

## REPORT

### Planning and Development Council

Meeting Date: September 13, 2021

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**FROM:** Planning Services Department

**DATE:** September 7, 2021

**SUBJECT:** **Old Oakville Heritage Conservation District Update Work Plan**

**LOCATION:** Old Oakville

**WARD:** Ward 3

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#### RECOMMENDATION:

That the report '*Old Oakville Heritage Conservation District Work Plan*' by the Planning Services Department dated September 7, 2021, be received.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- The Old Oakville Heritage Conservation District Plan was adopted by Oakville Town Council on July 7, 1980 with the stipulation that the document was to be a policy document for the administration of alterations to buildings in the district. The Ministry of Citizenship and Culture subsequently endorsed the document on February 16, 1981.
- By-laws 1981-144 and 1982-44, which designated the area from Allan Street to the 16 Mile Creek and between Lake Ontario and the southerly lot lines of the properties fronting onto Robinson Street, were approved by the Ontario Municipal Board on July 5, 1982.
- The Old Oakville Heritage Conservation District Plan has ensured the continued conservation of the cultural heritage value and character of this area for the past 40 years. However, an update to the Plan is required to meet current legislation as the *Ontario Heritage Act* has had two significant updates in 2005 and 2021.
- The update to the Old Oakville Heritage Conservation District includes an update of the Heritage Conservation District Study and will require extensive public consultation for a new Plan and Guidelines.

## **BACKGROUND:**

Established in 1981, the Old Oakville Heritage Conservation District is Oakville's first designated district, and one of the first in Ontario. This historically significant district extends south of Robinson Street to the lakefront from the Sixteen Mile Creek in the west to Allan Street in the east.

The district boasts early vernacular homes, nineteenth-century lakeside cottages, turn-of-the-century luxury houses and churches. Architectural styles are diverse and include 19th-century Georgian, Neo-Classical, Victorian and Classical Revival, many of which are a vernacular interpretation of the style. The intimate atmosphere of the Old Oakville Heritage District provides two picturesque waterfront parks, Dingle and Lakeside Park, as well as Oakville Museum at Erchless Estate.

The Old Oakville Heritage Conservation District Plan has served the community well for 40 years and has been instrumental in maintaining the unique character of this residential area. With changes to the *Ontario Heritage Act* in 2005 and 2021, the Plan requires updating to meet the requirements of current legislation.

There is no process in the *Ontario Heritage Act* to update existing heritage conservation district plans and therefore the full process for the creation of a heritage conservation must be followed.

## **IMPLEMENTATION:**

The heritage conservation district process begins with the study of the area. The *Ontario Heritage Act* requires the following for a study under 40(2):

- (a) examine the character and appearance of the area that is the subject of the study, including buildings, structures and other property features of the area, to determine if the area should be preserved as a heritage conservation district;*
- (b) examine and make recommendations as to the geographic boundaries of the area to be designated;*
- (c) consider and make recommendations as to the objectives of the designation and the content of the heritage conservation district plan required under section 41.1;*
- (d) make recommendations as to any changes that will be required to the municipality's official plan and to any municipal by-laws, including any zoning by-laws. 2005, c. 6. s. 29.*

The study for the existing Old Oakville Heritage Conservation District was completed in 1979-1980 and requires updated information to meet these requirements. Much of the historical research completed for the study will be re-used, but the inventory of individual properties requires updating and examination of the overall heritage character of the area will need to be undertaken.

Heritage planning staff will be able to undertake the study largely in-house, similar to the approach for the update to the First and Second Street Heritage Conservation District in 2015. This includes preparing basic inventory forms for each property, an assessment of the cultural heritage value of the area and an examination of the existing boundary and planning/zoning permissions in the area.

The existing Old Oakville Heritage Conservation District Plan will remain in place during the update of the study and plan and heritage permits will continue to be processed according to that plan until a new heritage conservation district plan is fully in place. There will be no period of time without heritage conservation measures in place.

### *Designation of Study Area*

At the Heritage Oakville Advisory Committee meeting on August 24, 2021, the committee asked about the potential for introducing an 'interim control by-law' during the HCD update process.

The *Ontario Heritage Act* does not refer specifically to 'interim control by-laws' but does permit a municipality to designate a study area for a heritage conservation district. This functions similar to an interim control by-law over an area to halt and/or restrict development for a period of up to one year:

#### ***Designation of study area***

*40.1 (1) If the council of a municipality undertakes a study under section 40, the council may by by-law designate the area specified in the by-law as a heritage conservation study area for a period of up to one year. 2005, c. 6. s. 29.*

#### ***Same***

*(2) A by-law made under subsection (1) may prohibit or set limitations with respect to,*  
*(a) the alteration of property situated in the heritage conservation study area; and*  
*(b) the erection, demolition or removal of buildings or structures, or classes of buildings or structures, in the heritage conservation study area. 2005, c. 6. s. 29.*

At this time, staff do not recommend passing a heritage conservation study area by-law to limit development and alteration of property within the Old Oakville Heritage Conservation District for the following reasons:

- The by-law can be appealed to the Ontario Land Tribunal, which could create unnecessary delay and divert staff resources from the timely and efficient completion of the HCD update.
- As set out in s.40(1) of the OHA, “The council of a municipality may undertake a study of any area of the municipality for the purpose of designating one or more heritage conservation districts.” The town already has an existing HCD Plan, which has served Oakville for almost 40 years, which will remain in place to ensure conservation of the heritage resources of the Old Oakville District.
- The HCD will not be unprotected during the study.
- Staff are concerned that imposing restrictive interim control measures during the HCD update may not foster collaborative public engagement.
- Proposed development applications will continue to be appropriately addressed through the existing HCD plan.

In staff’s opinion, the use of an interim control by-law at this time is unnecessary since sufficient controls are already in place. If deemed necessary through the study process it can be put in place any time during the study.

#### *Public Engagement during the Study*

Heritage planning staff will notify all property owners in the Old Oakville Heritage Conservation District that the process to review and update the existing district, including the study, plan and guidelines will begin in early fall 2021. Property owners will be given the opportunity to sign up for continued information about the district update progress and participate in future consultation sessions.

Public engagement in the study phase of the project will likely be restricted to electronic communication and information sharing. Stakeholders in the Old Oakville area, including property owners and residents associations, the Oakville Museum, the Oakville Historical Society, and those who work in the area, including realtors, architects and planners, will be asked to provide any information regarding the history of the area and properties within it.

The public engagement strategy for the creation of the new plan and guidelines will be led by the town’s consultant in the next steps of the project. It is anticipated that this portion of the district update will require extensive public engagement with area stakeholders. The public engagement strategy will be designed to include all those who want to participate in an open and transparent process. For those who are not

active participants, information will be circulated on a regular basis to all those who sign up to receive update from the Town.

### *Next Steps*

Following the drafting of the updated study, which is anticipated in late 2021, it is recommended that a Request for Proposals be undertaken through the Town's Purchasing process to retain a consulting team to take the lead on the creation of a new heritage conservation district plan, including the public engagement strategy to ensure that property owners and other stakeholders are an integral part of the update process.

The updated district plan will include the following requirements of s.41.1 (5) of the *Ontario Heritage Act*:

- (a) a statement of the objectives to be achieved in designating the area as a heritage conservation district;
- (b) a statement explaining the cultural heritage value or interest of the heritage conservation district;
- (c) a description of the heritage attributes of the heritage conservation district and of properties in the district;
- (d) policy statements, guidelines and procedures for achieving the stated objectives and managing change in the heritage conservation district; and
- (e) a description of the alterations or classes of alterations that are minor in nature and that the owner of property in the heritage conservation district may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under section 42. 2005, c. 6, s. 31.

The proposed draft schedule for the process of updating the study and heritage conservation district plan are attached as Schedule 'A'. This draft schedule will be refined as the consulting team comes on board and the public engagement strategy is finalized.

**CONSIDERATIONS:**

**(A) PUBLIC**

Property owners and stakeholders in the Old Oakville Heritage Conservation District will be notified of the district update and how to participate in September 2021.

**(B) FINANCIAL**

The consultant costs for the update to the Old Oakville Heritage Conservation District will be covered by the Heritage Planning budget and may require a capital budget request through the 2022 budget process.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Planning staff will work with impacted departments, including Parks and Open Space and Engineering and Construction, throughout the district update process.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- enhance our cultural environment
- be the most livable town in Canada

**(E) CLIMATE CHANGE/ACTION**

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. An update to the Old Oakville Heritage Conservation District supports the conservation of Oakville's heritage resources. The greenest building is the one that already exists.

**APPENDICES:**

Appendix A – Draft Schedule for Old Oakville Heritage Conservation District Update

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