

9 Heritage Conservation

Parts of this chapter were amended as part of Official Plan Amendment #76 as part of a 5-year review of the Official Plan. Official Plan Amendment #76 was approved by the Ministry of Municipal Affairs and Housing on 01/06/2012.

9.0 Preamble

A community's identity and civic pride is rooted in physical and cultural links to its past. In order to celebrate Windsor's rich history, Council is committed to recognizing, conserving and enhancing heritage resources.

This chapter of the Official Plan provides goals, objectives and policies to guide the conservation of Windsor's heritage resources and should be read in conjunction with other parts of this Plan.

9.1 Goal

*RECOGNIZE
CONSERVE &
ENHANCE*

9.1.1 The identification, recognition, protection, conservation, enhancement and proper management of heritage resources.

9.2 Objectives

*CONSERVATION
MANAGEMENT*

9.2.1 To conserve Windsor's heritage resources for the benefit of the community and posterity in a manner which respects their architectural, historical and contextual significance and ensures their future viability as functional components of Windsor's urban environment.

*INTEGRATE
WITH PLANNING
INITIATIVES*

9.2.2 To integrate the conservation of heritage resources into comprehensive planning and urban design initiatives.

*LEADERSHIP BY
EXAMPLE*

9.2.3 To lead the community in the protection, improvement, utilization and management of heritage resources by using municipally owned heritage properties as examples of proper conservation and stewardship.

*PUBLIC
AWARENESS &
PARTICIPATION*

9.2.4 To increase awareness and appreciation of Windsor's heritage resources and encourage participation by individuals, organizations and other levels of government in heritage conservation.

*ARCHAEOLOGIC
AL
CONSERVATION*

9.2.5 To identify, protect and conserve Windsor's archaeological resources in place wherever possible and encourage development that respects Windsor's archaeological heritage. Through an understanding of, and measures to protect archaeological heritage, Windsor can incorporate the

past into planning for the future. (Added by OPA #181– September 09, 2024– By law 139-2024)

*INDIGENOUS
COMMUNITY
ENGAGEMENT*

9.2.6 To recognize that the lands within its jurisdiction are of interest to a number of Indigenous communities. As such, Windsor will engage with all such communities in the land development process. (Added by OPA #181– September 09, 2024– By law 139-2024)

*PROVINCIAL
LEGISLATION*

9.2.7 To use as appropriate all relevant Provincial legislation that references the conservation of cultural heritage resources, particularly the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Funeral, Burial and Cremation Services Act in order to identify and conserve Windsor’s cultural heritage including archaeological resources. (Added by OPA #181– September 09, 2024– By law 139-2024)

9.3 Policies

9.3.1 General

*CULTURAL
HERITAGE
RESOURCES
DEFINITION*

9.3.1.1 For the purpose of this Plan, heritage resources include built heritage resources and cultural heritage landscapes that Council has identified as being important to the community.

*BUILT
HERITAGE
RESOURCES
DEFINITION*

9.3.1.2 Built heritage resources include buildings, structures, monuments, installations or remains associated with architectural, social, political, economic or military history.

*CULTURAL
HERITAGE
LANDSCAPE
DEFINITION*

9.3.1.3 Cultural heritage landscapes are defined geographical areas of heritage significance, which have been modified by human activities such as archaeological sites, heritage conservation districts, parks/gardens, golf courses, neighbourhoods, cemeteries, trail ways, streets, street patterns and industrial complexes of cultural heritage value.

*HERITAGE
AREA
DEFINITION*

9.3.1.4 For the purpose of this Plan, a Heritage Area is an area or neighbourhood where there are collections of important heritage resources.

9.3.2 Identification of Heritage Resources

9.3.2.1 Council will identify Windsor’s heritage resources by:

*WINDSOR
ARCHAEOLOGICAL
MANAGEMENT
PLAN (WAMP)*

- (a) Preparing and maintaining an archaeological management plan that identifies known archaeological resources and areas of archaeological potential in Schedule C-1 Archaeological Potential and that provides direction and requirements for the identification,

evaluation, conservation and management of archaeological resources in accordance with the Ontario Heritage Act. Maintenance will include updating the inventory of registered archaeological sites and lands for which an archaeological assessment has been completed by a provincially licensed archaeological consultant in accordance with provincial standards and guidelines. Schedule C-1 of the Official Plan is a map indicating areas of archaeological potential in Windsor. (Added by OPA #181– September 09, 2024– By law 139-2024)

AREA STUDIES

- (b) Researching and documenting the history, and architectural and contextual merit of potential heritage resources on an area or neighbourhood basis in conjunction with Heritage Conservation District studies, secondary plans or other special studies as may be appropriate;

INDIVIDUAL SITES

- (c) Researching and documenting the history, and architectural and contextual merit of potential heritage resources on an individual property basis;

PUBLIC ASSISTANCE

- (d) Encouraging and supporting individuals and groups in recommending potential heritage resources.

9.3.3 Recognition of Heritage Resources

9.3.3.1 Council will recognize Windsor’s heritage resources by:

DESIGNATE HERITAGE PROPERTIES

- (a) Designating individual buildings, structures, sites and landscapes as heritage properties under the Ontario Heritage Act;

HERITAGE CONSERVATION DISTRICTS

- (b) Designating groups of buildings and areas as Heritage Conservation Districts under the Ontario Heritage Act;

LIST OF DESIGNATED HERITAGE PROPERTIES

- (c) Maintaining a list of designated heritage properties;

PLAQUES

- (d) Commemorating heritage resources and Heritage Conservation Districts with plaques or other suitable means; and

HERITAGE CONSERVATION AWARDS

- (e) Presenting plaques and certificates to buildings and persons representing the outstanding restoration and conservation of Windsor’s heritage resources by means of an annual heritage conservation awards programme.

*HERITAGE
PROPERTY
DESIGNATION
CRITERIA* 9.3.3.2 In order to be considered for designation under the *Ontario Heritage Act*, the property needs to meet the requirements set out in *Ontario Regulation 9/06*.

*HERITAGE
CONSERVATION
DISTRICT
CRITERIA* 9.3.3.3 Council will require each designated Heritage Conservation District to meet one or more of the following criteria:

- (a) The area will be comprised of buildings, structures or parts thereof, and sites or landscapes of architectural and/or historical significance meeting the criteria established in policy 9.3.3.2; and
- (b) The area may also include other buildings, structures, sites or landscapes which do not individually merit designation, but which constitute infilling among properties of architectural and/or historical significance and are necessary for the conservation of the overall character of the area.

*IDENTIFY
HERITAGE
RESOURCES
HERITAGE
REGISTER* 9.3.3.4 Council will identify heritage resources by:

- (a) Maintaining and updating the list of built heritage resources known as the Windsor Municipal Heritage Register; and
- (b) Identifying neighbourhoods containing collections of important heritage resources such as Heritage Areas and Heritage Conservation Districts on Schedule ‘G’: Civic Image.

9.3.4 Protection of Heritage Resources

9.3.4.1 Council will protect heritage resources by:

*ARCHAEOLOGICAL
SITES* (a) Requiring that development or infrastructure undertakings on lands containing potential archaeological resources avoid the destruction or alteration of these resources in Schedule C-1 Archaeological Potential; or where this is not possible, requiring the proponent to mitigate the impact to archaeological resources through documentation and removal in advance of land disturbances, in accordance with the Ontario Heritage Act and the policies contained within the Windsor Archaeological Management Plan. Where archaeological resources must be preserved in situ, avoidance and protection measures must be implemented under the direction of a licensed archaeological consultant in accordance with provincial standards and guidelines.

Where Indigenous archaeological resources are to be preserved on site, the development proponent, and the consultant archaeologist shall engage with the appropriate Indigenous communities to identify approaches to the landscaping and interpretation of the site if desired, subject to discussions with stakeholders.

Where Indigenous archaeological resources are identified and preservation on site is not possible, the development proponent, and the consultant archaeologist shall engage with the appropriate Indigenous communities to identify interpretive and commemorative opportunities relating to the resource if desired, subject to discussions with stakeholders. (Added by OPA #181– September 09, 2024– By law 139-2024)

*HUMAN
REMAINS*

(a)(i) In the event that unexpected human remains or cemeteries are identified or encountered during assessment, development, or site alteration, all work must immediately cease, and the site must be secured. The appropriate provincial and municipal authorities must be notified. Provisions of the Funeral, Burial and Cremation Services Act, the Ontario Heritage Act, and other applicable protocols and policies must be followed. Where there are Indigenous burials, they will be addressed in consultation with the relevant Indigenous communities. A licensed archaeological consultant will be required to carry out an investigation if ordered by the Bereavement Authority of Ontario or the Registrar of Burials, Ministry of Public and Business Service Delivery. (Added by OPA #181– September 09, 2024– By law 139-2024)

*ARTIFACT
CURATION*

(a)(ii) All artifacts found on property owned by the City of Windsor are to be reported to the City of Windsor for review and possible acceptance and curation by Museum Windsor, in accordance with the artifact transfer process of the Archaeology Program Unit, Ministry of Citizenship and Multiculturalism (MCM). Museum Windsor will also consider accepting transfers of significant artifacts found on private land, subject to Museum Windsor’s Collections Policy. (Added by OPA #181– September 09, 2024– By law 139-2024)

*DEMOLITION OR
ALTERATION
APPROVAL*

(b) Requiring any person who proposes to demolish or alter a designated heritage property to submit plans to Council for approval under the Ontario Heritage Act;

*MODIFICATION
APPROVAL*

(c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not

adversely impact the heritage significance of the property and/or its Heritage Conservation District;

*RECORD FOR
ARCHIVES*

- (d) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant prepare, to the satisfaction of the Municipality, an archival record for submission to the municipal archives;

EASEMENTS

- (e) Entering into heritage easement agreements with the owners of designated heritage properties who are recipients of heritage grants and/or loans;

*PROPERTY
STANDARDS*

- (f) Requiring that heritage properties are maintained, in order to retain their heritage values, attributes, and integrity;

*ADAPTIVE
REUSE*

- (g) Encouraging the adaptive reuse of architectural and/or historically significant buildings and structures;

RELOCATION

- (h) Recognizing that the importance of a heritage resource is tied most significantly to its original location, and that all means should be undertaken to include heritage buildings appropriately in new development, the relocation of a heritage resource may only be considered when:
 - (i) The resource is threatened by demolition;
 - (ii) The resource is threatened by alterations which would destroy its heritage value;
 - (iii) The resource will serve a useful function in the proposed location;
 - (iv) The resource will have public exposure in the proposed location;
 - (v) The resource will enhance heritage resources already located in the vicinity of the proposed location; and
 - (vi) The relocation of the resource is feasible in terms of engineering and economic criteria.

*ACQUISITION &
JOINT
VENTURES*

- (i) Considering participation in the development of sites containing significant heritage resources through acquisition, assembly, resale, joint ventures or other forms of involvement that will result in the conservation, restoration and/or rehabilitation of those resources; and

BONUSING

- (j) Allowing for the transfer of development heights or densities to other areas of the property or Windsor in exchange for the conservation of heritage resources.

9.3.5 Enhancement of Heritage Resources

9.3.5.1 Council will enhance heritage resources by:

*HERITAGE
AREAS AND
HERITAGE
CONSERVATION
DISTRICTS*

(a) Ensuring that within any Heritage Area or Heritage Conservation District that:

INFRASTRUCTURE

(i) Infrastructure undertakings respect and enhance the historic character of the area;

DEVELOPMENT

(ii) Development be of compatible height, massing, scale, setback and architectural style;

*COMMUNITY
HERITAGE
FUND*

(b) Promoting, maintaining and administering the Built Heritage Preservation Fund for special heritage conservation projects;

*BUILT
HERITAGE
FUND*

(c) Promoting, maintaining and administering the Built Heritage Preservation Fund for special heritage conservation projects;

GRANTS

(d) Participating in heritage grant programmes or other financial aid programmes of other levels of government or of non-government organizations, when appropriate;

*INFRASTRUCTURE
UNDERTAKINGS*

(e) Ensuring that any development or infrastructure undertakings enhance the areas surrounding heritage resources, wherever possible;

*OTHER
PROGRAMMES*

(f) Utilizing other programmes administered by the Municipality to further its heritage objectives; and

*TECHNICAL
ADVICE*

(g) Providing technical information on the preservation of heritage resources.

9.3.6 Management of Heritage Resources

9.3.6.1 Council will manage heritage resources by:

*WINDSOR
HERITAGE
COMMITTEE*

(a) Seeking the advice of the Windsor Heritage Committee on matters associated with associated with heritage conservation;

<i>LEADERSHIP</i>	(b) Protecting, conserving and managing Municipally owned heritage resources in a manner which furthers the objectives and policies of this Plan and which sets an example of leadership for the community in the conservation of heritage resources;
<i>MUNICIPAL OPERATIONS</i>	(c) Ensuring that the activities of all Municipal departments respect the character and significance of Windsor’s heritage resources;
<i>PUBLIC PARTICIPATION</i>	(d) Encouraging public participation in the conservation of heritage resources;
<i>PRIVATE INITIATIVES</i>	(e) Providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means;
<i>AWARENESS & EDUCATION</i>	(f) Promoting public understanding, appreciation and enjoyment of Windsor’s heritage resources through an on-going public awareness and education programme;
<i>COORDINATION</i>	(g) Coordinating the Municipality’s heritage planning and programmes with other levels of government to avoid duplication of effort and to reinforce mutual objectives;
<i>REVIEW</i>	(h) Systematically reviewing and updating the Municipalities heritage policies, plans and programmes; and
<i>INFORMATION BASE</i>	(i) Creating a heritage resource information base to identify heritage resources.

9.3.7 Heritage Resources and Planning Initiatives

9.3.7.1 Council will integrate heritage conservation into the development and infrastructure approval process by:

<i>ARCHAEOLOGICAL ASSESSMENT</i>	(a) An archaeological assessment is required as part of a complete application for all development or site alteration application, including municipal projects, if it is determined using the archaeological management plan potential mapping that any part of a potential development area possesses archaeological potential or known archaeological resources as set out in Schedule C-1 Archaeological Potential. Projects involving in-water works may require a marine archaeological assessment if so determined using the Criteria for Evaluating Marine Archaeological Potential checklist published by the Archaeology Program Unit, MCM.
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Archaeological assessments shall be undertaken to the appropriate stage of assessment by a consultant archaeologist in compliance with provincial requirements and standards.

All archaeological assessments reports shall be provided to the Archaeology Program Unit, Ministry of Citizenship and Multiculturalism in accordance with the Ontario Heritage Act. The assessment report shall be provided to the City of Windsor for comment to ensure that the scope is adequate and consistent with the conservation objectives of the WAMP. A copy of the Ministry review letter will be provided to the City by the licensed archaeologist who completed the assessment or the proponent. The City will maintain copies of all reports and review letters for information purposes.

Where archaeological resources are documented and found to be Indigenous in origin, a copy of the assessment report shall be provided by the consultant to the appropriate Indigenous communities.

Where Stage 3 or Stage 4 archaeological assessments are undertaken on Indigenous archaeological resources, the consultant archaeologist shall engage with appropriate Indigenous communities in accordance with Ministry Standards and Guidelines for Consultant Archaeologists; (Added by OPA #181– September 09, 2024– By law 139-2024)

*PLANNING
STUDIES*

- (b) Ensuring that secondary plan studies, community improvement plans and other planning studies identify heritage resources which may exist in the areas under study and propose means to protect and enhance those heritage resources;

*BUILT
HERITAGE
IMPACT STUDY*

- (c) To ensure that properties designated under sections IV, V, or VI of the *Ontario Heritage Act* (designated properties) are conserved, development of any adjacent property shall be required to:
 - (i) Prepare a Built Heritage Impact Study to identify potential adverse impacts on the designated property, and
 - (ii) In the event any adverse impacts are identified in the Built Heritage Impact Study, then the development shall be subject to the Site Plan Control process to ensure appropriate mitigation measures are implemented;

*APPROVAL
PROCESS*

- (d) Utilizing the planning approval process (subdivisions / condominiums, official plan amendments, zoning amendments, site plan control, consent, minor variance, demolition control) to facilitate the retention of heritage resources, and to ensure any proposed development is compatible with heritage resources;

*URBAN DESIGN
CRITERIA*

- (e) Having regard to the following factors when assessing applications such as zoning amendments, site plan control

applications, demolition control and payment-in-lieu, which may impact heritage resources:

- (i) Respecting the massing, profile and character of adjacent buildings;
- (ii) Approximating the width and established setback pattern of nearby heritage buildings;
- (iii) Respecting the yards, gardens, trees and landscaped grounds associated with the heritage properties and districts which contribute to their integrity, identity, and setting;
- (iv) Maintaining, enhancing or creating views and vistas of heritage resources; and
- (v) Minimizing the impact of shadowing on adjacent heritage properties, particularly on landscaped open spaces and outdoor amenity areas.

*DEMOLITION
CONTROL*

- (f) Utilizing the demolition control provisions of the Planning Act and the Heritage Act to assist in the protection of heritage buildings and structures;

*MAINTENANCE
STANDARDS &
OCCUPANCY
BY-LAW*

- (g) Utilizing the Maintenance and Occupancy Standards By-law to facilitate the maintenance and conservation of heritage resources and ensuring that the application of this by-law is not detrimental to the conservation of heritage resources;

*HERITAGE
ZONING*

- (h) Ensuring that the development of heritage resources and the development of adjacent properties is complementary to those resources by regulating the use, massing, form, location, setback and other matters of development by means of heritage zones and other zones in the zoning by-law;

*DEVELOPMENT
PROPOSALS*

- (i) Requiring for all development proposals that abut or in the opinion of the City Planner are likely to materially affect a designated heritage building or structure, a Built Heritage Impact Study to the satisfaction of the City Planner;

*210 DETROIT
STREET*

- (j) Notwithstanding the provisions of 9.3.7 (i), the lands municipally known on March 23, 2010 as 210 Detroit Street are exempt from the provisions of 9.3.7 (i) so long as the lands continue to be used for:
 - 1. The storage and distribution of aggregate materials, premixed concrete, concrete blocks or asphalt batching plant;
 - 2. Manufactured premixed concrete or concrete blocks;
 - 3. A business office, heavy repair shop, ambulance service, material transfer centre, motor vehicle salvage operation; and
 - 4. Any use accessory to the above.

(OPA 68, effective October 19, 2012)

*3294 RUSSELL
STREET*

(k) Notwithstanding the provisions of 9.3.7 (i), the lands municipally known as 3294 Russell Street on June 14, 2011 are exempt from the provisions of 9.3.7 (i) so long as the lands continue to be used for:

1. A marina;
2. Any use accessory to the foregoing use including a caretakers residence;
3. Industrial and/or Port uses;

In the event a use unrelated to Industrial and/or Port uses is sought through a Planning Act application or is commenced on the site, the provisions of 9.3.7 (i) shall immediately come into effect.
(OPA 68, effective October 19, 2012)