve, preserve heritage and will utilize all aspects of the land use toolbox - urban design guidelines, heritage committee direction, heritage district plan, etc.</p> <p>A Heritage District will manage change in a fine grain approach with the ability to control materials, details of the heritage fabric, respect to the conservation and preservation of heritage character and fabric.</p>	<p>Less - official plan policies are guidelines and not legislation. Official plan policies will offer direction and guidance.</p> <p>The Official Plan Amendment cannot control character and neighbourhood fabric.</p> <p>Architectural Control is a reactive approach.</p> <p>OP policies will maintain a certain look by guiding a developer through urban design guidelines. The OP cannot conserve or preserve heritage unless the land owner is willing.</p>	<ul style="list-style-type: none"> <li>In a heritage district new development must be approved by council with recommendation from Heritage Committee under a Heritage permit application. The Committee will have regard for surrounding property heritage features to ensure protection of heritage for neighbourhood.</li> <li>Through official plan policies only significant development warranting site plan agreements will be considered by council.</li> </ul>
6) Heritage Tax Incentive program	<p>Yes - through by-law may be available to all properties within the district as well as designated properties outside district.</p>	<p>Less - only those properties designated under Section IV of Heritage Act may apply.</p>	<ul style="list-style-type: none"> <li>Heritage District will encourage more utilization of the incentive program for downtown as a contiguous and neighbourhood approach.</li> </ul>
7) Allow for new development?	<p>Yes - the District assumes changes and allows for and manages change through a review process that will result in a development that 'fits' within the neighbourhood.</p> <p>Urban design Guidelines will guide and direct Council, staff, Heritage Committee, and developer in creating a compatible new development utilizing the toolbox provided by the Heritage District, a land use document.</p>	<p>Yes - but only on an individual case by case scenario. OP guidelines and urban design guidelines can provide direction but cannot control the character of the new building or the fabric of the new development (i.e. heritage sensitive decorations on the building to result in an 'age sensitive' building).</p>	<ul style="list-style-type: none"> <li>The District anticipates and manages change within the neighbourhood. The complete land use toolbox is available to manage change. The District can control materials and details affecting the look and impact on the neighbourhood.</li> <li>The Official Plan Amendment will allow for change on an individual site but does not have the ability to control character or fabric.</li> </ul>

## COMPARISON CHART: HERITAGE DISTRICT vs. ARCHITECTURAL CONTROL

### GENERAL DETAILS:

#### 1. LEGISLATIVE DESCRIPTIONS:

##### 1.1 HERITAGE ACT, RSO 1990, cap 18:

Part V of the Heritage Act – Heritage District Designation: The Heritage District designation is provincial legislation. The Act puts the authority to preserve, conserve and protect the heritage and the viewscape of the area determined to have a high concentration of heritage, under council's purview.

- Section 41. (1) Where there is in effect in the municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district.
- Section 41.1 (1) A by-law under section 41 designating one or more heritage conservation districts in a municipality shall adopt a heritage conservation district plan for each district that is designated in the by-law.
- Section 42. (1) No owner of property situated in a heritage conservation district that has been designated by a municipality under this part 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.
- Section 42. (2.1) the owner of property situated in a designated heritage conservation district may apply to the municipality for a permit to alter any part of the property other than the interior of a building or structure on the property or to erect, demolish or remove a building or structure on the property.

## COMPARISON CHART: HERITAGE DISTRICT vs. ARCHITECTURAL CONTROL

- Section 42. (4) Within 90 days after the notice of receipt is served on the applicant under sub section (3) or within such longer period as is agreed upon by the applicant and council, the council may give the applicant,
  - (a) The permit applied for;
  - (b) Notice that the council is refusing the application for the permit; or
  - (c) The permit applied for, with terms and conditions attached.
- Section 42. (4.1) If the council of a municipality has established a municipal heritage committee under section 28, the council shall, before taking any action under sub section (4) with respect to an application to demolish or remove any building or structure on property on a heritage conservation district, consult with its municipal heritage committee.
- Section 42. (5) If the council fails to do any do things mentioned in sub section 4 within the time period mentioned, the council shall be deemed to have given the applicant the permit applied for.

### 1.2 THE PLANNING ACT, RSO 1990, cP13:

**Architectural Control: Through Bill 51, amendments were made to the Planning Act, RSO 1990, and caps. 13 to allow municipalities to control the look of the municipality by applying exterior design controls through site plan.**

- Section 33. (2) Establishment of Demolition Control Area by by-law - ...the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless the person is the holder of a demolition permit issued by the council under this section.

## COMPARISON CHART: HERITAGE DISTRICT vs. ARCHITECTURAL CONTROL

- Section 33. (3) Council may issue or refuse to issue permit – subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit, may issue the permit with conditions (under subsection 7) or refuse to issue permit.
- Section 34. (1) 4. Construction of buildings or structures – for regulating the type of construction and the height, bulk, location, seize, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.
- Section 34. (3) Area, density and height – The authority to regulate provided in paragraph 4 of subsection (1) includes an, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development of the municipality or in the area or areas defined in the by-law.
- Section 41. (1) Site Plan Control Area - in this section, 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.
- Section 41. (4) Approval of Plans or Drawings – No person shall undertake any development in an area designated under sub section (2)...as the council may determine, of the following: 2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than 25 dwelling units, which drawings are sufficient to display,(a) the massing and conceptual design of the proposed building; (d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and there sustainable design, but only to the extent that is a matter of exterior design, if an official plan and a by-law past under sub section (2) that both contain provisions relating to such matters are in effect in the municipality.



## **COMPARISON CHART: HERITAGE DISTRICT vs. ARCHITECTURAL CONTROL**

- Section 41. (5) Drawings for Residential Buildings – Despite the exception provided in sub section (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than 25 dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in sub section (2) as an area wherein such drawings may be required.

### **1.3 EXISTING OP POLICIES (approved February 3<sup>rd</sup> 2010)**

**The official plan for the Town of Amherstburg has established policies relating to heritage conservation specific to the Central Business Area.**

- Section 6.4.1 The Central Business Area possesses many older structures that warrant preservation and restoration. It shall also be an objective of this plan to coordinate this preservation, restoration, and utilization of the historical attributes of Amherstburg with comprehensive needs planning needs in order to benefit the community and posterity.
- Section 6.4.2 Objectives - (1) to protect, preserve and restore the original architectural detail wherever feasible on those significant buildings having architectural and historical merit within the context of the town of Amherstburg. (5) To prevent the demolition, destruction, or inappropriate alteration or use of heritage.
- Section 6.4.4 Criteria for Heritage Districts Background – The Town`s Heritage and planning concerns require special attention for whole areas. It is felt that a focus on areas, as a major direction for heritage programs will result in the most efficient use of resources and the most effective protection of heritage. A detailed Heritage Conservation District Plan shall be prepared for all areas which are to be designated as Heritage Conservation Districts.

## **COMPARISON CHART: HERITAGE DISTRICT vs. ARCHITECTURAL CONTROL**

- Section 6.4.6 Policies – (4) Council shall exercise its legislative authority to control the demolition and alteration of heritage. Where council has through by-laws designated individual buildings or district under The Ontario Heritage Act, or established an area of Demolition Control under Section 33 of the Planning Act, no person shall demolish the whole or any part of a designated property or property in a designated area, without first receiving a permit issued by council.
  
  - Section 6.4.6 Policies – (9) Council will amend its property standards, as appropriate, to meet the needs of heritage.
- 2. NEXT STEPS:**
- 2.1 HERITAGE DESIGNATION:**
- a) Review the Heritage Plan
  - b) Hold a statutory Public Meeting;
  - c) Pass a by-law designating the district;
  - d) Pass a by-law adopting the Plan;
  - e) Staff develops an Implementing Plan and Heritage application to address processing of heritage applications.

**2.2 ARCHITECTURAL CONTROL:**

- a) Write an official plan amendment specific for the Dalhousie Street area;
- b) Develop Urban Design Guidelines for the downtown area;
- b) Amend the demolition by-law for the town of Amherstburg;
- c) Amend the property standards by-law for the town of Amherstburg;
- d) Amend the zoning for the Downtown;
- e) Hold a public meeting for the OPA, zoning, guidelines;
- f) Staff develops an implementation plan.

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### 3. Other Municipalities:

Over 100 municipalities within the Province of Ontario presently have numerous Heritage Districts within their municipalities. These municipalities are successfully administering the districts while preserving and conserving their significant heritage. Egg:

Cobourg – population 18,500 - [http://www.cobourg.ca/index.php?option=com\\_content&view=article&id=178&Itemid=499](http://www.cobourg.ca/index.php?option=com_content&view=article&id=178&Itemid=499)

Seaforth - population 2,200 - <http://www.culturedays.ca/en/celebration-schedule/view/4c6577d2-629c-4476-a455-6cb04c4a89be>

Kingston – Sydenham Towne - <http://www.london.ca/d.aspx?s=/Heritage/OldEast.htm>

Galt (now part of Cambridge) - [http://www.cambridge.ca/live/heritage\\_conservation/heritage\\_district\\_plans](http://www.cambridge.ca/live/heritage_conservation/heritage_district_plans)

London – Old East Towne - <http://www.london.ca/d.aspx?s=/Heritage/OldEast.htm>

### 4. RECOMMENDATION

In consideration of the significant heritage within the Dalhousie Street neighbourhood and the significant historical role that Amherstburg played in the development of the province of Ontario, I am recommending that a heritage district be created for the Dalhousie Street (downtown) area of Amherstburg. The heritage district will offer a neighbourhood incentive program, guidance to investors, while preserving the significant heritage neighbourhood. The District will be written to accommodate and manage change while preserving and conserving the significant heritage found within this neighbourhood.

If Council wishes to proceed with an Official Plan Amendment approach, they may wish to consider a Community Improvement Plan (CIP) for the downtown area.

## Heritage District Overview

Amherstburg Heritage Committee

February 2011

### We Have Been Here Before.....

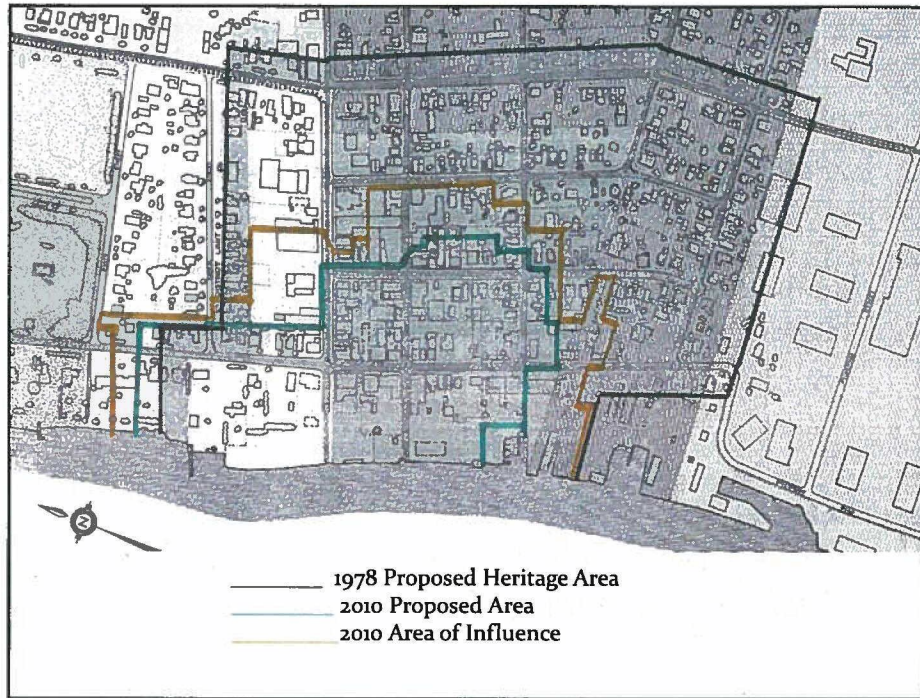
- A Heritage Conservation District Study was completed for the Town by the Kleinfeldt Group in 1979
- It commended our *Pioneer Spirit* for being among first Ontario municipalities to consider a District
- Council of the day did not implement the District recommendation of the study

## Ontario Heritage Districts

- There are now 102 districts in 36 municipalities containing over 17,500 properties
- A strong relationship now apparent between District designation and Cultural tourism

## HERITAGE ATTRIBUTES

- Historical association
- Architecture design and details
- Unique Local (Vernacular) Design – local materials, forms and construction practices
- Integrity – linkage to earlier material and craftsmanship
- Landmark status – distinct area of the community



## District vs Architect Controls

### District

- Proactive
- Strong protection of viewsapes and specific features
- Explicitly encourages investment
- A known attraction for tourists and townsfolk

### Architect Control

- Reactive
- Lower protection of specific structures and viewsapes
- Largely unknown to the tourist and townsfolk
- May not encourage heritage investment

## Heritage Study

- Examine character and appearance of the area buildings, structures and other features.
- Examine and recommend area boundaries.
- Consider and recommend objectives of designation and content of HCD plan.
- Recommend changes to Official Plan and municipal bylaws including zoning bylaws.

## Done the Heavy Lifting.....

- We have completed 3 of the 4 elements in the development of a district – in some cases twice.
- Lets do the last one and have a district laid out for the 1812/2012 Commemoration!

