

# **Legislative Planning and Financial Tools that can be used to Conserve Cultural Heritage Resources**

## **Official Plans**

(s. 16 of the Planning Act)

A municipality's official plan (OP) reflects the community's vision for change and growth, and sets out goals and policies for land use and development. OP policies can be used to conserve cultural heritage resources by enabling the municipality to implement many of the tools listed in the remainder of this chart.

OPs can also be used to define and identify, through OP designation, cultural heritage resources such as Cultural Heritage Landscapes.

## **Secondary Plans**

Municipalities can amend their Official Plan to create a Secondary (Community or District) Plan for an area. A Secondary Plan can recognize and protect unique heritage features or archaeologically sensitive areas.

## **Design Guidelines**

(s. 41 of the Planning Act)

Municipalities can create detailed design guidelines to provide direction for infill development in areas with heritage character (stable neighbourhoods, main streets, rural villages, etc.).

Design guidelines promote compatible development by addressing the treatment of building facades (materials, window and door detail, porch style, fencing, garages, etc.), the design of pedestrian areas, streetscaping, lighting, and the connection of the public realm with private development.

## **Zoning By-Laws**

(s. 34 of the Planning Act)

Zoning by-laws are used by municipalities to regulate density, uses of land, parking requirements and form-related standards – including building heights, lot coverage, setbacks, minimum lot sizes, and other building envelope specifications. Context-relevant standards can be implemented to support heritage conservation goals. For example, a municipality may require:

- Minimum or maximum building heights and densities within a stable neighbourhood;
- a range and mix of land uses that recreate the traditional land use patterns of a community; and/or
- building massing (form and bulk) that creates vistas, gateways and visually attractive streets and neighbourhoods, in order to retain community character.

Zone change applications are subject to the development review process. A Heritage Impact Assessment, Cultural Heritage Conservation Plan and/or Archaeological Assessment may be required to support the zone change application.

## **Interim Control**

(s. 38 of the Planning Act)

An interim control by-law puts a temporary freeze on some land uses in a specific area to give municipalities time to assess or study an area. The freeze can be imposed for a year with a maximum extension of a second year.

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## **Height and Density Exchange**

(s. 37 of the Planning Act)

An increase in building height and/or density can be granted to a developer by a municipality in exchange for preservation and/or interpretation of a cultural heritage resource. The added height and/or density may be able to be transferred to an alternative property.

## **Site Plan Control**

(s. 41 of the Planning Act)

Municipalities can identify areas where they will review the Site Plans for new development. Site Plan Control allows the municipality to influence the layout of development including the compatibility of the planned development with neighbouring structures.

## **Subdivision Review and Approval**

(s. 51 of the Planning Act)

Municipal review and approval powers provide opportunities to assess the sustainability of proposed plans of subdivision at the lot, street and neighbourhood level, including review of impacts to cultural heritage resources. A Heritage Impact Assessment, Cultural Heritage Conservation Plan and/or Archaeological Assessment may be required by municipal staff to support the development application.

## **Demolition Control**

(s.27 of the Ontario Heritage Act and s. 33 of the Planning Act )

Municipalities are required to list heritage properties protected under the Ontario Heritage Act, and may list additional properties of cultural heritage value or interest, on a Municipal Register. The owner of a listed property must provide 60 days notice to the municipality prior to demolition of a building or structure on the listed property.

In addition, a municipality may require a demolition permit prior to the demolition of the whole or any part of any residential property in an area identified for demolition control.

## **Designation**

(s. 29 and 41 of the Ontario Heritage Act)

Municipalities can pass by-laws designating individual properties and/or groupings of properties that are of cultural heritage value or interest. Designation requires the owner to seek council's approval for property alterations or new construction that is likely to affect the heritage attributes of the property described in the designation by-law. Council can also prevent the demolition of a building or structure on a designated heritage property.

## **Easements**

(s. 37 of the Ontario Heritage Act)

Municipalities can pass by-laws entering into easements or covenants - voluntary legal agreements – with heritage property owners. The agreement sets out the requirements for maintaining the property and is registered on title to the property.

## **Purchase or Lease**

(s. 36 of the Ontario Heritage Act)

Municipalities can pass by-laws to buy, lease or expropriate designated heritage properties.

## **Municipal Cultural Planning**

(s. 2 of the Planning Act and s. 2 the Ontario Heritage Act)

Municipalities can develop and implement Cultural Heritage Master Plans and/or undertaking Cultural Mapping Projects which allow the community to take stock of existing cultural heritage resources and express a long-term vision and goals for cultural heritage conservation.

## **Building Code Flexibility**

(Part 11 of the Building Code Act)

Enforcing the Building Code is a municipal responsibility. The 2006 Building Code is written in an objective-based format. The objective-based Code contains prescriptive requirements known as “acceptable solutions” that serve as benchmarks for evaluation. This new approach allows for some flexibility for repairing or altering heritage buildings by allowing building code officials to approve alternate requirements that still meet safety standards.

## **Property Standards**

(s. 35.3 of the Ontario Heritage Act and s. 15.1 of the Building Code Act)

Municipalities may require heritage property owners to maintain and repair their property as necessary to protect and prevent deterioration of its heritage attributes.

## **Environmental Assessment**

(Environmental Assessment Act)

The Environmental Assessment Act provides for the protection, conservation and wise management of the environment in Ontario during the planning and implementation of public works projects. “Environment is broadly defined, and includes cultural heritage. A Built Heritage Assessment, Heritage Impact Study and/or Archaeological Assessment may be required during the project planning and approvals process.

## **Community Improvement Plans**

(s. 28 of Planning Act)

Community Improvement Plans (CIPs) are a tool by which municipalities can provide financial incentives, in order to achieve planning objectives that are for the broader public good, such as improving streetscapes, revitalizing core areas, or adaptive reuse of industrial, commercial and historic buildings.

Municipalities can designate specific areas or the whole of their jurisdiction as a community improvement project area. A community-improvement plan (CIP) can be developed to include provisions to acquire, clear and hold land; construct, repair, rehabilitate or improve land and buildings; sell, lease or dispose of land; and provide grants and loans, such as Tax Increment Grants (TIGs).

## **General Power to Make Grants**

(s. 107 of Municipal Act, 2001)

Municipalities have the general power to provide grants and loans. Some municipalities have provided funding:

- to owners of designated heritage properties to help them cover the costs of repair and restoration;
- to property owners in Community Improvement Areas to assist with rehabilitation projects;
- to foundations or other not-for profit organizations to set up a revolving fund to support heritage conservation;
- to help foundations establish endowment funds; and

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- for public works projects that conserve heritage resources or enhance the special character of an area.

### **Heritage Property Tax Relief Program**

(s. 365.2 of Municipal Act, 2001) Through a by-law, municipalities can establish a Heritage Property Tax Relief Program which may encourage good stewardship, maintenance, and conservation of designated heritage properties. This program provides tax relief (10 to 40 per cent) to owners of eligible properties to protect heritage features. Municipalities contribute through their portion of the tax relief while the Province shares through the education portion of the tax relief.

### **Business Improvement Areas**

(s. 204 to s. 215 of Municipal Act, 2001)

A municipality can designate a Business Improvement Area (BIA) and establish a management board to:

- oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures; and
- promote the area as a business or shopping area.

Designating a BIA could assist with the regeneration of an historic commercial area.

### **Municipal Capital Facilities Agreements**

(s. 110 of Municipal Act, 2001)

These agreements are commonly used by municipalities to create partnerships with other public bodies, the private sector, not-for-profit organizations, and First Nations to deliver municipal facilities.

For example, a municipality may consider a partnership with and provide the financial incentives to a not-for-profit organization to provide a local history museum or archives. Assistance from a municipality can include: giving or lending money; giving, leasing or lending property; guaranteeing borrowing; and development charges exemptions.