

9 Heritage Conservation

Parts of this chapter were amended as part of Official Plan Amendment #76 as part of a 5-year review of the Official Plan. Official Plan Amendment #76 was approved by the Ministry of Municipal Affairs and Housing on 01/06/2012.

9.0 Preamble

A community's identity and civic pride is rooted in physical and cultural links to its past. In order to celebrate Windsor's rich history, Council is committed to recognizing, conserving and enhancing heritage resources.

This chapter of the Official Plan provides goals, objectives and policies to guide the conservation of Windsor's heritage resources and should be read in conjunction with other parts of this Plan.

9.1 Goal

*RECOGNIZE
CONSERVE &
ENHANCE*

- 9.1.1 The identification, recognition, protection, conservation, enhancement and proper management of heritage resources.

9.2 Objectives

*CONSERVATION
MANAGEMENT*

- 9.2.1 To conserve Windsor's heritage resources for the benefit of the community and posterity in a manner which respects their architectural, historical and contextual significance and ensures their future viability as functional components of Windsor's urban environment.

*INTEGRATE
WITH PLANNING
INITIATIVES*

- 9.2.2 To integrate the conservation of heritage resources into comprehensive planning and urban design initiatives.

*LEADERSHIP BY
EXAMPLE*

- 9.2.3 To lead the community in the protection, improvement, utilization and management of heritage resources by using municipally owned heritage properties as examples of proper conservation and stewardship.

*PUBLIC
AWARENESS &
PARTICIPATION*

- 9.2.4 To increase awareness and appreciation of Windsor's heritage resources and encourage participation by individuals, organizations and other levels of government in heritage conservation.

9.3 Policies

9.3.1 General

*CULTURAL
HERITAGE
RESOURCES
DEFINITION*

9.3.1.1 For the purpose of this Plan, heritage resources include built heritage resources and cultural heritage landscapes that Council has identified as being important to the community.

*BUILT
HERITAGE
RESOURCES
DEFINITION*

9.3.1.2 Built heritage resources include buildings, structures, monuments, installations or remains associated with architectural, social, political, economic or military history.

*CULTURAL
HERITAGE
LANDSCAPE
DEFINITION*

9.3.1.3 Cultural heritage landscapes are defined geographical areas of heritage significance, which have been modified by human activities such as archaeological sites, heritage conservation districts, parks/gardens, golf courses, neighbourhoods, cemeteries, trail ways, streets, street patterns and industrial complexes of cultural heritage value.

*HERITAGE
AREA
DEFINITION*

9.3.1.4 For the purpose of this Plan, a Heritage Area is an area or neighbourhood where there are collections of important heritage resources.

9.3.2 Identification of Heritage Resources

9.3.2.1 Council will identify Windsor’s heritage resources by:

*ARCHAEOLOGICAL
MASTER PLAN*

(a) Maintaining and updating the inventory of registered archaeological sites or lands of archaeological potential, as identified in the Windsor Archaeological Master Plan and Schedule ‘C-1’: Development Constraint Areas – Archaeological Potential; (added by OPA 55 – 07/24/2006)

AREA STUDIES

(b) Researching and documenting the history, and architectural and contextual merit of potential heritage resources on an area or neighbourhood basis in conjunction with Heritage Conservation District studies, secondary plans or other special studies as may be appropriate;

*INDIVIDUAL
SITES*

(c) Researching and documenting the history, and architectural and contextual merit of potential heritage resources on an individual property basis;

*PUBLIC
ASSISTANCE*

(d) Encouraging and supporting individuals and groups in recommending potential heritage resources.

9.3.3 Recognition of Heritage Resources

9.3.3.1 Council will recognize Windsor's heritage resources by:

*DESIGNATE
HERITAGE
PROPERTIES*

(a) Designating individual buildings, structures, sites and landscapes as heritage properties under the Ontario Heritage Act;

*HERITAGE
CONSERVATION
DISTRICTS*

(b) Designating groups of buildings and areas as Heritage Conservation Districts under the Ontario Heritage Act;

*LIST OF
DESIGNATED
HERITAGE
PROPERTIES*

(c) Maintaining a list of designated heritage properties;

PLAQUES

(d) Commemorating heritage resources and Heritage Conservation Districts with plaques or other suitable means; and

*HERITAGE
CONSERVATION
AWARDS*

(e) Presenting plaques and certificates to buildings and persons representing the outstanding restoration and conservation of Windsor's heritage resources by means of an annual heritage conservation awards programme.

*HERITAGE
PROPERTY
DESIGNATION
CRITERIA*

9.3.3.2 In order to be considered for designation under the *Ontario Heritage Act*, the property needs to meet the requirements set out in *Ontario Regulation 9/06*.

*HERITAGE
CONSERVATION
DISTRICT
CRITERIA*

9.3.3.3 Council will require each designated Heritage Conservation District to meet one or more of the following criteria:

(a) The area will be comprised of buildings, structures or parts thereof, and sites or landscapes of architectural and/or historical significance meeting the criteria established in policy 9.3.3.2; and

(b) The area may also include other buildings, structures, sites or landscapes which do not individually merit designation, but which constitute infilling among properties of architectural and/or historical significance and are necessary for the conservation of the overall character of the area.

*IDENTIFY
HERITAGE
RESOURCES
HERITAGE
REGISTER*

9.3.3.4 Council will identify heritage resources by:

- (a) Maintaining and updating the list of built heritage resources known as the Windsor Municipal Heritage Register; and
- (b) Identifying neighbourhoods containing collections of important heritage resources such as Heritage Areas and Heritage Conservation Districts on Schedule ‘G’: Civic Image.

9.3.4 Protection of Heritage Resources

9.3.4.1 Council will protect heritage resources by:

*ARCHAEOLOGICAL
SITES*

- (a) Requiring that development or infrastructure undertakings on lands containing potential archaeological resources avoid the destruction or alteration of these resources; or where this is not possible, requiring the proponent to conserve significant archaeological resources through documentation and removal or mitigation in advance of land disturbances, in accordance with the Ontario Heritage Act and the policies contained within the Windsor Archaeological Master Plan, its implementation manual and Schedule ‘C-1’: Development Constraint Areas – Archaeological Potential; (amended by OPA 55 – 07/24/2006)

*DEMOLITION OR
ALTERATION
APPROVAL*

- (b) Requiring any person who proposes to demolish or alter a designated heritage property to submit plans to Council for approval under the Ontario Heritage Act;

*MODIFICATION
APPROVAL*

- (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property and/or its Heritage Conservation District;

*RECORD FOR
ARCHIVES*

- (d) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant prepare, to the satisfaction of the Municipality, an archival record for submission to the municipal archives;

EASEMENTS

- (e) Entering into heritage easement agreements with the owners of designated heritage properties who are recipients of heritage grants and/or loans;

*PROPERTY
STANDARDS*

- (f) Requiring that heritage properties are maintained, in order to retain their heritage values, attributes, and integrity;

*ADAPTIVE
REUSE*

(g) Encouraging the adaptive reuse of architectural and/or historically significant buildings and structures;

RELOCATION

(h) Recognizing that the importance of a heritage resource is tied most significantly to its original location, and that all means should be undertaken to include heritage buildings appropriately in new development, the relocation of a heritage resource may only be considered when:

- (i) The resource is threatened by demolition;
- (ii) The resource is threatened by alterations which would destroy its heritage value;
- (iii) The resource will serve a useful function in the proposed location;
- (iv) The resource will have public exposure in the proposed location;
- (v) The resource will enhance heritage resources already located in the vicinity of the proposed location; and
- (vi) The relocation of the resource is feasible in terms of engineering and economic criteria.

*ACQUISITION &
JOINT
VENTURES*

(i) Considering participation in the development of sites containing significant heritage resources through acquisition, assembly, resale, joint ventures or other forms of involvement that will result in the conservation, restoration and/or rehabilitation of those resources; and

BONUSING

(j) Allowing for the transfer of development heights or densities to other areas of the property or Windsor in exchange for the conservation of heritage resources.

9.3.5 Enhancement of Heritage Resources

9.3.5.1 Council will enhance heritage resources by:

*HERITAGE
AREAS AND
HERITAGE
CONSERVATION
DISTRICTS*

(a) Ensuring that within any Heritage Area or Heritage Conservation District that:

INFRASTRUCTURE

(i) Infrastructure undertakings respect and enhance the historic character of the area;

DEVELOPMENT

(ii) Development be of compatible height, massing, scale, setback and architectural style;

- COMMUNITY HERITAGE FUND* (b) Promoting, maintaining and administering the Built Heritage Preservation Fund for special heritage conservation projects;
- BUILT HERITAGE FUND* (c) Promoting, maintaining and administering the Built Heritage Preservation Fund for special heritage conservation projects;
- GRANTS* (d) Participating in heritage grant programmes or other financial aid programmes of other levels of government or of non-government organizations, when appropriate;
- INFRASTRUCTURE UNDERTAKINGS* (e) Ensuring that any development or infrastructure undertakings enhance the areas surrounding heritage resources, wherever possible;
- OTHER PROGRAMMES* (f) Utilizing other programmes administered by the Municipality to further its heritage objectives; and
- TECHNICAL ADVICE* (g) Providing technical information on the preservation of heritage resources.

9.3.6 Management of Heritage Resources

9.3.6.1 Council will manage heritage resources by:

- WINDSOR HERITAGE COMMITTEE* (a) Seeking the advice of the Windsor Heritage Committee on matters associated with associated with heritage conservation;
- LEADERSHIP* (b) Protecting, conserving and managing Municipally owned heritage resources in a manner which furthers the objectives and policies of this Plan and which sets an example of leadership for the community in the conservation of heritage resources;
- MUNICIPAL OPERATIONS* (c) Ensuring that the activities of all Municipal departments respect the character and significance of Windsor’s heritage resources;
- PUBLIC PARTICIPATION* (d) Encouraging public participation in the conservation of heritage resources;
- PRIVATE INITIATIVES* (e) Providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means;

*AWARENESS &
EDUCATION*

- (f) Promoting public understanding, appreciation and enjoyment of Windsor’s heritage resources through an on-going public awareness and education programme;

COORDINATION

- (g) Coordinating the Municipality’s heritage planning and programmes with other levels of government to avoid duplication of effort and to reinforce mutual objectives;

REVIEW

- (h) Systematically reviewing and updating the Municipalities heritage policies, plans and programmes; and

*INFORMATION
BASE*

- (i) Creating a heritage resource information base to identify heritage resources.

9.3.7 Heritage Resources and Planning Initiatives

9.3.7.1 Council will integrate heritage conservation into the development and infrastructure approval process by:

*ARCHAEOLOGICAL
ASSESSMENT*

- (a) Requiring the preparation of an archaeological assessment when development proposals or infrastructure undertakings affect known archaeological resources or areas of archaeological potential as designated on Schedule ‘C-1’: Development Constraint Areas – Archaeological Potential and in accordance with the Windsor Archaeological Master Plan and its implementation manual; (amended by OPA 55 – 07/24/2006)

*PLANNING
STUDIES*

- (b) Ensuring that secondary plan studies, community improvement plans and other planning studies identify heritage resources which may exist in the areas under study and propose means to protect and enhance those heritage resources;

*BUILT
HERITAGE
IMPACT STUDY*

- (c) To ensure that properties designated under sections IV, V, or VI of the *Ontario Heritage Act* (designated properties) are conserved, development of any adjacent property shall be required to:
 - (i) Prepare a Built Heritage Impact Study to identify potential adverse impacts on the designated property, and
 - (ii) In the event any adverse impacts are identified in the Built Heritage Impact Study, then the development shall be subject to the Site Plan Control process to ensure appropriate mitigation measures are implemented;

*APPROVAL
PROCESS*

- (d) Utilizing the planning approval process (subdivisions / condominiums, official plan amendments, zoning amendments, site plan control, consent, minor variance, demolition control) to facilitate the retention of heritage resources, and to ensure any

proposed development is compatible with heritage resources;

*URBAN DESIGN
CRITERIA*

- (e) Having regard to the following factors when assessing applications such as zoning amendments, site plan control applications, demolition control and payment-in-lieu, which may impact heritage resources:
 - (i) Respecting the massing, profile and character of adjacent buildings;
 - (ii) Approximating the width and established setback pattern of nearby heritage buildings;
 - (iii) Respecting the yards, gardens, trees and landscaped grounds associated with the heritage properties and districts which contribute to their integrity, identity, and setting;
 - (iv) Maintaining, enhancing or creating views and vistas of heritage resources; and
 - (v) Minimizing the impact of shadowing on adjacent heritage properties, particularly on landscaped open spaces and outdoor amenity areas.

*DEMOLITION
CONTROL*

- (f) Utilizing the demolition control provisions of the Planning Act and the Heritage Act to assist in the protection of heritage buildings and structures;

*MAINTENANCE
STANDARDS &
OCCUPANCY
BY-LAW*

- (g) Utilizing the Maintenance and Occupancy Standards By-law to facilitate the maintenance and conservation of heritage resources and ensuring that the application of this by-law is not detrimental to the conservation of heritage resources;

*HERITAGE
ZONING*

- (h) Ensuring that the development of heritage resources and the development of adjacent properties is complementary to those resources by regulating the use, massing, form, location, setback and other matters of development by means of heritage zones and other zones in the zoning by-law;

*DEVELOPMENT
PROPOSALS*

- (i) Requiring for all development proposals that abut or in the opinion of the City Planner are likely to materially affect a designated heritage building or structure, a Built Heritage Impact Study to the satisfaction of the City Planner;

*210 DETROIT
STREET*

- (j) Notwithstanding the provisions of 9.3.7 (i), the lands municipally known on March 23, 2010 as 210 Detroit Street are exempt from the provisions of 9.3.7 (i) so long as the lands continue to be used for:
 1. The storage and distribution of aggregate materials, premixed concrete, concrete blocks or asphalt batching plant;
 2. Manufactured premixed concrete or concrete blocks;

3. A business office, heavy repair shop, ambulance service, material transfer centre, motor vehicle salvage operation; and
4. Any use accessory to the above.

(OPA 68, effective October 19, 2012) (as modified by Minutes of Settlement, March 23, 2010)

**3294 RUSSELL
STREET**

- (k) Notwithstanding the provisions of 9.3.7 (i), the lands municipally known as 3294 Russell Street on June 14, 2011 are exempt from the provisions of 9.3.7 (i) so long as the lands continue to be used for:

1. A marina;
2. Any use accessory to the foregoing use including a caretakers residence;
3. Industrial and/or Port uses;

In the event a use unrelated to Industrial and/or Port uses is sought through a Planning Act application or is commenced on the site, the provisions of 9.3.7 (i) shall immediately come into effect.
(OPA 68, effective October 19, 2012)