



Direct Control Heritage Area Pilot

Frequently asked questions – February 2021

Question	Answer
General questions	
Why are heritage assets defined by a pre-1945 construction date?	<ul style="list-style-type: none"> • Typically, pre-1945 is an era of construction format. During that period homes were built to a different standard, construction materials used aren't available any longer and craftsmanship was of a higher quality. • Pre-1945 is a North American standard for defining a heritage structure.
What is the purpose of a Direct Control Heritage Area if it doesn't restrict new development?	<ul style="list-style-type: none"> • A Direct Control Heritage Area will encourage the conservation of a heritage asset on a site. • Any redevelopments that take place within a Direct Control Heritage Area will need to conform to the guidelines outlined in the bylaw, so they will align with the heritage context of the block.
Does a Direct Control Heritage Area overlap with a Historic Resource Designation?	<ul style="list-style-type: none"> • Both a Direct Control Heritage Area and a Historic Resource Designation encourage the conservation of heritage resources. • A Direct Control Heritage Area will provide land use guidelines to conserve a heritage asset and the heritage context of a defined area, typically a block face. • A Historic Resource Designation legally protects a historic resource from demolition and provides it with access to a variety of grants that support conservation work. • Where an overlap occurs, the Historic Resource Designation will remain and prevail.
Will my property taxes be affected if a Direct Control Heritage Area is applied to my property?	<ul style="list-style-type: none"> • No, your property taxes will not be affected.
Why can't Restrictive Covenants or similar private-to-private mechanisms be used to protect the historic context of an area?	<ul style="list-style-type: none"> • Restrictive covenants are agreements between property owners and are not tools utilized by City planning or regulated by the Municipal Government Act. Given the City's mandate to identify, protect and manage heritage resources in the city, it is important for Administration to utilize more appropriate planning mechanisms, such as land use designations.
What is included in a Direct Control	



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<p>Why do the guidelines say that historic infrastructure cannot be copied?</p>	<ul style="list-style-type: none"> • Modern best practice in heritage conservation does not support historic mimicry or faux historicism. • The tools within a Direct Control Heritage Area encourage visually distinct but complementary forms, to ensure that new development does not detract from the broader heritage context of the block.
<p>How will the architectural element restrictions be identified and determined for these new direct controls? Will they include protections for mature trees?</p>	<ul style="list-style-type: none"> • Property owners within the Direct Control Heritage Area will determine what architectural elements will be included in the restrictions for their block face. • Meetings with City staff will help property owners within the defined Direct Control Heritage Area determine what they want to include as restrictions within their direct control bylaw.
<p>Will restrictions on building height and massing be included in the Direct Control Heritage Area?</p>	<ul style="list-style-type: none"> • We will review the land use district for the area to determine the existing rules for building height and massing. If property owners think this is enough no additional restrictions will be included in the Direct Control Heritage Area. If property owners don't think they're enough, additional controls can be outlined in the Direct Control Heritage Area to preserve those characteristics.
<p>How will non-heritage buildings be impacted by the regulations?</p>	<ul style="list-style-type: none"> • Non-heritage buildings will only be impacted if the property owner chooses to redevelop their property. • Any properties that redevelop will need to follow the regulations set out in their direct control bylaw.
<p>How will the regulations apply to pre-1945 homes that have had major changes to the exterior?</p>	<ul style="list-style-type: none"> • Modifications to the exterior of the building do not impact whether a property owner needs to follow the Direct Control Heritage Area regulations.
<p>If my home is a heritage asset within a Direct Control Heritage Area but has exterior renovations, will I be required to change it to match the context of the block?</p>	<ul style="list-style-type: none"> • Within a Direct Control Heritage Area some elements will be regulated. We plan to have a grandfather clause incorporated that doesn't require you to change the regulated feature.
<p>Will I still be able to renovate my house if a direct control area is approved for my block?</p>	<ul style="list-style-type: none"> • Yes, you will be able to renovate your home if you are within a Direct Control Heritage Area. • The regulations that make up the Direct Control Heritage Areas will not apply to the interior of your home, just the exterior.



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	<ul style="list-style-type: none"> Depending on the guidelines agreed upon by property owners within the direct control, it may impact what types of external renovations can be done. This is to ensure that the historic context of the block is maintained. Any exterior renovations that require a development permit will be reviewed against the Direct Control Heritage Area, Land Use Bylaw and any other regulations in place.
Will the guidelines apply to developers who want to construct higher density housing within a Direct Control Heritage Area?	<ul style="list-style-type: none"> Yes, property owners and developers of a property within a Direct Control Heritage Area will be bound by the regulations outlined by it. If the property is located outside of a Direct Control Heritage Area the regulations do not apply to them. They will still need to adhere to any regulations that are in place for that parcel.
How does the Direct Control Heritage Area work with the Area Redevelopment Plan (ARP) for my community?	<ul style="list-style-type: none"> These Direct Controls are more specific than the direction provided by an ARP and as Council-specific direction for a site are more statutory. The Direct Control Heritage Areas will complement the Discretionary Guideline Areas that will be introduced through the forthcoming local area plans (which replace existing ARPs).
What might be prohibited in a direct control area?	<ul style="list-style-type: none"> The regulations within the Direct Control Heritage Area will be determined by residents, this includes any prohibitions. Will work with property owners to determine what character defining elements they want to preserve for their block. Demolition of a building will still be permitted, but any new construction will need to follow the guidelines outlined within the Direct Control Heritage Area.
At time of building permit request, will there be an opportunity to apply for a variance?	<ul style="list-style-type: none"> If the variance is in direct conflict with the regulations identified in the direct control, it will not be supported. If the variance is minor and does not negatively impact the intended outcome, then a variance may be granted.
Who is included in a Direct Control Heritage Area	
Will the pilot only apply to three or four block faces in total?	<ul style="list-style-type: none"> We have limited capacity to create three or four Direct Control Heritage Areas and want to provide pilot participants with extra attention and care. The blocks that are selected to participate in the pilot require unanimous or near unanimous support for the creation of a Direct Control Heritage Area.



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	<ul style="list-style-type: none"> Depending on interest in participating in the pilot, there is a potential that we may combine adjacent blocks if there is great interest from property owners. The historical context of the blocks must be similar if this is done.
When will we know which blocks are chosen? How do you determine interest?	<ul style="list-style-type: none"> When we close the survey and select the property owners, we will contact them directly to notify them of their selection for the pilot.
If there is a home on the block that is not considered a heritage asset will it be left out of the direct control?	<ul style="list-style-type: none"> No, all homes on the block will be included in the Direct Control Heritage Area. The guidelines within the Direct Control Heritage Area will be applied to any new developments, to ensure they align with the heritage context of the block.
Will there be a single person/body that will represent each distinct area?	<ul style="list-style-type: none"> No. Each property owner needs to participate in the process to create a direct control that will impact their property.
Will the boundaries of the Direct Control Heritage Area apply to entire block faces or individual parcels that opt in?	<ul style="list-style-type: none"> The boundaries of each Direct Control Heritage Area will be applied to a defined area. This will typically be an entire block face.
Process of developing a Direct Control Heritage Area	
Are renters allowed to participate in this process or only the property owner?	<ul style="list-style-type: none"> As the regulation will apply to the property and the property owner needs to sign off on it, it's important that the property owner participates in the process.
Can I participate in the pilot DC if the pilot does not include the block with my home?	<ul style="list-style-type: none"> Only the property owners on blocks that are moving forward with the creation of a Direct Control Heritage Area can participate in the pilot going forward. If your block qualifies for a Direct Control Heritage Area, you will be able to participate in creating one in the future if there is enough support on your block.
What happens if you don't have enough homeowners willing to participate in the pilot?	<ul style="list-style-type: none"> If we do not have enough homeowners from the initial communities invited to participate, we will invite property owners from other communities that have blocks that qualify for a Direct Control Heritage Area.
Do the property owners who participate in the process have control of the outcome, or is their participation restricted to an advisor role?	<ul style="list-style-type: none"> The property owners who participate in the process have control over the regulations outlined in the Direct Control Heritage Area for their block.
If we decide to move forward with a Direct Control Heritage Area is attendance mandatory at all the meetings?	<ul style="list-style-type: none"> The process is intended to be as streamlined as possible. There will be a minimum of four sessions, including: introductions, heritage character defining element selection, draft regulation review and final sign-off.



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	<ul style="list-style-type: none"> It is okay if property owner chooses to only attend the first and last meeting. They will not be involved in influencing the specific regulations if they miss the meetings where regulations are discussed.
How many homeowners need to agree for a Direct Control Heritage Area to move forward?	<ul style="list-style-type: none"> At this time, most property owners on the block must express interest in participating in the pilot for us to move forward with the creation of a Direct Control Heritage Area.
Have you reviewed Direct Control Heritage Areas established in other cities?	<ul style="list-style-type: none"> Yes, we have looked at Direct Control Heritage Areas in other cities across Canada. Due to unique differences across provinces, the Westmount Architectural Heritage Area in Edmonton is the closest example of what we're hoping to achieve.
If my property is currently under a direct control (DC), will the Direct Control Heritage Area replace it?	<ul style="list-style-type: none"> Yes, the new Direct Control Heritage Area will replace your current DC. Some aspects of your current DC may carry forward into the new Direct Control Heritage Area.
Once the Direct Control Heritage Area bylaw is approved, can Council repeal or amend the bylaw to permit a development that does not fit within the bylaw?	<ul style="list-style-type: none"> Council can amend the bylaw, or elements of the Direct Control Heritage Area, as part of a future application.
Incentives or support for property owners	
Will there be any incentives to help owners maintain a heritage or century home vs. redevelopment?	<ul style="list-style-type: none"> Through the Heritage Conservation Tools and Incentives project we are working on creating a proposed residential heritage tax credit program. The proposed program will be presented to Council for consideration in 2022.
Will grants be available to assist property owners with renovations?	<ul style="list-style-type: none"> Only properties designated as a Municipal Historic Resource qualify for the <i>Historic Resource Conservation Grant</i>. Through the Heritage Conservation Tools and Incentives project we are working on creating a proposed residential heritage tax credit program. The proposed program will be presented to Council for consideration in 2022.
Are there any financial or property tax incentives for not redeveloping a lot with a heritage asset on it?	<ul style="list-style-type: none"> Not currently. Through the Heritage Conservation Tools and Incentives project we are creating a proposal for a residential heritage tax credit program. The proposed program will be presented to Council for consideration in 2022.



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Will unwilling landowners be compensated for lost future development opportunities/flexibility (Historical Resources Act S. 28)?

- The intention of the pilot is to select blocks with property owners who express enthusiasm and want to be part of the process.
- It is important to note, a direct control bylaw is not a designation and therefore not managed by the Historical Resources Act.
- Direct control land uses are managed by the Municipal Government Act, they do not preclude redevelopment. Development control is permitted and a direct mandate of Council. There is no compensation required or proposed.