

Part C

Implementing The District

8.1 Overview

Once Council has adopted the boundary and the Plan for the Heritage District and any appeals have been heard by the Ontario Municipal Board, a variety of measures is necessary to ensure the successful implementation of the District. These include:

- a) an application review process that is simple, efficient, and fair;
- b) a review body to provide advice on proposed alterations, new construction, demolitions in the District;
- c) the availability of the policies and guidelines for use by the public;
- d) the availability of financial assistance to assist in conservation initiatives;
- e) public awareness of the District concept, its objects, and its boundaries; and
- f) a mechanism to review and, if necessary, amend the District's policies and procedures.

8.2 Required Permits

The designation of a Heritage Conservation District invokes Section 42 of the *Ontario Heritage Act*, which states:

“Erection, demolition, etc.

42. (1) No owner of a property situated in a heritage conservation district that has been designated by a municipality under this Part (Part V) shall do any of the following, unless the owner obtains a permit from the municipality to do so:

1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.
2. Erect, demolish, or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure.

Exception

(2) Despite subsection (1), the owner of a property situated in a designated heritage conservation district may, without obtaining a permit from the municipality, carry out such minor alterations or classes of alterations as are described in the heritage conservation district plan in accordance with clause 41.1 (5) (e) to any part of the property in respect of which a permit would otherwise be required under subsection (1).”

The classes of minor work exempted from the permit requirement are formally stated in Section 3.1.2 of this document. They are repeated, for convenient reference in Section 8.3.1.1, below.

8.3 Streamlining the Process

In order to streamline and simplify procedures for permit applications and their review, the permit requirements for work in the district have been divided into classes, corresponding to the scale of the work being proposed, and have been integrated into the permit process for building and development.

Important! Owners are encouraged to discuss their proposal work with Cultural Services Staff at the earliest stages to determine what will be required. Minor work that is exempted from the requirement for a Heritage Permit in Section 3.1.2 of this Plan, requires a Heritage Permit Clearance Approval from Cultural Services, to verify that the proposed work is exempted. See section 8.3.1.1. below.

The classes of Heritage Permit are:

- Heritage Permit, for minor work that does not require a building permit;
- Heritage Permit with Building Permit, for work that requires a building permit;
- Heritage Permit with Site Plan Approval, for work that requires planning approval.

The processes for these classes are described in Sections 8.3.1 through 8.3.3, below.

There will be no fees charged for Heritage Permits. Fees for Building Permits and Site Plan Approvals will be the same as those for respective non-heritage applications.

In addition, Cultural Services will review applications for zoning amendments and applications to the Committee of Adjustment, for Minor Variances and Consents to Sever or Convey Property in the District. These are not heritage permits, but are a service to applicants, allowing them to be aware of heritage issues prior to making an application for a Building Permit (Heritage).

Refer to Section 8.8 for checklists for applications in the various classes.

In addition, Council delegates authority for review and approval of smaller scale non-controversial Heritage Permits to City staff and/or Heritage Vaughan. Such delegated reviews and approvals are to be reported to Council. If outstanding issues in an application cannot be resolved, Council will review the application, inviting deputations from the applicant prior to its decision.

These arrangements should minimize the time required for issuing Heritage Permits. Applications for building permits or Site Plan Review will be circulated for heritage review in the same way they are already circulated for planning, zoning, and other approvals.

In most cases, when Policies and Guidelines of the Heritage Plan are followed, there will be little or no delay.

PRE-REVIEW

To expedite and simplify the permit process for all scales of work, applicants should become aware of the requirements for the work they propose to undertake. Cultural Services staff can give advice on the type of permit required, and provide guidance on interpreting Heritage Policies and Guidelines. Good internet resources, for work on heritage buildings are listed in Section 9.3.2.

The City may require the applicant for more complex developments to engage a heritage consultant to provide advice to both the City and the applicant at the review stage.

8.3.1 The Heritage Permit

The following list exemplifies some of the types of minor projects which may not require a building permit, but do require a Heritage Permit:

- new or different cladding materials for both walls and roofs;
- repair and restoration of original elements;
- painting;
- new or different windows or doors;
- changes or removal of architectural decoration or features;
- introduction of skylights or awnings;
- masonry cleaning and repointing;
- new or extended fences;
- new or increased parking areas;
- patios located in the front yard;
- permanent lamp installations;
- television satellite dishes;
- mechanical equipment that can be viewed from the streetscape;
- hard landscaping, such as retaining walls, rock gardens, hard surfaced pathways, visible from the public domain; and
- all above-ground public works.

The list is not complete and any undertaking should be discussed with Cultural Services staff. In addition, applicants are requested to confirm their projects with the Building Standards Department to ensure that a Building Permit is not required. There is no fee for a Heritage Permit.

8.3.1.1 Exemptions

In keeping with Section 3.1.2 of this Plan, a Heritage Permit is not required for the following projects:

- any interior work;
- repair to roof, eavestroughs, chimneys; re-roofing using appropriate material listed in Section 9.8;
- caulking, window repair, weatherstripping, installation/removal of existing storm doors and windows;
- minor installations, including, lighting and flagpoles;
- fencing, patios, small satellite dishes, garden and tool sheds, gazebos, dog houses and other small outbuildings that do not require a Building Permit and are not visible from the public domain;
- all planting, and removal of vegetation. Note that removal of trees of 200mm diameter or larger are regulated by the Private Property Tree Protection Bylaw No. 185-2007.
- Extension of residential parking pads other than in front or side yards.
- Ramps and railings to facilitate accessibility and gates installed for child safety provided they are not visible from the public domain.
- Temporary installations, such as basketball nets, planters, statues, seasonal decorations.
- Repair of utilities and public works.

Before performing such projects, you require a Heritage Clearance Approval from Cultural Services, to confirm that the work is in an exempted class.

8.3.1.2 Heritage Permit Process

The procedure to be followed has been created to streamline and minimize the time and effort needed by the applicant to gain this approval. Council and Heritage Vaughan have delegated the approval of non-controversial Heritage Permits to Cultural Services staff.

Applicant:

- Confirms with Building Standards whether a Building Permit is required.
- Conducts and Pre-reviews project with Cultural Services Staff.
- Sends a letter describing the project to Cultural Services.
- (See Application Checklist in Section 8.8.1, below.)

It is recommended that prior to the submission of an application for a Heritage Permit, the applicant consult with Cultural Services staff to determine whether the application will require a formal review by a member of the --Canadian Association of Professional Heritage Consultants (CAPHC). In all instances it is recommended that applicants consult with qualified professionals.

At the discretion of the City, a peer review of a project may be required. The applicant will be responsible for all fees associated with this peer review.

Cultural Services:

- Reviews application and grants it if non-controversial, or forwards to Heritage Vaughan for further review.
- Provides Heritage Vaughan with regular summaries of its actions on all applications.

Heritage Vaughan:

- Reviews forwarded applications, and either approves permit or refuses permit with comments.
- Informs Council, in its regular minutes, of Cultural Services and Heritage Vaughan actions on all applications, and forwards applications and reports to Council where outstanding issues cannot be resolved.

8.3.2 Heritage Permit with Building Permit

The *Ontario Building Code* requires that owners obtain a Building Permit for any work that involves structural changes, change of use, or change in occupancy loads. Types of projects requiring a Building Permit include:

- new construction or structural repairs to porches, chimneys, roofs, walls, etc.
- demolition
- commercial signage
- chimneys
- porches
- additions to buildings (may also require site plan approval)
- new building construction (may also require site plan approval)

8.3.2.1 Heritage Permit with Building Permit Process

The City of Vaughan Building Standards Department requires that applicants for Building Permits or Demolition Permits must provide all necessary clearances from other departments, including Cultural Services, before the application process can begin.

A Heritage Clearance Approval or an approved Heritage Permit is required for all Demolition Permits or Building Permits within a Heritage Conservation District.

There is no fee for a Heritage Clearance Letter or Heritage Permit.

At the discretion of Cultural Services Staff, an applicant for a Heritage Permit for development may be required to have the proposed building design and site plan application prepared by a licensed architect who is a professional member of the Canadian Association of Heritage Professional Consultants. The architect will also confirm that the proposed development conforms to the intent of the

policies and Design Guidelines of this Plan. In order to assist in this, the City of Vaughan will provide a list of architects which meet these qualifications. This process will be required for any developments having a significant impact to the overall Heritage Conservation District such as for applications along Yonge and Centre Streets, significant gateway areas to the historic core, or large-scale developments.

Applicant:

- Confirms with Building Standards staff that a building permit is required. Confirms with development Planning Staff whether or not Site Plan Approval is required.
- Arranges for a pre-review with Cultural Services staff to confirm whether the proposed work requires a Heritage Clearance Letter or a Heritage Permit.
- Obtains Heritage Clearance letter, or completes Heritage Permit application, if required.

(See application checklists in Section 8.8.2.)

Cultural Services:

- Reviews heritage aspects of the project.
- Issues Heritage Clearance Letter or Heritage Permit, if proposal complies with the Heritage Conservation District Plan, or forwards to Heritage Vaughan for further review.
- Provides Heritage Vaughan with regular summaries of its actions on all applications:

Heritage Vaughan:

- Reviews forwarded applications, and either approves permit or refuses permit with comments.
- Informs Council, in its regular minutes, of Cultural Services and Heritage Vaughan actions on all applications, and forwards applications and reports to Council where outstanding issues cannot be resolved.

8.3.3 Heritage Permit with Site Plan Approval

Site Plan Approval is required, in addition to a Building Permit, for larger projects in the municipality. Generally, this will apply to new development and significant additions or alterations. Planning Staff can advise applicants when this approval is required. Requirements include detailed building plans and elevations, site plan, and landscape plan. Larger developments may require other supporting documents such as traffic impact studies, storm water management plans, and so on. In the District, the application is handled like an ordinary Site Plan Approval, with the addition of a heritage review. City Staff has been delegated the authority to approve smaller projects and minor amendments to existing site plan agreements. More complex Site Plan Approvals are always sent to Council for final decision.

8.3.3.1 Heritage Permit with Site Plan Approval Process

The ordinary process for Site Plan Approvals (Heritage) is outlined below:

Applicant

- Confirms with Planning Department Staff that Site Plan Approval is required.
- Arranges for a Pre-review discussion with Cultural Services, Policy Planning, and Development Planning Staff.
- Applies for Site Plan Approval, describing the work to be performed. All Site Plan Approval applications in the District will be forwarded to Cultural Services.

(See Application Checklist in Section 8.8.3.)

The submission of an application for a Heritage Permit that is subject to Site Plan Control shall include a letter prepared by a licensed architect who is a professional member of the Canadian Association of Heritage Professional Consultants (CAPHC) confirming that the proposed development conforms to the intent of the policies and Design Guidelines of this Plan. At the discretion of Cultural Services staff, the applicant may also be required to have the proposed building design and site plan application prepared by same.

Cultural Services:

- Reviews application and grants a Heritage Permit if the proposal complies with the Heritage Conservation District Plan, or forwards to Heritage Vaughan for further review.
- Provides Heritage Vaughan with regular summaries of its actions on all applications.

Heritage Vaughan:

- Reviews forwarded application and either approves Heritage Permit, with or without conditions, or refuses Permit with comments.
- Forwards decisions, actions, and comments of Cultural Services Staff and/or Heritage Vaughan to Planning Department for inclusion in its report to Council on the application.

Council:

- Acts on Development Review Application on the basis of the Planning Department Report.

8.3.4 Review of Zoning Amendment and Committee of Adjustment Applications

Zoning Amendment and Committee of Adjustment applications do not deal with buildings or structures, per se, but with Zoning By-law issues, under the *Planning Act*. As such, they don't require a Heritage Permit these can be part of the development approval process. It is therefore inefficient for applicants, the Committee, and Council to deal with a proposal that will run afoul of District Policies and Guidelines when it subsequently moves to the Site Plan Approval and Building Permit stage. For example, later revision of plans to comply with the District Plan might call for additional variances.

For these reasons, applications for Minor Variances and Consents to Sever or Convey at the Committee of Adjustment will be reviewed for compliance with the District Plan.

Pre-review discussions with Cultural Services Staff, described above for the various classes of Heritage Permits, are also a part of the application process for these applications. This allows applicants to be aware of heritage concerns, at the earliest possible stage of a project.

8.3.4.1 Process for Review of Zoning Amendment and Committee of Adjustment Applications

The ordinary process for this review is outlined below:

Applicant:

- Arranges for a Pre-review discussion with Policy and Development Planning and Cultural Services Staff.
- Completes standard application forms for permissions sought. All applications in the District will be circulated to Cultural Services.

Cultural Services:

- Reviews heritage aspects of application, and comments to Council or Committee of Adjustment.

8.4 Resolving Issues and Appeals

The phrase “if outstanding issues cannot be resolved” appears in each of the heritage review processes previously discussed. The City is committed to making all reasonable efforts to resolve issues arising in the permit process, consistent with heritage policies and guidelines. The City is further committed to providing historical and technical assistance to applicants in preparing applications that will meet the requirements of the District Plan. Good faith on the part of applicants and reviewers should result in a resolution process that is conversational rather than confrontational.

It may be useful to hold on-site discussions with applicants regarding design and details. The inspection of physical conditions is extremely valuable in assessing what level of restoration should be reasonably expected, and to what extent the work will affect the heritage character of the streetscape. The City may require the applicant to engage a heritage consultant to provide assistance in resolving issues.

If issues remain unresolved and are forwarded for action by Council, deputations from the applicant and his representatives will be invited before a Council decision is taken. Council may also request testimony from City Staff or Heritage Vaughan, in addition to the reports which it will have received on the matter, as outlined above.

If Council decides to deny an application for a permit under the *Heritage Act*, the applicant may make a final appeal to the Ontario Municipal Board, as described in Section 44 of the Act. The Board has the authority to deny the appeal, or to grant it, with or without such conditions and terms as the Board may direct.

8.5 Plan Renewal

The Thornhill Vaughan Heritage Conservation District Plan refers to the past, but it is a plan for the future. The Plan recognizes that, while the future may to some extent be foreseen, it cannot be foretold, and that plans require ongoing review to meet changing conditions. The long-term success of the Heritage District depends on “keeping it fresh”.

8.5.1 Reviewing Bodies

Section 8.2 provides for a role in the review of Heritage Permit applications by the Cultural Services Department and Heritage Vaughan. In addition, depending on the scale and scope of proposed work, both bodies may be delegated powers of approval by Council. It is important that these bodies thoroughly understand Part V of the *Ontario Heritage Act*, and the Policies and Guidelines in this Plan, and that everyone involved works from the basis of the same understanding.

It is recommended that the City organize an orientation session for members of the reviewing bodies, to review the Act and this Study and Plan in proper detail. It is also recommended that similar sessions be held again, when the personnel turn-over of a reviewing body reaches 50%, and after any substantial amendments to the Plan, as described in Section 8.5.3.

8.5.2 Regular Review

The District Plan should be reviewed regularly by City Staff in consultation with Heritage Vaughan, to ensure that the Boundary, Policies, Guidelines, and administrative methods remain effective and suitable for changing conditions.

8.5.3 Amendments

The policies and guidelines of this Plan may be amended by by-law after consultation, circulation to potentially impacted parties that may be effected, and public notice. Minor administrative and technical changes to the Plan may be implemented by a resolution of Council.

8.6 Enforcement

The City will enforce the requirements of the District Plan using the regulatory provisions of the *Ontario Heritage Act*, the *Planning Act*, the *Building Code Act*, and the *Municipal Act*.

8.7 Public Awareness

Vaughan's Official Plan recognizes the importance of the preservation of heritage character in the Thornhill Vaughan Heritage Conservation District. A successful District requires public awareness and participation, and a variety of steps should be taken to ensure the ongoing effectiveness of the District Plan. Among these are the following:

- Under Section 41.10.1 of the *Ontario Heritage Act*, the City Clerk must ensure that a copy of the Heritage Conservation District Designating By-law is registered at the appropriate land registry office.
- All City Staff whose work could potentially have an impact on the District should be informed of the Boundary, Policies, and Guidelines for the District. This would include not only departments that administer the District or do physical work in it, but also departments that are involved in promotion of the City, planning for special events, and so on.
- All property owners and tenants in the District should receive notice of the District designation and be given the opportunity to review or purchase copies of the District Study and Plan. The requirements for Heritage Permits should be explained in the notice.

8.7 Public Awareness cont'd

- Heritage Vaughan should consider putting notices on vacant premises so that prospective tenants will be aware of the existence of the District and the need to inquire about requirements for any work on the premises.
- Copies of the Plan and Study should be sent to Heritage Vaughan, the B.I.A., the Historical Society, and other groups interested in heritage and town planning.
- Copies of the Plan and Study should be placed in all the major branches of the Vaughan Public Library for public reference and should be offered for sale to the public.
- Consideration should be given to physical demarcation of the District with Public Works. Street signs in the District might include a "Heritage District" tag. "Gateway" devices might reinforce the identity of the District.
- A system for marking heritage buildings should be instituted. The existing heritage plaque program for Part IV designations should be continued. Incised or engraved pavers in the sidewalk would be a simple and inexpensive way to mark other heritage buildings in the District, without involving private property.

8.8 Application Checklists

The following checklists are provided to assist applicants in obtaining permits, and to assist staff in conducting pre-review and evaluating the applications.

8.8.1 Heritage Permit Checklist

For minor work, not ordinarily requiring a Building Permit:

- Inspect the property description in the Record of the District's Built Form. Make note of any comments that indicate needed maintenance and repair. Proper maintenance and repair is the primary means of protecting the heritage character of the District. Applicants are strongly encouraged to include necessary maintenance tasks at the first opportunity.
 - Show results of any historical research. For example: provide a chip of original paint, if possible, when repainting; or provide copies of historic drawings or photographs when replacing or restoring elements such as windows, signs, and awnings.
 - Read and understand any required technical material. For example: obtain a copy of the relevant Preservation Brief document, as listed in Section 9.3.2.
 - Read and understand the relevant Policies (Part B) and Guidelines (Section 9) in this Plan.
 - In the case of more substantial work under a Heritage Permit, provide drawings that demonstrate compliance with the Policies and Guidelines of this plan and with other by-laws, such as the Sign By-law. For sign and storefront work, provide elevations at a minimum scale of 1:25, and details and profiles at a suitable large scale.
- Note: For removal of a tree of 200mm diameter or larger, a permit must be obtained in accordance with the Private Property Tree Protection By-law No. 185-2007.

8.8.2 Heritage Permit with Building Permit Checklist

For additions, renovation, and restoration:

- Inspect the property description in the Record of the District's Built Form. Make note of any comments that indicate needed maintenance and repair. Proper maintenance and repair are the primary means of protecting the heritage character of the District. Applicants are strongly encouraged to include necessary maintenance tasks at the first opportunity. Also make note of comments that indicate steps that could be taken to restore heritage features or to remove unsympathetic later work.
- Show results of any historical research. For example: provide copies of historic drawings or photographs, or show results of investigation of conditions underlying unsympathetic work.
- Read and understand any required technical material. For example: obtain a copy of the relevant Preservation Brief document, as listed in Section 9.3.2.

For new construction, additions, renovation and restoration:

- Read and understand the relevant Policies (Part B) and Guidelines (Section 9) in this Plan.
- Provide all documents ordinarily required for a building permit. These should include, as applicable for the scale of the work: outline specifications and drawing notes, indicating all materials visible from the exterior; elevations of all sides at a minimum scale of 1:50; elevations of storefronts at a minimum scale of 1:25; details and profiles, at a suitable scale, of cornices, signage and storefront elements, railings, trim, soffits and fascias, fences; an eye-level perspective, including adjacent buildings, for corner properties or free-standing buildings; a site plan showing building location, fencing, and planting. Elevations and perspectives should be "rendered" so that coursing, projecting elements, textures and fancy work are truly represented. Vertical dimensions should refer to those of adjacent buildings for alignment of horizontal elements. For projects requiring Site Plan Approval, include copies of approved drawings from the Site Plan Approval process.

8.8.3 Heritage Permit with Site Plan Review Checklist

- Read and understand the relevant Policies (Part B) and Guidelines (Section 9) in this Plan.
- Provide all documents ordinarily required for a Site Plan Approval. These should include: site plan, at a scale suitable to the size of the property, showing location of the building(s) and buildings on adjacent properties, fencing, planting, sidewalk and driveway paving, and porches, decks, and other exterior elements; elevations of all sides, at a scale suitable to the size of the project, and including adjacent properties; an eye-level perspective, including adjacent buildings, for corner properties or free-standing buildings; outline specifications and drawing notes should indicate all materials visible from the exterior. Elevations and perspectives should be “rendered” so that coursing, projecting elements, textures, and fancy work are truly represented.
- Provide photographs of adjacent buildings for comparison with elevations and perspectives. Provide photographs of nearby heritage buildings of a similar type, to demonstrate the architectural sympathy of the proposed building.