

# **Old Burlington Heritage Conservation District Study**

## **Study Update Newsletter #2**

### **March 2005**

#### **Why is Burlington doing a Heritage Conservation District Study?**

Burlington is currently undertaking a study within the downtown to determine whether or not there is merit in using Heritage Conservation District Designation, under Part V of the Ontario Heritage Act, as a planning tool to achieve Burlington's heritage conservation goals.

#### **Where are we in the study process?**

Council initiated this study in 2003 and retained a consultant to examine the heritage character of the downtown and the heritage resources within the area. Since that time, three public information and consultation meetings have been held: a Public Process Advisory Committee was established; and the consultant's study of the area has been completed. Council has received the consultant's study and has referred it to staff and the public for review.

#### **What did the consultants find?**

Based on the quantity and quality of heritage resources within the downtown the consultants believe there is opportunity to designate one or more heritage districts within the area generally bound by Birch Avenue/Baldwin Street/Emerald Crescent to the north; Martha Street to the east; Old Lakeshore Road/Lakeshore Road to the south; and Brock Avenue/Clark Avenue/Hager Avenue/Locust Street to the west. Copies of the consultants' study are available, free of charge, from the Planning Department. Come in and pick one up OR call to arrange to have a copy mailed to you.

#### **How can I learn more?**

Come to the upcoming public information session and panel discussion. Topics include: "Planning 101", "Living and Working with a Heritage District Plan" panel discussion, and small group review of the consultants' findings and recommendations. **BUT FIRST – Read the enclosed fact sheet!**

#### **AFTERNOON SESSION**

**Date:** Wednesday April 6, 2005  
**Time:** 2:30 p.m. - 5p.m.  
**Place:** Lion's Club Hall  
471 Pearl Street, Burlington

#### **EVENING SESSION**

**Date:** Wednesday April 6, 2005  
**Time:** 6:30 p.m. – 9p.m.  
**Place:** Lion's Club Hall  
471 Pearl Street, Burlington

**If you have any questions about district designation or how it might affect you, ASK!**

Contact staff: 905-335-7600 ext. 7870 or via e-mail: [heritage@burlington.ca](mailto:heritage@burlington.ca)

We are all enriched by informed public discussion.

## *Heritage Conservation District Designation*

### **What is it? What is it not? What might it mean for you?**

#### **What is heritage conservation district (HCD) designation?**

HCD designation is a planning tool, the use of which is regulated under Part V of the Ontario Heritage Act. Municipalities designate HCD based on the collective heritage significance of a particular area. Typically, a municipality will create a HCD plan. This plan identifies the unique character of an area and includes design guidelines to ensure that all new development, including additions, new construction, roadwork, etc., is designed to be compatible with the existing character of the area.

#### **What does the “character of an area” mean?**

Typically, the character of an area refers to what makes one place distinct from another. The form and design of its buildings, the widths of its streets, the sidewalks, the mature trees, the type of signage on buildings, the style of street lamps, for example, all shape the character of an area.

#### **What does HCD designation accomplish that the Official Plan and Zoning By-law cannot?**

Land use in Ontario is regulated under the **Planning Act**. Under this Act, a municipality is empowered to create, implement and enforce an Official Plan and a Zoning By-Law. The Official Plan is a policy document that establishes council’s vision for the development of the city and is used to guide land-use decisions across the entire city. The Zoning By-Law is also a legal document approved by council. The Zoning By-Law is used to implement the Official Plan. The Zoning By-law regulates the use of a given property (i.e. residential, commercial, industrial, etc.) and may also define minimum and maximum site characteristics, such as density, height, floor area, location of a building from property lines, and parking requirements. The Planning Act does not empower a municipal council to regulate the visual aesthetics of design.

HCD designation is a tool that is intended to preserve and enhance the character of an area by ensuring that redevelopment and new development do not detract from the existing character. HCD designation ensures the location of buildings and their design are compatible with existing development, that new construction will not unnecessarily result in a heavy loss of mature vegetation, and that the works undertaken by the City fit with the area, etc. Prior to HCD designation, a municipality must prepare a **HCD plan**. This plan is tailored to the specific area for which preservation is sought. Design guidelines can be included in the plan to guide alterations to the exterior of existing buildings and new development in a manner that is visually compatible with the surrounding area. Guidelines should be simple, clear and assist a property owner with her/his efforts to alter her/his property.

#### **Does heritage district designation imply that all properties will need to be designed and maintained in the same architectural style thereby undermining the existing diversity in our downtown?**

No. The intent of district designation is to ensure that the existing character of an area is preserved and where possible, enhanced. Therefore, the eclectic character that currently exists would be reflected in the district plan, maintaining this character is the point of district designation. Compatible does not mean “the same”. Rather, the premise of “compatibility” is to ensure that no one structure detracts from the neighbourhood character as a whole.

### **How might a HCD plan be administered (i.e. Will I need a permit?)?**

City of Burlington staff is currently reviewing possibilities for HCD plan implementation and administration. Staff recognize that a HCD process will need to be clear, fair and undertaken at minimal or no charge to an applicant. Based on research conducted with other municipalities, staff believes that a *heritage permit process* is a useful tool to facilitate the review of development applications for properties within a HCD. Alterations that have the potential to impact the heritage character of the area and all demolitions would require a heritage permit. Applications could be deemed either “minor” or “major” and would be reviewed by staff and/or council accordingly. Council would review all demolition applications. Staff foresees quick turnaround times for applications that comply with the district guidelines. Some municipalities process heritage permit applications within two days when a building permit is not required. When a building permit is required, applicants in many municipalities can expect to have their heritage permit processed concurrently with their building permit. Successful implementation of a HCD would be undermined if delays and additional expenses were factored into a heritage permit process. A clear HCD plan that is administered fairly and efficiently is integral to the overall success of a HCD.

### **May I demolish a property within a heritage district?**

Yes. Under the Heritage Act, a municipal council can delay demolition of a designated building for 180 days. This deferral provides a cooling off period when negotiations, where possible, could take place to save all or part of the building or see it relocated. If, after this 180-day period, the owner wishes to demolish or remove the building, he or she is free to do so. *(Note that Bill 60, An Act to Amend the Heritage Act, has been before the Legislative Assembly since April 2004. This Bill contains a range of amendments that propose to strengthen a municipal council’s ability to preserve heritage resources. The Bill proposes to enable municipal councils to deny demolition permits for properties designated under the Heritage Act. Bill 60 has yet to proceed to third reading: therefore the current provisions of the Heritage Act stand).*

**N.B. For properties that are not regulated under Part IV or Part V of the Heritage Act, a municipality’s Chief Building Official does not have any ability to deny or delay issuance of a demolition permit for the purpose of heritage conservation.**

### **Will heritage district designation have a negative impact on my property value?**

No. Your property value is based on the market value of your property and the municipal tax rate. There is no evidence to suggest that the market value of a property decreases with district designation, therefore there is no evidence to substantiate the claim that district designation will negatively impact property values. It is interesting to note that there are 72 heritage districts in Ontario. Many communities have more than one including the Town of Oakville, the Town of Markham, Niagara-on-the-Lake, the City of Toronto and the City of Hamilton. Whether it is related to district designation or not, the heritage districts in these communities have often been cited as the most desirable neighbourhoods within their respective municipality.

