
1.0 PLANNING POLICIES AND ISSUES

1.1 Background

The successful maintenance and protection of a heritage district relies to some extent in ensuring that local planning policies and initiatives support or provide a suitable framework for realistic conservation measures anticipated in the implementation of a heritage conservation district. Indeed, the Ontario Heritage Act specifically provides for the preparation of Official Plan provisions after the examination of a prospective conservation district is completed.

The Official Plan and Zoning By-law, reviewed in the Heritage Assessment Report, are generally supportive of, or complementary to, the protection and conservation of the stable residential character of the district and its heritage attributes. Accordingly no major changes or new directions are sought in this conservation district plan.

In order to refine and more purposefully direct the conservation and development of the Trafalgar Road conservation district a number of matters were identified which required minor changes or modifications to existing planning policies. These are addressed in the following sections.

1.2 The Town of Oakville Official Plan

The local official plan provides guidance for the long term development of the municipality and addresses a number of matters respecting physical change and growth.

The existing heritage conservation policies of the plan are sound in their overall direction as to Council's intentions with respect to

heritage conservation in general and heritage conservation districts in particular. Greater clarification is required in identifying how the areas are to be conserved and planned after designation.

Additionally, more specific policies are needed to direct conservation efforts within the designated district of Trafalgar Road.

Accordingly, the following sections describe policies recommended for inclusion into the official plan.

1.2.1 Heritage conservation policies

Official Plan policy provisions regarding the designation of heritage property are recommended below and are intended to provide a comprehensive approach to the conservation of heritage properties primarily within designated districts.

Recommendation 1

It is recommended that the following policies are incorporated into section 1.1.8, Part E, of the Town of Oakville's Official Plan:

- 1) Within a designated heritage conservation district it is the intent of Council to conserve and enhance the unique heritage character of the area. Council in consultation with the Heritage Review Committee will encourage property owners to maintain and repair heritage buildings and seek government grants and loans for eligible conservation work.
- 2) Where Council has designated heritage conservation districts in accordance with the policies of the Official Plan it is intended that the general policies pertaining to districts will be refined and amplified to apply to individual

designated districts and their particular attributes and features by means of heritage conservation district plans.

- 3) Conservation district plans will be implemented by municipal review of permit applications for changes within the district. The Town may also initiate public works improvements within the district to enhance the character of the district.
- 4) In reviewing proposals for the construction, demolition, or removal of buildings and structures or the alteration of existing buildings within a designated heritage conservation district the Town will be guided by the applicable heritage conservation district plan and the following general principles:
 - i) heritage buildings, associated landscape features and archaeological sites including their surroundings should be protected from any adverse effects of the development;
 - ii) original building fabric and architectural features such as doors, windows, mouldings, vergeboards, walling materials and roofs should be retained and repaired;
 - iii) new additions and features should generally be no higher than the existing building and wherever possible be placed to the rear of the building or set-back substantially from the principal facade.
 - iv) new construction and/or infilling should fit the immediate physical context and streetscape by: being generally of the same height, width and orientation as adjacent buildings; be of similar setback; of like

materials and colours; and using similarly proportioned windows, doors and roof shape.

- 5) Public works and landscaping within a designated district should ensure where possible that existing road and streetscapes are maintained or enhanced and that proposed changes respect and are complementary to the identified heritage character of the district.
- 6) Required road rights-of-way indicated elsewhere in the Official Plan may be required in designated districts but every effort shall be made to ensure that existing pavement widths especially where they are major contributors to the character of the streetscape will be retained.
- 7) The Town may accept the donation of easements on real property designated under the Ontario Heritage Act.

Two official plan policy additions are suggested in order to address issues pertaining to successful implementation of the district and heritage conservation generally. One policy addition respects development of lands adjacent to a heritage conservation district and the requirement to prepare heritage impact statements. In the protection of heritage conservation districts it is important to consider the effects of development adjacent to such sensitive areas, in a similar fashion as to environmental protection areas.

The second policy proposed is made in respect of the control of new development when a building has been demolished. The application of site plan control should ensure that the detailed site planning and building design process respect the special character and quality of the Trafalgar Road heritage conservation district or other districts within the Town.

Recommendation 2

It is recommended that the following policies respecting heritage impact analysis are incorporated into the Town of Oakville Official Plan:

“Heritage impact analysis

Heritage impact analysis may be required by Council where the development of lands is considered by LACAC to adversely affect a building or structure designated under Part IV of the Ontario Heritage Act.

Heritage impact analysis may also be required when commercial or institutional lands and/or buildings are developed adjacent to a heritage conservation district designated under Part V of the Ontario Heritage Act.

Where Council requires a proponent to prepare a heritage impact analysis it shall be undertaken by a qualified professional with expertise in heritage studies and shall contain:

- i) a description of the proposed development or alternative forms of the development that may affect the heritage feature;
- ii) a description of the heritage feature to be affected by the development or its alternative forms;
- iii) a description of the effects upon the heritage feature by the proposed development or its alternative forms; and
- iv) a description of the measures necessary to mitigate the adverse effects of the development upon the heritage feature.

Council may impose as a condition of any required development approvals the retention and conservation of the affected heritage feature or the implementation of appropriate mitigation measures.”

Recommendation 3

It is recommended that the following policies respecting the application of site plan control are incorporated into the Town of Oakville Official Plan:

“Further to Official Plan provisions respecting site plan control any property designated under Part IV and V of the Ontario Heritage Act and which is the subject of a permit for demolition under section 42 of the Act shall be subject to Site Plan Control provisions.

Any property designated under Part IV and V of the Ontario Heritage Act that is the subject of a demolition permit under the Ontario Heritage Act shall not be considered by Council until applications for a building permit and site plan control have been approved by the Town of Oakville.”

Recommendation 4

It is recommended that the following policies respecting the Trafalgar Road Heritage Conservation District be incorporated into section 1.1.8, Part E, of the Town of Oakville Official Plan:

- i) Trafalgar Road was an important historical route and continues to serve as a significant entrance and exit to the Trafalgar Road Heritage Conservation Area. In considering any upgrading of this road there shall be a presumption in favour of retaining its existing pavement, boulevard and sidewalk widths. Georges Square also serves as a long-established, historical public space adjacent to Trafalgar

Road and the southern entrance and exit to the heritage conservation district. It shall continue to be maintained for use as a passive, landscaped recreational space.

- ii) The Trafalgar Road Heritage Conservation District has the potential to reveal archaeological remains of past human activity, especially adjacent to the Sixteen Mile Creek. Any major soil disturbance or excavation such as bank stabilization should be preceded by advice or assistance from a licensed archaeologist.

1.3 Zoning By-law

Existing zoning provisions respecting the use of land within the district are generally considered satisfactory as they recognize the existing predominant uses within the district. No change is recommended at this time.

1.4 Tree preservation By-law

The Trafalgar Road Heritage Conservation District is graced by a number of trees in a variety of configurations on private and public property. Many contribute to the scenic and visual interest of the area with tree-lined sidewalks, pathways and canopies.

District designation under Part V of the Ontario Heritage Act does not extend protection to these important landscape features. Provisions in the Municipal Act, however, do provide for the conservation and protection of trees.

Section 313(4) of the Act states that:

The council of every municipality may pass by-laws...

(c) for preserving trees;

(d) for prohibiting the injuring or destroying of trees;

Given the importance of these features, landscape protection should be extended to these important natural features.

Recommendation 5

It is recommended that a tree preservation by-law be adopted which applies to publicly owned property and prohibits the felling, uprooting, willful damage or destruction of trees without the consent of municipal council on the advice of the Town's Urban Forester in consultation with the Heritage Review Committee.

The by-law would apply only to the designated district and specific activities such as pruning and thinning or removal of dead or dangerous trees could be specifically exempted from the by-law .

1.5 Site plan control

In some heritage conservation districts it has become a practice to use site plan control provisions pursuant to the Planning Act to complement the development review mechanisms of the Ontario Heritage Act. Site plan control allows the municipality to require facilities or improvements to a subject site and in particular address matters such as landscaping in the development of property. The dual processes and differing time spans for processing applications may be considered too cumbersome for general application within the heritage conservation area.

Accordingly, it is not recommended at this time to subject the residential properties within Trafalgar Road Heritage Conservation Area to site plan control, excepting those properties subject to demolition permit application. LACAC and local residents should monitor building activity and review the appropriateness of this from time to time. Any development currently subject to site plan control shall continue to be subject to Town requirements.