

Designated Heritage Property Policy and Guidelines, 2016



1. The Heritage Permit Information and Guidelines for The Corporation of the Town of Huntsville, 2015, are consistent with the Ontario Heritage Act, as it may be amended and updated from time to time. In the case of any discrepancy between these Guidelines and the laws of the Province of Ontario or the Dominion of Canada, the highest authority will take priority. Any alteration to these Heritage Permit Guidelines must be made in compliance with current applicable law and must be documented via Resolution of Council. These guidelines are designed to be public for use by property owners, staff, advisory committees and council. These guidelines will be posted.
2. The Ontario Heritage Tool Kit is located online here and may be updated from time to time: http://www.mtc.gov.on.ca/en/heritage/heritage_toolkit.shtml
3. The Town of Huntsville has maintained an inventory of heritage properties, known as a Heritage Register, since the mid-1980s. The Town's Official Plan contains statements and policies to conserve heritage resources.
4. The Provincial Policy Statements (PPS), 2014, states,
 - 2.6 Cultural Heritage and Archaeology**
 - 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
 - 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
 - 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
 - 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
 - 2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

Protected heritage property: means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.



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Municipalities use the PPS to develop their official plans and to guide and inform decisions on other planning matters. The PPS is issued under section 3 of the Planning Act and all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

<http://www.mah.gov.on.ca/Page215.aspx>

5. Heritage Permits

All alterations, including demolition or removal of a structure from a designated property, require a Heritage Permit prior to the issuance of any Building Permit WHETHER OR NOT A BUILDING PERMIT IS REQUIRED and must have council approval in writing prior to the start of any work. The purpose of a Heritage Permit is to ensure that alterations or changes to a heritage designated property meet heritage conservation standards and are not detrimental to the cultural heritage resource.

6. Types of Heritage Permits

A heritage permit is required to:

- Alter a property designated under the *Ontario Heritage Act*
- Demolish a property designated under the *Ontario Heritage Act*
- Demolish a property listed on the Town's Register "Properties of Heritage Interest"* (Currently under review and updating, in consultation with community)
- Repeal or amend a heritage designation bylaw

7. Timing – Heritage Permits take longer - 90 days

The time it takes for a permit to be issued depends on the type of permit requested. Heritage permits for the demolition of a property designated under the *Ontario Heritage Act* and for the repeal of a heritage designation by-law are discouraged. However, Council has 90 days to respond to such requests. Heritage permits for the demolition of a property listed on the Town's Heritage Register take a minimum of 60 days from the time that a complete application is received.

Because each permit is assessed on a case-by-case basis, with varying requirements, most alteration permits take a minimum of two to three months. This is the lead-time required to submit a report to the Municipal Heritage Committee, (MHC) which meets at the call of the chair. Completed Heritage Permit application intake is ongoing. Meetings will generally be called within 30 days of receipt of completed applications.

It is strongly recommended that property owners seeking alterations consult with staff as early in their planning process as possible. We are here to assist you to make decisions, to help find you resources for solutions, to guide you through the process, to document your heritage property over time and to try to protect your investment and to try to help your property retain its heritage value.



8. Eight Guiding Principles in the Conservation of Built Heritage Properties:

http://www.mtc.gov.on.ca/en/publications/InfoSheet_8%20Guiding_Principles.pdf

9. Insurance and Heritage Properties:

http://www.mtc.gov.on.ca/en/publications/Heritage_Insurance.pdf

10. Application Requirements

A completed application form, signed by the property owner, is required for all heritage permits. Permits for demolitions and major alterations will not be issued until a Heritage Impact Statement has been submitted and accepted by Town staff.

Major alterations and demolitions require a satisfactory Heritage Impact Statement. A Heritage Impact Statement:

- Provides a historical background on the subject property
- Documents the physical attributes of the property
- Rationalizes how the property will be mitigated through the alteration or development process

Additional plans or information may be required for demolitions. For alterations, photographs and/or drawings may be required. Alterations or demolitions that comprise development applications require the relevant Site Plan, Official Plan Amendment, Rezoning and/or Committee of Adjustment application numbers.

11. Heritage Permit Fees

There is no fee for a Heritage Permit. However, there are fees for associated building permits. Heritage Permits are required in many cases where building permits are not required.

12. Alterations

Alterations that require a heritage permit, even when a building permit is not required, include, but are not restricted to the following:

- A change to windows and doors, or the addition of new window and door openings
- A change in roofing materials
- Façade replacement
- Masonry repairs or replacement, including painting of unpainted masonry
- Additions (removal or building), including removal or change in accessory buildings
- Placement of exterior heating/cooling systems
- Addition of skylights
- Removal and/or installation of porches and verandahs
- Alteration of significant landscape features



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Alterations that **do not** require a heritage permit include:

- Standard maintenance of features such as gutters and down spouts
- Repairs to fencing or landscape elements, such as walkways
- Painting* (with the exception noted above) *Town-owned properties do require a permit
- Re-roofing in the same materials* Town-owned properties do require a permit

In most cases, a permit is not required for alterations to the interior of a structure; but there are exceptions. Consult with Building Permit Coordinator before proceeding to ensure that there are no restrictions.

Applications are reviewed to ensure that the proposed alterations do not negatively affect the property's heritage attributes. Proper materials, acceptable heritage conservation methods, context and overall design are considered.

13. Heritage Permit Review Process

Staff review applications, ensure they are complete, and date the application, providing a dated document to the owner. Staff will consult with the Municipal Heritage Committee (MHC) who will, in turn, provide information to Council. Council will formally receive the MHC information at Council Meeting and will pass or endorse a recommendation either approving or denying the issuance of the Heritage Permit, or requesting further information. The decision is between the Property Owner and Council. The final decision is that of Council.

Notes: Notice of Decision to Consent or a Notice of Decision to Refuse must be served on the property owner within 90 days. Any fully completed and documented received application is deemed to be passed if not answered within 90 days.

Once property owner has received Council decision on the Heritage Permit they have a further 30 days to object via Conservation Review Board (CRB).

The flow chart clearly shows that there is no public consultation on matters relating to Heritage Permits for designated heritage properties in the private sector. The decision is between the property owner and council. See page #39 "Alteration of Property"

http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_DHP_Eng.pdf

If a Heritage Permit is approved and issued, the property owner must comply with the Town process via Building/Planning, which may include public consultation on Planning matters

14. A Note on the Issuance of Heritage Permits

Heritage permits are subject to review by all relevant Town staff. This may include but is not limited to the following departments: Community Services, Planning & Building and Public Infrastructure, Parks & Cemeteries. Heritage permits may also be conditional upon the



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completion of other requirements, such as protection of trees and landscape features.

When Heritage Permits are issued, The Building/Planning Department will notify the property owner/applicant and any Town departments and/or agencies affected by the application.

15. Staff are deputized by council and are hereby Authorized to Issue Heritage Permits under the following circumstances, only:

- a. Emergency repair required, where failure to act immediately will threaten the heritage and cultural values of the property (such repair to be consistent with pre-existing; may not constitute a significant alteration) or adjacent property, or public safety.
- b. Routine replacement of roofs, windows where like materials, size and look is maintained. i.e. Double-paned windows in wooden sashes replacing single panes, same style window; Reshingle, same style material, greater insulation value; “hidden” environmental or structural upgrade, ie. Weather and ice shield, supporting beams which are not visible.

16. Appeal Process

Property owners can object to/appeal the refusal of a heritage permit for property designated under the *Ontario Heritage Act* to the Conservation Repeal Board.

Disputes on Heritage Permit decisions on demolition are heard by The Ontario Municipal Board (OMB).

Council may refuse the demolition of property listed on the Heritage Register in order to designate same under the *Ontario Heritage Act*. The CRB hears objections to property designations under Part IV of the *Ontario Heritage Act*.

OMB rulings are final decisions, whereas the CRB makes recommendations back to Council who make the final decision.

17. More Details & Information

For detailed information on these procedures, please see the *Ontario Heritage Act* available at http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o18_e.htm.

Heritage Permit application forms are available at www.huntsville.ca under “Heritage Permits.”

18. Frequently Asked Questions

Do I need permission to paint my house or choose the paint colour?

No, painting and colour choice is not regulated unless you plan to paint masonry that has never been painted. The painting of masonry surface **DOES** require a heritage permit.

Town-owned buildings **DO** require a heritage permit if there is a colour or material change.



Do I need permission to have my house re-pointed or to repair the stonework?

Yes, permission is required, as poor masonry work may cause considerable failure and therefore expense to a homeowner in the future.

Can the exterior of a heritage designated structure be changed?

Yes, but with permission and guidance on how best to alter the structure, in keeping with its style and materials. Generally it is not the intent for the structure to be frozen in time.

What happens if I do not follow the rules or act prematurely without permission?

The *Ontario Heritage Act* has provisions for offenses and recovery of restoration costs. Fines of up to \$50,000 and/or imprisonment for up to one year can be levied if one fails to follow the Act. The Act also allows the municipality to restore a property, building or structure and recover the costs from the owner. If an owner demolishes or removes a heritage designated structure without permission, they may be subject to a fine and restoration remedial costs.



HERITAGE DESIGNATED PROPERTY PERMIT APPLICATION PROCESS

Application Submission



Staff Review and Recommendation
•Minor alterations may be approved by Staff



Municipal Heritage Committee Review and Recommendation
•Forwarded to Council for ratification



Council Approval/Refusal

NOTIFY

Appeal Process



Application to Council for Conservation Review Board (CRB) Hearing



CRB Hearing and Recommendation



Council Approval/Refusal

Development Services Office Use Only

Application No. _____

Date Received: _____

Roll #: 4442-_____-_____-_____

Deemed Complete: _____

Receipt: _____

Designation By-law: _____

Approved: _____ Denied: _____

Consultation w MHC: yes no n/a

Meeting Date: _____

Council Resolution #: _____

Notification to Applicant: _____

Date: _____



Application for Heritage Permit Designated Property

Complete this form to apply for a permit to alter, demolish, construct or repair a designated heritage property. Properties in Huntsville that are designated and/or of heritage interested are listed on the Town of Huntsville website.

Applicants are advised to request a pre-consultation with Development Services staff prior to the submission of the application to gain preliminary review and direction. Detailed information of the proposed development, lot characteristics, surrounding land uses and natural features are required at the pre-consultation stage. Pre-consultation can improve application processing times. Delays in processing the application may result if the application is determined to be incomplete and/or inaccurate.

Requirements

Please ensure that your application contains the following information. Insufficient information will result in the application being returned to you.

- Completed application form
- There is no application fee for a Heritage Permit
 - A Heritage Permit is required prior to any application for Building, Alteration or Demolition Permit, for which all regular fees will be applicable
 - A Heritage Permit may be required on Designated Properties for items which do not generally require a Building Permit; staff will guide you through this process
- Four (4) copies of applicable drawings

Supplemental information, may be requested upon further review of the application.

Prior to construction, demolition, alteration or a building permit being issued, the Heritage Permit must be issued from The Town of Huntsville.

If you have any question or require any information relating to the application please contact the Development Services Department.

1. Owner/Agent Information

Name of Owner: _____

Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Email: _____

Name of Applicant/Agent: _____

Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Email: _____

2. Location

Civic (911) Address: _____

Concession: _____ Lot: _____ Former Geographic Township: _____

Reference Plan: _____ Part(s): _____

Assessment Roll Number: 4442-_____-_____-_____

3. Heritage Designation Information

By-law #: _____.

What type of Permit is Required:

- Alteration or Addition
- Demolition
- New Construction
- Repeal of Designation By-law

4. Corresponding Applications

Is or has the subject land ever been the subject of an application for Building Permit, Consent, Site Plan or Minor Variance? Yes No Unknown

If yes, please provide file numbers and status: _____

5. Description of Work to Be Completed

6. Structures

Complete the following table for all **existing structures**:

| Existing Structures | Footprint Area | Gross Floor Area | Number of Stories | Date Constructed | Front Yard Setback | Side Yard Setback | Rear Yard Setback | Height | Dimensions |
|---------------------|----------------|------------------|-------------------|------------------|--------------------|-------------------|-------------------|--------|------------|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Complete the following table for all **proposed structures**:

| Proposed Structures | Footprint Area | Gross Floor Area | Number of Stories | Date to be Constructed | Front Yard Setback | Side Yard Setback | Rear Yard Setback | Height | Dimensions |
|---------------------|----------------|------------------|-------------------|------------------------|--------------------|-------------------|-------------------|--------|------------|
| | | | | | | | | | |
| | | | | | | | | | |
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Please provide photographs if possible with your application.

Date Signature of Owner

Personal information on this form is collected under the authority of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended. The information is collected for the purpose of processing this application and is pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act. Questions regarding the collection of this information should be directed to: Manager of Arts, Culture & Heritage, Corporation of the Town of Huntsville, 37 Main Street East, Huntsville, Ontario, P1H 1A1, (705) 789-1751.