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# Oak Street, Fenelon Falls



Final Report:  
June 2017

## Heritage Conservation District Plan

*Prepared for:*

City of Kawartha Lakes

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# Users' guide

(This does not constitute part of the District Plan.)

## Frequently Asked Questions About District Designation

### **What is a Heritage Conservation District?**

It is an area of special character, combining buildings, landscape features, and their settings that, together, make up a district that has an identifiably distinct “sense of place”. Cultural heritage resources within an HCD can include buildings, structures, cultural landscapes, and sites of archaeological potential as well as intangible resources, such as associations with historical events and traditional activities. The *Ontario Heritage Act* allows district designation and codifying an area’s “heritage character” in order to protect the elements that define its character.

### **Why was the Oak Street Area selected for study as a Heritage Conservation District?**

Containing one of the few remaining estate houses from the early period of European settlement in the Kawarthas, and also having a largely intact example of both an oak savannah and a late 19th century estate subdivision, the Oak Street area has been identified by the City of Kawartha Lakes as a suitable candidate for District designation.

### **How would District designation impact residents?**

Designation allows the City and local residents to manage change within the District in ways that will conserve and enhance District character. Designation also celebrates what is special about the District, building community pride and encouraging compatible improvements to both public and private properties. Proposed changes of a major sort are regulated by the City, using policies and guidelines produced as part of the District Plan.

### **How does District designation affect changes to my property?**

According to this Plan, designation will entail a municipal requirement for a heritage permit for any significant change to the public face of your property (i.e. front, sides and roof, but usually not the rear). Routine maintenance is not affected, and professional heritage planning staff work with property owners to provide advice on compatible alterations, using guidelines in the District Plan.

### **Will the value of my property change?**

Studies in Canada and the United States have shown that property values in Heritage Conservation Districts either stay the same or increase.

### **How do I get information on the Plan?**

To learn more about the Plan, contact the City's Economic Development Officer – Arts, Culture and Heritage [dsoule@city.kawarthalakes.on.ca](mailto:dsoule@city.kawarthalakes.on.ca)  
T (705) 324-9411 x 1498.

### **How do I Use This Plan?**

This document is intended to be used by the general public, agents of applicants, and consultants, as well as by City staff. It contains the information required by the Province of Ontario for the preparation of Heritage Conservation District Plans, as laid out in the *Ontario Heritage Act* and described in the Ministry of Tourism, Culture and Sport's *Ontario Heritage Tool Kit*.

The Plan has four main sections and appendices:

- Part A: Conserving and Enhancing District Character, which describes the reasons for designation, the heritage attributes, conservation goals and objectives, and shows the District boundary;
- Part B: Conservation Goals, Objectives, and Policies, which describes the context for, and content of, mandatory conservation policies;
- Part C: Conservation and Development Guidelines, which provides discretionary guidelines, the latter offering detailed advice for the conservation of buildings and landscapes within the District and establishing criteria to evaluate any changes, including new construction; and
- Part D: Implementation Process, which sets out the process for regulating change in the Districts, including heritage permit applications.

Appendices, which do not form part of the District Plan, include an inventory and evaluation of District properties (separate document), recommendations to help municipal staff in implementing the Plan, and a record of public consultation.

The Plan should be read as a whole. However, each section is a discrete document, and the policies and guidelines can be referred to individually. So, for example, if you wish to find advice on what actions require a heritage permit, you can refer directly to that section. Similarly, if you seek advice on how best to undertake an alteration to a building, that section can be referred to directly. Use the table of contents to find the section you need.

# PART A: CONSERVING AND ENHANCING DISTRICT CHARACTER



# 1. Introduction

## 1.1 What is a Heritage Conservation District?

A Heritage Conservation District (HCD) is a distinctive area that has significant historical value. Its special character is often a function of the age of its structures, the history of its occupation, and the land uses it contains. The boundaries may be sharply defined, as along a waterfront, or blurry, as in mixed use areas. The Provincial Ministry of Tourism, Culture and Sport, (the Ministry of Culture) the agency responsible for heritage planning, defines districts broadly, from a group of buildings to entire settlements. The key is that the defined area has “a concentration of heritage resources with special character or historical association that distinguishes it from its surroundings” (Ontario Heritage Tool Kit, Heritage Conservation Districts, 5).

As described in greater detail in the Oak Street Heritage Conservation District Study, this area contains natural and built heritage elements of the original estate as well as the core of a late 19<sup>th</sup> century estate subdivision. It is primarily for these reasons that the area should be designated as a Heritage Conservation District.

Heritage districts are not new: they have been widely used in Britain and Europe since the end of WWII, in the United States since the 1950s, and in Canada since the 1970s. They have proven to be effective ways of conserving and enhancing special places while supporting the everyday lives of residents and visitors.

The Tool Kit (op. cit., 10) goes on to describe the common characteristics of heritage districts. They are:

- “A *concentration of heritage resources*” (buildings, sites, structures, landscapes, archaeological sites) that have some common link for reasons of use, aesthetics, socio-cultural or historical association;
- “A *framework of structured elements*” that provide edges, such as major routes, shorelines, landforms, or land uses;
- “A *sense of visual coherence*” that is expressed in built form or streetscapes, and;
- “A *distinctiveness*”, whether tangible or not, that makes the district recognizably different from its surroundings.

The intent is to establish a Heritage Conservation District that conserves and enhances the heritage character of Oak Street and the City as a whole. As one of the first Heritage Conservation Districts to be designated in the City of Kawartha Lakes, the Plan should serve as a prototype for similar designation processes that the City intends to undertake for other areas of the municipality.

## 1.2 Contents of a Heritage Conservation District Plan

Any Conservation District Plan must comply with Subsection 41.1(5) of the *Ontario Heritage Act*, and must include the following:

- i. A statement of objectives to be achieved in designating the area as a heritage conservation district;
- ii. A statement explaining the cultural heritage value or interest of the heritage conservation district;
- iii. A description of the heritage attributes of the heritage conservation district and of the properties in the district;
- iv. Policy statements, guidelines and procedures for achieving the stated objectives and managing change in the heritage conservation district; and
- v. A description of the alterations or classes of alterations that are minor in nature and that the owner of the 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.”

**Policies** have been developed to govern the conservation of contributing resources and the heritage attributes of Oak Street Heritage Conservation District. These policies set the direction for change management. It is not the intent of these policies to stop or freeze change, but to appropriately manage change in a manner that is consistent with the cultural heritage values of the Oak Street Heritage Conservation District.

To support these policies, **guidelines** have been developed to articulate suggested actions or recommendations. These are more discretionary in use, but should be considered directional. The guidelines were created to fit a wide range of situations, but exhaustive guidelines are not possible considering the range of possible circumstances. Guidelines should be applied as appropriate. Adherence to the guidelines of the Oak Street Heritage Conservation District is not compulsory, but is recommended.

Also found within Heritage Conservation Plans are specific **terms** to describe cultural heritage resources and the actions used to conserve them. Knowing exactly what is being affected by District designation is important, and defining these elements is a key part of the policies and guidelines. There are several terms that recur. Some have meanings that are determined by

federal or Provincial legislation, while others are municipally defined or defined in the context of this Plan. Notwithstanding the definitions below, however, in the event of a conflict between the definition here and a definition provided by federal or Provincial legislation or policy, particularly in cases where such policies are periodically updated, the most current legislative version of policy definition shall apply.

**Adjacent:** means those lands adjoining a property on the Heritage Register or lands that are directly across from and near to a property on the Heritage Register and separated by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, greenspace, park and/or easement, or an intersection of any these; whole location has the potential to have an impact on a property on the Heritage Register; or as otherwise defined in a Heritage Conservation District Plan adopted by by-law (By-law 2017-098).

**Alteration:** whereas in the *Ontario Heritage Act* this term means any “change in any manner and includes to restore, renovate, repair or disturb”, in the context of this Plan, the Official Plan definition prevails: “any change to a property on the Heritage Register in any manner including its restoration, renovation, repair or disturbance, or a change, demolition or removal of an adjacent property that may impact the heritage attributes of a property, district or designated feature on the Heritage Register” (By-law 2017-098). Within the context of this Plan, an “addition” is a type of alteration involving physical enlargement of the built form of a property. A minor alteration is one that would not require a building permit, whereas a “substantive change” type of alteration would be one that would also require a building permit.

**Compatible:** development that is capable of existing in harmony with, and that will not have an undue physical or functional adverse impact on, existing or proposed development in the area, or pose an unacceptable risk to environmental or human health. For the purposes of this HCD Plan, the Plan policies and guidelines constitute the criteria described in the above definition.

**Conservation:** all actions or processes that are aimed at safeguarding the character defining elements [“heritage attributes” in the Ontario legislation] of a cultural (heritage) resource so as to retain its heritage value and extend its physical life. This may involve “*Preservation*,” “*Rehabilitation*,” “*Restoration*,” or a combination of these actions or processes. Reconstruction or reconstitution of a disappeared cultural resource, except in the circumstances described in policy 2.6.7 (i), is not considered conservation and is therefore not addressed in this document.

**Contributing properties:** are properties that contain buildings and landscapes that support the character of the District, as defined in the District Plan, through compatible design, historical associations and physical or visual links to their surroundings. They also help define area character if they are well-preserved examples of earlier periods or are a landmark.

As part of the research for this HCD Plan, this definition has been further refined into 2 sub-categories, as follows:

- **Contributing Historical** includes all existing pre-WWII properties within the HCD
- **Contributing Contemporary** includes all existing post-WWII properties that are designed in ways that have regard for the heritage attributes of the District in terms of materials, massing, architectural design and detailing
- **Note:** surface parking lots are included within contributing properties (See the plan in Section 2.5.1, below, for mapping of contributing and non-contributing properties)

**Cultural heritage resource:** "...cultural heritage is not just about the past – it is about the places, spaces and stories we value today that we want to build on for the future.....Cultural heritage resources can take many forms – museum, archive and library collections; buildings and monuments; streetscapes and landscapes; bridges and railway stations; cemeteries; archaeological sites; artifacts; document and photographs; stories and folktales; traditional arts, crafts and skills." This term is defined in several sources, for example, in the Province of Ontario's introductory guide to conservation of heritage (Identify, Protect, Promote: Strengthening Ontario's Heritage; An introductory guide to identifying, protecting and promoting the heritage of our communities, p.2).

**Enhance:** In the context of this Plan, "enhance" is taken to mean "to heighten the character of a building and its surroundings, in ways relating to the heritage attributes of the property as well as of the sub-area in which it is located".

**Heritage attribute definitions:** The Province has provided two possible definitions that should be utilized according to the context in which they are being applied.

**Heritage attribute:** means in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest (*Ontario Heritage Act*).

**Heritage attribute:** means the principal features or elements that contribute to a *protected heritage property's* cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a *protected heritage property*). (Provincial Policy Statement, 2014, P. 43).

**Maintenance:** Routine, cyclical, non-destructive actions, necessary to slow the deterioration of Contributing Heritage Properties, including the following: periodical inspection, property cleanup; gardening and repair of landscape features; replacement of broken glass in windows, minor exterior repairs, including replacement of individual asphalt shingles where there is little or no change in colour or design; repainting; re-pointing areas of brick or stone masonry or; caulking and weatherproofing; and any other work defined as maintenance in an individual designation by-law.

**Non-contributing properties:** are properties that disrupt the visual coherence of the District through incompatible treatment of elements such a building scale, massing, height, material, proportion and colour, elements that are otherwise found in the heritage properties in the Districts, as defined in the District Plans.

(See the plan in Section 2.5.1, below, for mapping of contributing and non-contributing properties)

**Preservation:** involves protecting, maintaining and stabilizing the existing form, material and integrity of a historic place, or of an individual component, while protecting its heritage value.

**Rehabilitation:** involves the sensitive adaptation of a historic place or individual component for a continuing or compatible contemporary use, while protecting its heritage value. This is achieved through repairs, alterations and or additions.

**Restoration:** involves revealing, recovering or representing the state of a historic place or of an individual component, as it appeared at a particular period in its history, as accurately as possible, while protecting its heritage value.

### 1.3 District Planning Process and Mandate

Subsection 41.(1) of the *Ontario Heritage Act* enables municipal councils to designate all or part of the municipality as a Heritage Conservation District (HCD). As stated in the Provincial Ministry of Culture’s “Ontario Heritage Tool Kit” for HCDs, “district designation enables the council of a municipality to manage and guide future change in the district, through adoption of a district plan with policies and guidelines for conservation, protection and enhancement of an area’s special character. (p. 5)”

The current District Plan must be seen in the context of the designation process for such Plans. There are three basic steps: study; plan; and designation. The designation process often begins with a request to designate, originating from a municipal council or from the public, in consultation with its municipal heritage advisory committee. Once Council has authorized commencement of a study to determine if the area warrants designation, staff prepares a request for proposal, with detailed study goals and objectives based on the requirements of the *Ontario Heritage Act*, and proposes a study boundary. The study phase begins with an assessment of the study area identified by the municipality. The study contains a history of the area’s development and an inventory of its heritage resources (buildings, cultural landscapes, areas of archaeological potential), following guidelines that are found in the Ontario Heritage Tool Kit, and includes public consultation. The area’s cultural heritage resources are then evaluated, using the Ontario Heritage Tool Kit’s criteria. Assuming that the result of this evaluation is favourable, the next step is a recommendation for Council to authorize staff and the consultant to proceed with preparation of a District Plan containing policies, design guidelines and a regulatory process. Following public consultation, if the Plan is adopted by Council, designation by-laws are passed and, if there are no objections from the public, the District comes into effect.

In addition to policy statements in the City’s Official Plan and Heritage Master Plan, the mandate for designation in this case arises from the issuance by the City of Kawartha Lakes of a proposal for heritage consulting services to prepare Heritage Conservation District Studies for Downtown Lindsay and the Oak Street neighbourhood in Fenelon Falls (RFP 2015-82-P). Bray Heritage, the team awarded the contract, completed the Studies in 2016 and recommended that the City proceed with designation and provided a recommended district boundary. In September, 2016, Council approved the recommendation and authorized staff and the consulting team to proceed with preparation of District Plans. The District Plan in each case

contains policies, guidelines and an approval process for implementing the Plan. Taken together, the District Study and the District Plan constitute the documents required for preparation of the by-law to designate the Oak Street area as a Heritage Conservation District under Part V of the *Ontario Heritage Act*.

## 1.4 Benefits of Designation

### **Promoting Civic Pride**

The “sense of place” generated by Oak Street is determined by the experience of being in and around its physical setting, that is, its buildings, streetscapes and parks. These “cultural heritage resources”, to use a term often used in heritage planning, are precious and deserve good stewardship. Numerous comments from both new and long-time residents support this. In response to these values, designation is a means by which local owners and tenants are able to express pride in their property and in the area as a whole: it is also a way of promoting public appreciation of local history.

### **Managing Change**

Changes brought about by urban expansion, as well as neglect or natural disaster, can have a negative impact on these settings and erode local identity. To counter these trends, district designation is one of the most effective heritage planning tools available to Ontario municipalities. While the *Planning Act* handles most of the land development issues, it makes little reference to matters of community identity and heritage. Except where individual properties have been designated under Part IV of the *Ontario Heritage Act*, Oak Street’s cultural heritage resources are not fully protected by the current policies in the City’s Official Plan or Zoning By-law. By contrast, the *Provincial Policy Statement* and *Ontario Heritage Act* put the onus on municipalities to conserve “significant” cultural heritage resources, and provide policy tools and procedural guidelines with which to do so. Designation of a district under Part V of the *Ontario Heritage Act* is the means by which a municipality puts these tools and guidelines to use, and fills the policy gap left by the *Planning Act*.

### **Encouraging Compatible Growth**

Heritage conservation district designation is not necessarily, as the term may seem to imply, a device for *preserving* an existing setting. The main focus of district designation is *change management*. In recognizing the inevitability of change, designation can plan for its best course. Change in itself is the result of conscious action, in the case of renovation or new development, or inaction, in the case of deterioration by neglect. Neighbourhoods can change for the worse, sometimes before people realize it is too late, when the “tipping point” has been reached, and the area’s “carrying capacity” has been exceeded. A district designation can help identify these critical thresholds and provide policy tools to ensure that they are respected.

At the very least, designation can identify the types of changes that suit a District’s character, and those that do not. Property owners get the information they need to make informed choices for improvements, and the municipality gets the guidelines and legislative mandate to regulate changes. In practice, change management in a Heritage Conservation District is seldom imposed from above but, rather, involves an ongoing discussion between property owners and City staff and heritage advisory committee, based on policies and guidelines found in the District Plan, as to what the best course of action will be.

There is public support for designation in Oak Street but there are also understandable concerns. Key issues are the degree of regulation imposed by designation (e.g. “will the municipality tell me what colour I can paint my front door?”), the cost of maintaining or upgrading older properties, and the potential encroachment of downtown commercial uses, the potential for lot consolidation and higher density development, the property owners who neglect their properties, and the potential effect of designation on property values.

Regulation is something the Heritage Conservation District Plan addresses, and is influenced by comments from local residents and business owners. The degree of regulation is moderate and the process is overseen by trained heritage staff and volunteer members of a Council-appointed heritage advisory committee. The process is designed to be transparent and straightforward, and follows policies and guidelines that are based on widely accepted ways of dealing with older properties. As demonstrated in successful HCDs in Port Perry, Collingwood, Cobourg and Port Hope, designation’s benefits outweigh the minor inconveniences of an additional

regulatory process. These heritage districts have maintained diversity and stabilized or improved property values, and local property owners and tenants have expressed high degrees of satisfaction with the results of designation. Although designation entails an additional level of municipal control over changes to property, it also helps stabilize areas, enhancing investment by reducing risk. And at a very basic level, one benefit of designation is often improved enforcement of existing property standards, an ongoing concern for residents and the municipality alike.

### **What works, what doesn't**

Although designation as a Heritage Conservation District has been proven to provide many benefits to municipalities that have designated such areas, there are lessons that can be learned from designations in other communities. Foremost is the need to ensure that designation does not turn the proposed District into a place that is unduly affected by tourists, given its proximity to the Trent-Severn Canal, Maryboro Museum, the linear pathway system and the downtown core. This has been an ongoing problem in communities where attractive neighbourhoods are located next to, or have within them, popular public attractions. In these cases, it is important in the ongoing management of the District to balance local needs with those of visitors. It is also important to ensure that the commercial activities of the downtown core do not spill over into the adjacent residential areas, and to avoid consolidation of individual properties into land assemblies that allow large scale, higher density development.

An important way to ensure that the District works for residents as well as visitors is to describe in the HCD Plan the heritage attributes of the District that are most important to local people. In Kingston, for example, it was the Market Square, a place that is shared by retail (farmers' market), recreation (skating), and civic gatherings (movies, concerts and various local events). That these activities also appeal to visitors is an additional benefit, not the main intent.

In addition, since Heritage Conservation Districts tend to be attractive to businesses, residents and visitors, they must also have good access, parking and circulation. This is especially the case when a popular museum (Maryboro) is part of the District. Anticipating the increased demand for parking and an attractive public realm are important aspects of planning for the future of the District and its surrounding area.

# PART B: CONSERVATION GOALS, OBJECTIVES AND POLICIES



## 2. Statement of Objectives

### 2.1 Rationale for Designation

Designation of a heritage conservation district is a form of change management that allows communities to control the rate and type of change within the district. With this definition in mind, the rationale for designation can be summarized as follows:

- The Oak Street study area is a discrete district with significant heritage character in the form of built heritage resources, cultural heritage landscapes, and associations with important people and events in the municipality's history.
- The inventory and evaluation of the study area have shown that these cultural heritage resources merit conservation.
- The area shows evidence of the major stages of its evolution.
- Provincial planning policies require conservation of significant cultural heritage resources.
- The area has potential for intensification and redevelopment that could affect the cultural heritage resources.
- The museum and adjacent public open spaces are popular tourist destinations and designation would support their conservation goals and ongoing economic viability.
- District designation has proven to be the best policy tool available to Ontario municipalities for meeting their conservation goals and objectives.

### 2.2 Summary Statement of District's Cultural Heritage Value or Interest

The Oak Street study area is a rare example of an early 19<sup>th</sup> century rural estate in the Kawartha Lakes region that was redeveloped as a planned residential subdivision in the late 19<sup>th</sup> and early 20<sup>th</sup> century. It has heritage value because its landscape contains the following elements: part of a bur oak grove/savannah which was incorporated into the rural estate; the original estate house and its immediate grounds; the planned subdivision of high quality late Victorian homes established along Oak Street; and the adjacent Trent-Severn Canal and former rail corridor. The Oak Street area's overall heritage value lies in its collection of individually important properties and in its combination of these resources within a designed landscape.

## 2.3 Description of Heritage Attributes

- Surviving trees from a rare, possibly pre-settlement, grove of bur oaks;
- Original estate house (Maryboro Lodge), now a museum;
- View corridor from façade of Lodge/museum towards river/Canal;
- View corridor from May Street towards museum property/rail corridor/lake;
- View corridor (E-W) along Water Street;
- Right-of-way of former railway and approach to bridge;
- Lake shore public open space (camping, picnicking);
- Canal infrastructure, including swing bridge (all on Parks Canada property);
- Water Street (original estate access route);
- Maple street tree plantings;
- Significant associations with important persons in the community's history (Wallis and prominent late 19<sup>th</sup> and early 20<sup>th</sup> century local business and professional persons who were instrumental in the development of Fenelon Falls);
- High quality architecture with good representative examples of late 19<sup>th</sup> century period styles found in Ontario at that time;
- Architectural details (porches, verandahs, decorative woodwork, towers and bays);
- Brick and frame construction and cladding;
- Consistent building massing and lot size;
- Predominance of single, detached dwellings; and
- Historical associations with potential pre-contact Aboriginal use, Wallis estate, early navigation, early railways, early tourism (Canal steam and pleasure craft, lakeside camping, Lodge guest house), founding of Fenelon Falls, public use of Lodge grounds for special events.

## 2.4 District Boundary

As a point of departure, the Provincial Tool Kit outlines criteria for determining a boundary. They include:

- Historic factors
- Visual factors
- Physical features
- Legal or planning factors

The recommended boundary meets the goals set out by the City in the RFP while addressing comments from local residents and reflecting the results of research undertaken during the Study phase of the HCD planning process. The Study phase concluded with a recommended boundary that included properties along the western half of Francis Street. These properties were included because they are also part of the 19th century subdivision of the Maryboro estate and contain buildings that are of a similar age and design as those flanking Oak Street.

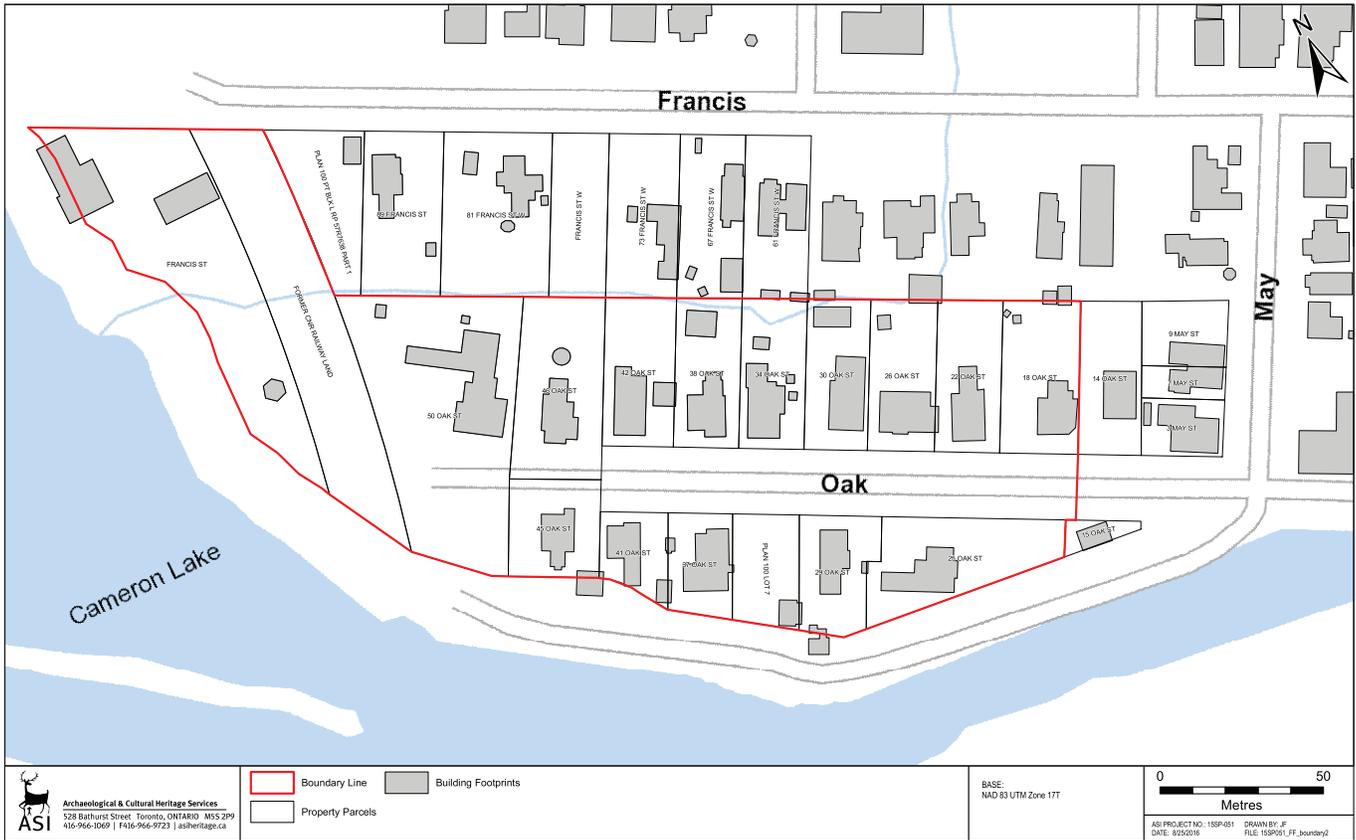
However, during the public consultation process for this HCD Plan, residents of both Francis Street and Oak Street raised concerns about this proposed boundary. Several of the property owners along Francis Street argued that their street did not have the same heritage character as Oak Street and that they were not convinced that their properties were a logical component of the proposed HCD. In terms of heritage conservation, one owner felt that individual designation of the property would be suitable, as an alternative to inclusion in the District. Oak Street residents felt that a reduced boundary would result in a simplified shape for the District, with the boundary lines matching the rear property boundaries of the Oak Street properties.

These comments, and further research conducted as part of the HCD Plan, provide the rationale for a boundary change. The revised boundary reduces the size of the proposed District and focuses on properties that flank Oak Street. This boundary configuration reflects the pattern of lot development that followed the subdivision of the original Maryboro estate and emphasizes the role of Maryboro Lodge as the landmark and key built heritage resource within the District. The Oak Street properties within the District would still have the adjacency provisions of the Provincial Policy Statement and the City's Official Plan to provide conservation policies for any development along Francis Street that could potentially have a negative impact on the heritage attributes of the HCD.

It is therefore recommended that the boundary of the Oak Street Heritage Conservation District be amended to exclude the properties facing Francis Street. In terms of the criteria for boundary definition supplied by the Province, the revised boundary meets them, as follows:

- Historic factors: the core of the original estate is on Oak Street, anchored by Maryboro Lodge;
- Visual factors: the two sides of Oak Street, as well as the views to the Lake and downtown core at each end, form a coherent visual entity;
- Physical factors: the majority of the buildings that typify the estate (late 19<sup>th</sup> century subdivision) as well as Maryboro Lodge, are located on Oak Street and the adjacent public open spaces/former rail corridor and shoreline are included; and
- Legal or planning factors: the boundaries of properties flanking Oak Street provide a clear edge.

The revised boundary is shown in the accompanying map.



## 2.5 Designation Goals and Objectives

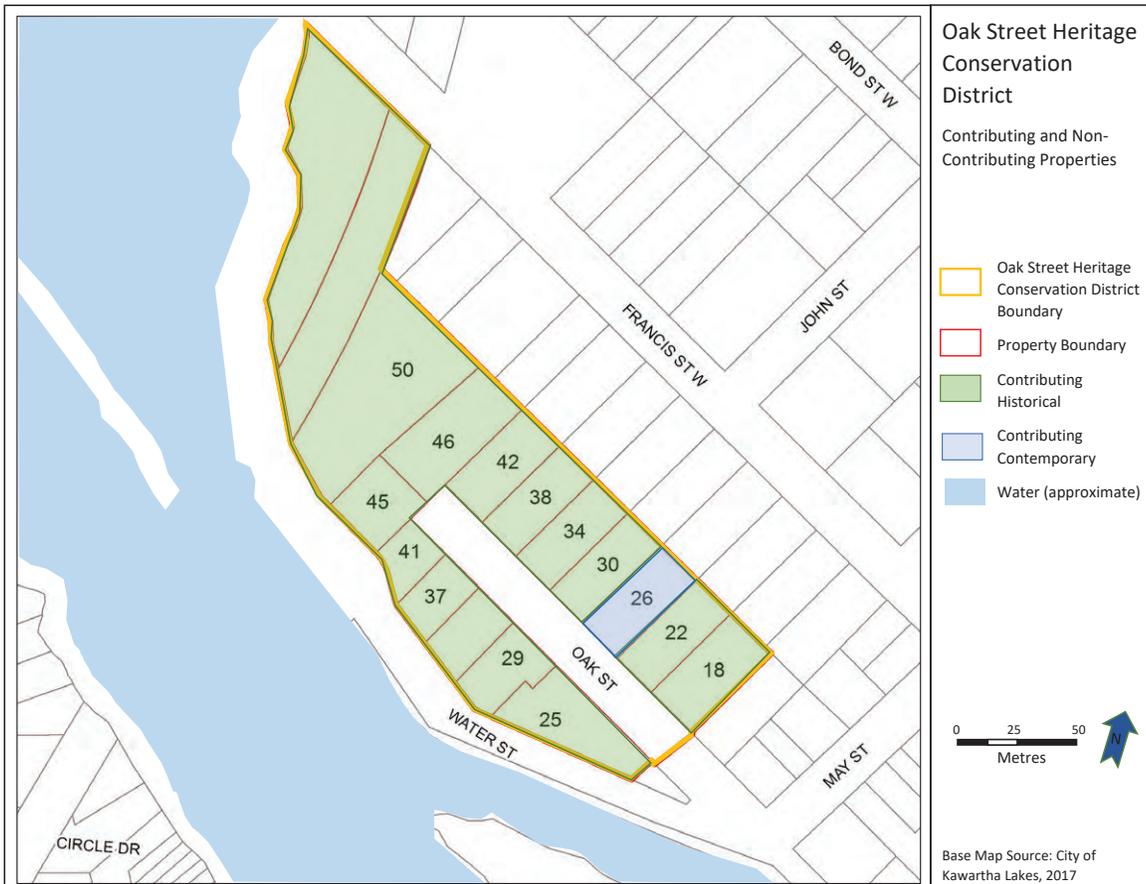
Section 41.1 (5) of the *Ontario Heritage Act* requires an HCD Plan to include a statement of objectives, a statement of cultural heritage value, a description of the heritage attributes of the HCD, policy statements and guidelines. The Plan must also contain procedures for achieving the objectives of the Plan and managing change, as well as describing the types of alterations that are minor in nature and can be undertaken without a permit.

The following goals and objectives provide a framework for the ongoing conservation of the District's material heritage resources, including built heritage resources, cultural heritage landscapes, and areas of archaeological potential, as well as non-material resources, such as historical associations and the mixed-use character of the District. They are integral to the planning policies and design guidelines provided by this Heritage Conservation District Plan and set out what is to be accomplished by District designation. These Plans also include specific objectives for the major components of the District.

The overall policy objectives for conservation and development in the proposed District are:

- To acknowledge and protect the cultural heritage values of Oak Street;
- To ensure the long-term conservation and management of contributing cultural heritage resources in Oak Street, including protected heritage properties, built heritage resources, cultural heritage landscapes, views, and historical associations;
- To establish a planning process that takes a "change management" approach for cultural heritage conservation;
- To provide guidance for ongoing maintenance and change so that the heritage attributes of the District are retained and, whenever possible, enhanced;
- To encourage community awareness of, and support for, conservation of the District's heritage values and attributes and for heritage conservation best practices;
- To provide policies, guidelines and associated regulatory procedures that will serve to guide change in ways that conserve and enhance the heritage attributes of the District; and
- To promote an increased awareness of heritage value in the District.

### 2.5.1 Contributing Properties



Cultural heritage resources (contributing properties) will be conserved and protected from inappropriate changes or demolition by:

- Retaining and conserving contributing properties in the District;
- Fostering continuing use of contributing built heritage resources and cultural heritage landscapes;
- Using the provisions of the *Ontario Heritage Act* and *Planning Act* to control the demolition or removal of contributing properties (including buildings or structures);
- Fostering collaboration on conservation matters between the City and other agencies responsible for heritage resources, such as the Ontario Heritage Trust, Infrastructure Ontario, Parks Canada/Trent-Severn Waterway;

- Pursuing all measures available to the municipality to prevent demolition or removal of contributing buildings or structures;
- Conserving buildings or structures on contributing properties by using the accepted principles and standards for heritage conservation, as outlined in these Plans;
- Encouraging retention and restoration of original features of buildings on contributing properties, based on archival and pictorial evidence and the assessment provided in the District Study and, where feasible, to remove incompatible past alterations made to such buildings;
- Encouraging property owners to maintain the exteriors of buildings on contributing properties to prevent deterioration as well as damage from fire or the elements; and
- Providing additional protection to significant heritage resources within the District: to do so, Council shall maintain the individual designations for properties under Part IV of the *Ontario Heritage Act*, and shall consider designating other significant heritage resources such as buildings (including interior elements), structures, and cultural landscapes, as identified by further study.

### **2.5.2 Landscapes/Streetscapes**

*The visual, contextual and functional character of the Oak Street streetscapes and public realm will be maintained and enhanced by:*

- Retaining and conserving existing street trees and instituting an ongoing program of street tree replacement, in consultation with City staff and the utility companies;
- Preserving the existing subdivision lot plan for the area;
- Encouraging property owners to retain and conserve existing trees on private property;
- Conserving and enhancing existing parks and public open space;
- Ensuring conservation of landmarks, especially public buildings;
- Preserving views within the District of landscape and built features, especially views down to the river and down Oak Street in both directions; and
- Ensuring that municipal improvements to public infrastructure in the District's public realm, such as upgrades to public utilities, roadways and sidewalks, conserve the heritage character of the Districts as defined in this Plan.

### 2.5.3 Land Use

*The low density and primarily residential character of the Oak Street HCD will be conserved by:*

- Encouraging alterations and new infill that is compatible with the arrangement, scale, architectural styles and materials that constitute the District's heritage character;
- Encouraging replacement of properties containing non-contributing buildings or structures with compatible new development;
- For properties designated under Section 29 Part IV of the *Ontario Heritage Act*, ensuring that the highest standard of heritage conservation practice is applied; and
- For adjacent properties to the HCD boundary, applying the Cultural Heritage and Archaeology Policy (Policy 2.6.3 of the current Provincial Policy Statement) whenever there is an application for site alteration or development on lands adjacent to the District.

### 2.5.4 Regulatory Process, Community and Economic Benefit

*The regulatory process for managing the HCD will be clear, objective and efficient and will realize community and economic benefit from the conservation and interpretation of the District by:*

- Providing an application for alteration process that is easy for the public to use and can be implemented by City staff and the Municipal Heritage Committee;
- Clearly identifying the types of alterations that do and do not require an application for alteration;
- Fostering understanding, appreciation and pride in the District amongst local residents and the community at large;
- Using interpretation, programming and public education to promote conservation values for future generations;
- Offering assistance and, where feasible, financial or other incentives, to property owners within the HCD in the conservation of their properties; and
- Interpreting and promoting the heritage character of the HCD in order to foster cultural tourism, provided that such initiatives do not negatively impact the heritage attributes of the District, as identified in these Plans.

## 2.6 Conservation and Development Policies

The City can use a variety of heritage policy tools to foster heritage conservation and compatible development in the HCD. These include the policies of the Provincial Policy Statement as they affect cultural heritage resources, the heritage policies of the City of Kawartha Lakes Official Plan (or other applicable Official Plans), Secondary Plans, Zoning by-law and related policies (Heritage Master Plan, Cultural Plan) as well as the Heritage Conservation District Plan. Other legislative tools are found in the Municipal Act as well as in the City's own demolition control by-law, and property standards by-laws. Site Plan Control provisions apply to some forms of development in Heritage Districts, while all construction must meet the provisions of the Ontario Building Code, which has been progressively updated over the years to take into account the special conditions found in older structures (e.g. AODA, fire and life safety). Finally, there are easements and covenants, held by the municipality or the Ontario Heritage Trust, which can be applied to properties within the District. Of these tools, Site Plan Control is an especially good means of controlling exterior changes to properties, such as building and landscape elements.

From this summary, it is clear that the *Ontario Heritage Act* and the *Planning Act* are powerful policy tools on their own. However, when used in combination, they provide the City with an enhanced approach to managing conservation and new development within the Heritage Conservation District.

In order to meet the goals and objectives of this HCD Plan, specific policies are to be followed by the City in regulating changes within the District. The policies are in several categories, each addressing a specific issue affecting the evolution of the District:

- District as a whole
- Landscape/streetscape
- Contributing buildings
- Regulatory process, community and economic benefit

Guidelines providing ways to address these policies are found in Sections 3-7, below.

## 2.6.1 General Policies

### ONTARIO HERITAGE ACT

#### 1.1 Conflict

Potential conflicts or inconsistencies may arise within the planning framework where existing policy does not conform to the objectives of the Heritage Conservation District Plan. In situations of disagreement between the Heritage Conservation District Plan and municipal policy, the Heritage Conservation District Plan shall prevail to the extent of the conflict.

Subsection 41.2(1) of the *Ontario Heritage Act* bestows priority of the provisions of a Heritage Conservation District Plan over public works and other municipal bylaws:

- (1) Despite any other general or special Act, if a Heritage Conservation District Plan is in effect in a Municipality, the Council of the Municipality shall not,
  - (a) Carry out any public work in the Heritage Conservation District that is contrary to the objectives set out in the Heritage Conservation District Plan; or
  - (b) Pass a by-law for any purpose that is contrary to the objectives set out in the Heritage Conservation District Plan. 2005, c.6, s.31.

#### 1.2 Contravention of the *Ontario Heritage Act*

Contravention of the *Ontario Heritage Act* is a Provincial offence. Illegal demolition in contravention of the *Ontario Heritage Act* is subject to a fine of up to \$1,000,000. Under Section 69.5.1 of the *Ontario Heritage Act*, in addition to any other penalties, the City of Kawartha Lakes or the Minister of Tourism, Culture and Sport may restore an illegally demolished protected heritage resource as nearly as possible to its previous condition and may recover the cost of the restoration from the property owner.

#### 1.3 Part IV Designation within a Heritage Conservation District

A property that is individually designated (pursuant to Part IV of the *Ontario Heritage Act*) may be included within the boundaries of a Heritage Conservation District. For these “doubly designated” properties, the highest standard of conservation shall apply in the event of a conflict between the heritage attributes identified within a Part IV designation bylaw or the policies and guidelines of the Heritage Conservation District Plan with respect to any alterations of the property or demolition or removal of buildings or structures on the property.

#### *1.3.1 Part IV Designation Policy*

- a) The policies and guidelines of the Heritage Conservation District Plan are applicable to all properties designated under Part IV of the *Ontario Heritage Act* that are located within the Heritage Conservation District. The highest standard of conservation shall prevail in the extent of a conflict between the Part IV designation bylaw and the Heritage Conservation District Plan.

### HERITAGE CONSERVATION EASEMENTS

#### **1.4 Heritage Conservation Easements in an HCD**

Properties protected by a Heritage Conservation Easement can be included within the boundaries of a Heritage Conservation District. For these “doubly designated” properties, the highest standard of conservation shall apply in the event of a conflict between the heritage attributes identified within a Heritage Conservation Easement or the policies and guidelines of the Heritage Conservation District Plan with respect to any alterations of the property or demolition or removal of buildings or structures on the designated property.

#### *1.4.1 Heritage Conservation Easement Policy*

- a) The policies and guidelines of the Heritage Conservation District Plan are applicable to all properties protected by a Heritage Conservation Easement. The highest standard of conservation shall prevail in the event of a conflict between the Heritage Conservation Easement and the Heritage Conservation District Plan.

### PLANNING ACT

#### **1.5 Planning Act Processes**

Planning Act processes must ensure that any approvals are consistent with the heritage conservation district Plan and Guidelines. To this end:

- a) Any proposed Official Plan Amendment that may apply to the Heritage Conservation District must demonstrate that the cultural heritage value and the contributing resources of the Heritage Conservation District shall be conserved;
- b) Any proposed Zoning By-law Amendment that may apply to the Heritage Conservation District must demonstrate that the cultural heritage value and the contributing resources of Heritage Conservation District shall be conserved; and,

- c) When a Site Plan Application is received for lands within the Heritage Conservation District, the application must demonstrate that it is consistent with the Heritage Conservation District Plan.

### **1.6 Severances and Minor Variances**

The Committee of Adjustment has the responsibility to address applications for lot severances and minor variances. The Committee of Adjustment process is a mechanism for evaluating requested changes in property (lot severances, additions or lot line adjustments) and relief from zoning regulations (such as building setbacks, height, and parking) which are minor in scope, and ensuring that these changes are in keeping with the general intent of the City's *Official Plan*, *Zoning By-law*, and other applicable plans or policies.

Within the Heritage Conservation District, the following policies have been developed in the circumstance that severance becomes a possibility within or adjacent to the Heritage Conservation District.

#### *1.6.1 Severance and Minor Variance Policies*

- a) The decision of the Committee of Adjustment shall be consistent with the policies and guidelines of the Heritage Conservation District Plan when reviewing applications within or adjacent to the Heritage Conservation District; and,
- b) A Heritage Impact Assessment may be required where there is potential for the application to impact an identified contributing resource or the heritage attributes of Heritage Conservation District to ensure that the application is in keeping with the Heritage Conservation District Plan.

### **1.7 Building Permits**

A Building Permit is required for any new structure that is larger than 10 square metres (108 square feet) consisting of a wall, roof and floor (or any of them), structures containing plumbing, and structures designated in the Ontario Building Code. As such, Building Permits are required for many interior renovation projects and additions as well as exterior and façade projects including porches, additions, structural alterations to doors or windows, decks, basement excavation, and chimney reconstruction for example. Building Permits shall continue to be required within the Heritage Conservation District. The Chief Building Official of the City should be involved in the review of Building Permit applications, including protected heritage resources within the Heritage Conservation District, to provide comments and determine any requirements for a Heritage Permit, if necessary.

#### 1.7.1 Building Permit Policies

- a) a) Obtaining a Heritage Permit does not negate the necessity of other permits required under other legislation (such as the *Ontario Building Code* or the *Planning Act*); and,
- b) Obtaining a permit under other legislation (such as the *Ontario Building Code* or the *Planning Act*) does not negate the requirement for obtaining a Heritage Permit.

#### 1.8 Consistency with other Acts and Legislation

- a) The administration of the *Ontarians with Disabilities Act*, the *Ontario Building Code*, and related acts, codes, and regulations shall be undertaken in such a manner to permit alteration and conserving the heritage values and attributes of the District while still ensuring the health and safety of the public. Preference should be given to reversible interventions.

#### 1.9 Emergency Repairs

Extenuating circumstances, immediate or temporary repairs may be required to ensure the protection and conservation of an identified heritage attribute of a protected heritage resource are uncommon but do occur.

Extenuating circumstances are understood to be those situations where a failure to act immediately could result in the irreversible destruction or loss of a heritage attribute of a protected heritage resource and which are considered to be a health, safety or security issue by the Chief Building Official or the Fire Chief. Deferred maintenance shall not constitute an emergency situation or extenuating circumstance. All reasonable efforts should be made to ensure that protected heritage resource and its heritage attributes are not adversely impacted as the result of the immediate or temporary repairs undertaken, and can be appropriately restored at a time when permanent repairs are possible.

- a) In event of a circumstance requiring an immediate or temporary response to ensure the conservation of a identified heritage attribute of a protected heritage resource, the Director of Development Services is authorized to provide Emergency Approval of the necessary works; and,
- b) The Municipal Heritage Committee may be consulted on any Emergency Approval, at the Director's discretion.

### 2.6.2 District Policies

- a) The distinct heritage values and attributes of the Oak Street HCD, as defined in this District Plan, shall be conserved and/or enhanced.
- b) Where development is proposed on any property that is subject to land use planning applications and is adjacent to the boundaries of the HCD, the policies of Section 2.6.3 of the 2014 Provincial Policy Statement shall apply, and Council, through its Official Plan policies, may require a Heritage Impact Assessment to be prepared by the proponent of any such development in order to assure that the heritage values and attributes of the HCD will be conserved.
- c) Ongoing monitoring of the effectiveness of the District Plan shall be undertaken by the City, as will the process of updating the inventory and evaluation of properties within the District. Monitoring and review processes shall have regard for the policies and guidelines of this District Plan.
- d) The City shall undertake a program of public education regarding designation, new development and the conservation process (e.g. topic-based workshops, in-house training sessions, attendance at heritage conferences and study tours), and shall provide training for staff and volunteers for implementing this Plan.
- e) The City shall work with representatives of Parks Canada whose properties abut the HCD to encourage works that support and, where possible, conform to the policies and guidelines of this Plan.
- f) The City will work with the local Conservation Authority to encourage works that support and, where possible, conform to the policies and guidelines of this Plan.
- g) Future amendments to the City Official Plan and Zoning By-law shall be in accordance with and shall implement the policies and guidelines of this Plan.
- h) Enforcement of the City's property Standard By-law (By-law 2016-12 as amended) shall be consistently undertaken by City staff within the District and shall, in addition to the standards found in that By-law, have regard for the guidelines found in this Plan.
- i) The existing lot pattern within the Heritage Conservation District shall be conserved with the following exception: severances shall be permitted. Lot severance shall be considered subject to a Heritage Impact Assessment prepared to the satisfaction of the City of Kawartha Lakes and shall demonstrate that the proposed severance (including any potential construction on the property) causes no negative impact on the cultural heritage values and attributes of the HCD, as defined in this Plan.

- j) Any emergency measures plan adopted by the City shall have regard for the policies and guidelines of this District Plan.

### **2.6.3 Contributing Properties**

- a) All alterations and conservation work requiring an application for alteration, as defined in the District Plan, shall be undertaken in accordance with the policies and guidelines of the District Plan.
- b) Council shall maintain the individual designations for properties under Section 29 Part IV of the *Ontario Heritage Act*, and shall consider designating other significant heritage properties, as identified through further study.
- c) Demolition of contributing properties, as defined in this Plan, shall not be permitted except as a last resort, and rehabilitation of the existing structure will be encouraged. Where, by Council decision, buildings must be demolished for reasons of health and safety such as those due to fire, natural disaster or other reasons, any replacement structure shall be designed in accordance with the policies and guidelines of this District Plan.
- d) Where a demolition has been approved by Council, the contributing resources shall be documented in written/photographic form, for deposition in the municipal archives, and consideration given to salvaging any materials, where possible, for reuse on site or on other properties within the District.

### **2.6.4 New Development**

- a) Proposed development or site alteration that is not sympathetic to contributing resources and the heritage attributes of the Heritage Conservation District and/or may result in a negative impact shall not be permitted. Structures larger than the average height and massing of the existing, detached buildings within the District shall not be permitted. The existing development pattern of single, detached dwellings on large lots, with garages and outbuildings situated to the side and rear shall be maintained in new development. Building design shall use the same or similar massing, vertical emphasis, cladding and trim materials, and the predominance of wall to window in exterior design, in order to be compatible with the heritage attributes of the District.
- b) Council shall not permit, through its approval process, proposed development or site alteration that detracts or negatively impacts contributing resources or the heritage attributes of the Heritage Conservation District.

- c) The replacement of non-contributing resources and/or structures or dwellings lost due to circumstances such as severe structural instability, fire, flood, or other catastrophic reasons shall be sympathetic, contextual, and respectful to contributing resources and the heritage attributes of the Heritage Conservation District. The replication of a lost structure or dwelling is not required; however, the replacement structure or dwelling shall conform to the guidelines of the Heritage Conservation District Plan.
- d) Guidelines, as outlined in this Heritage Conservation District Plan, should be used in the evaluation of Heritage Permits for new development. Proposed development or site alterations shall be consistent with the guidelines of the Heritage Conservation District Plan.
- e) When considering change or an alteration to a contributing resource, property owners are encouraged to consult with the City of Kawartha Lakes early in the design process in order to understand the objectives, policies, and guidelines of the Heritage Conservation District Plan as well as the resources available to them.

### **2.6.5 Landscapes/Streetscapes**

- a) Proposed infill development shall be designed in accordance with the policies and guidelines of this Plan.
- b) Heritage attributes of landscapes and streetscapes, including parks and views, and landscape treatments in the private portions of the streetscapes, as defined in the District Plan, shall be conserved and enhanced following the policies and guidelines of this District Plan.
- c) Alterations to landscapes and streetscapes within the District shall be permitted, providing that such alterations conform to the policies and guidelines of this Plan.
- d) Lot severance shall be considered subject to a Heritage Impact Assessment being prepared to the satisfaction of the City of Kawartha Lakes and that shall demonstrate that the proposed severance causes no negative impact on the heritage attributes of the HCD. A maximum lot size, similar to the average lot size within the District, shall be determined in an amendment to the City of Kawartha Lakes Zoning By-law.
- e) Provision of parking and traffic management within the HCD shall be consistent with the policies and guidelines of this District Plan. In consultation with local residents, the City shall review the parking and traffic management policies for Oak Street and prepare a parking and traffic management plan.

- f) All major public works undertaken within the HCD shall have regard for the policies and guidelines of this Plan. Mature tree canopies shall be conserved, in consultation with utility companies and City engineering and public works staff and a program of replacement planting of suitable canopy street trees shall be instituted in the HCD. Shaping of canopies of existing trees, as part of maintenance or installation of overhead utilities, should be done in ways that do not disfigure the tree wherever possible.
- g) In consultation with the City Arborist, the City shall review and update any existing inventories of existing trees within the District. The City shall prepare special conservation treatments for the existing Bur Oak trees located within the District as well as other mature trees identified in the inventory as meriting conservation, and appropriate measures taken to ensure their ongoing stewardship, including agreements with the utility companies and implementation of a planting plan to replace removed trees.
- h) In consultation with the City Arborist, the City shall undertake a program of street tree planting to augment the existing street trees and to restore the former pattern of a mature deciduous tree canopy bordering both sides of the municipal right-of-way.
- i) In consultation with the City Engineering and Public Works Departments, the City shall undertake improvements to the public realm including, but not limited to street paving, street tree planting, vehicular access controls (e.g. bollards), and signage (traffic and interpretive). In consultation with appropriate City Departments and the utility companies, consideration shall be given to placing above-grade public utilities (e.g. power lines) in underground service trenches. All sidewalks must meet the requirements of the *Ontarians With Disabilities Act*.
- j) The City shall encourage owners of private property within the District to maintain the current streetscape attributes of open lawns, gravel drives and informal landscaping treatments. Choice of private landscape treatments and planting types shall be at the discretion of the property owners, however, they are encouraged to consult with the City (and Museum staff) to explore options for plantings that are appropriate to the construction period of the properties within the District.
- k) Memorials and commemorative or interpretive signage shall be subject to the guidelines of the District Plan as well as the City of Kawartha Lakes Sign By-law, and proposals for its placement within the District shall be subject to review by City heritage planning staff.

### 2.6.6 Regulatory Process, Community and Economic Benefit

- a) Maintenance and minor alterations, as defined in the District Plan, shall be permitted on properties within the HCD.
- b) Major alterations and additions, as defined in the District Plan, shall require an application for alteration (heritage permit) and be subject to the approval process described in the District Plan.
- c) The City shall initiate public information programs, including topic-based workshops, walking tours and on-line resources, to assist property owners in conserving and enhancing their properties.
- d) The City shall continue to implement currently available financial incentives (e.g. tax relief and grants) and enhance them, where possible, to assist in conservation work on District properties.
- e) In instances where properties within the District are subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*, or are identified by the Province and prescribed public bodies as Provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties (2<sup>nd</sup> ed. or as superseded), or are properties protected under Federal legislation, in the event of a conflict between those protections and the policies and guidelines of this Plan, the highest standard of heritage conservation shall prevail.
- f) Enforcement of the City's Property Standards By-law (By-law 2016-12 as amended) shall be consistently undertaken by City staff within the HCD and shall have regard for the policies and guidelines of this Plan.
- g) Where a proposed change in the HCD has the potential to negatively impact the character of the HCD as defined in the Statement of Cultural Heritage Value, the City, through its Official Plan policies, shall require submission of a Heritage Impact Assessment.
- h) In accordance with Subsection 41.2(1) of the *Ontario Heritage Act*, in situations of disagreement between the Heritage Conservation District Plan and any other municipal policy, the Heritage Conservation District Plan shall prevail to the extent of the conflict.
- i) The City can use its authority under Section 69.5.1 of the *Ontario Heritage Act* to require the restoration of an illegally demolished protected cultural heritage resource as similar as possible to its previous condition and may recover the cost of the restoration from the property owner.
- j) The decisions of the City of Kawartha Lakes Committee of Adjustment or Planning Committee shall be consistent with the policies and guidelines of the Heritage Conservation District Plan when reviewing applications within or adjacent to the Heritage Conservation District;

- k) Obtaining a Heritage Permit will not negate the necessity of other permits or approvals required under other legislation (such as the *Ontario Building Code* or the *Planning Act*);
- l) Obtaining a permit under other legislation (such as the *Ontario Building Code* or the *Planning Act*) will not negate the requirement for obtaining a Heritage Permit.
- m) The administration of the *Ontarians with Disabilities Act*, the *Ontario Building Code* and related codes and regulations will be undertaken in such a manner to ensure the conservation of heritage attributes of contributing resources while still ensuring the health and safety of the public.
- n) The conversion of contributing resources from a defined use within a Zoning By-law to a different use may be permitted provided that the proposed change does not adversely impact the cultural heritage value of contributing resources or the heritage attributes of the Heritage Conservation District and other applicable municipal requirements are met. The preparation of a Heritage Impact Assessment may be required.
- o) Future amendments to the City of Kawartha Lakes Official Plan and Zoning By-law shall bring these planning tools into conformity with the policies and guidelines of the District Plan. Such amendments shall control subdivision within the District in accordance with the heritage attributes identified in this Plan.
- p) The City shall consider authorizing the use of municipal funds to initiate preparation of a Stage 1 archaeological assessment for the District.
- q) The City shall consider measures available under Provincial legislation and programs to provide relief to property owners for conservation work undertaken on private property within the District that is in accordance with the policies and guidelines of the District Plan.

# PART C: CONSERVATION AND DEVELOPMENT GUIDELINES



### 3.1 Introduction

These guidelines are the means by which the District goals and objectives and policies described above are implemented in actual changes to the physical setting. They are intended to help property owners and the municipality care for and enhance the best qualities - or heritage attributes - of the Districts. They are meant to support the good work already being done and to provide information and encouragement to improve work planned for the future.

Design guidelines are meant to encourage the types of renovation work that emphasizes the character of each property and of the District as a whole. The character statements and list of attributes (for each property, as found in the HCD Study inventory, and for the HCD as a whole, as defined in this HCD Plan) are the primary reference to guide any changes proposed to the District or to a property.

Guidelines for proposed changes in a Heritage District are needed because places evolve, responding to changes in ownership and use, upgrades to urban infrastructure, and changing economic conditions. Pressures for change come in many forms, from a desire to serve emerging personal needs to repair and maintenance of an aging structure. In considering how to make changes, there is always the allure of the new and a tendency to take the existing setting for granted. In this context, the characteristics of the District that are valued by the community can be at risk. Poor planning, loss of buildings to fire or neglect (or disaster), and new infill that is out of character, all can degrade the District. Instead, the purpose of the District Plan is to ensure that property owners' first response to the need for change will be to choose building designs, materials and construction methods that are in harmony with the District's heritage attributes. Guidelines in the District Plan are the principal means of maintaining the Districts' integrity and achieving a balance between preservation and new development.

Managing change is all about context. Determining the best way to alter the existing setting requires an understanding of the qualities of the setting, from the nature of the buildings next door to the patterns evident in the streetscape and the character of the District as a whole.

## 3.2 Guiding Principles

A primary goal of designation is to keep and enhance the experience of daily life in the District. The primary way to accomplish this is to ensure that the best parts are maintained and that changes do not detract from the District character and, ideally, make the place better. Conservation is simply good stewardship of something the community values. It is a universal activity and, as such, is governed by universal principles.

The guidelines in this Plan are based on conservation “best practices” as used in Ontario, Canada and abroad. Key background documents that provide the basis for these guidelines include:

- *Standards and Guidelines for the Conservation of Historic Places in Canada*, Parks Canada, 2010 ([www.historicplaces.ca](http://www.historicplaces.ca)) (as amended)
- *Standards & Guidelines for Conservation of Provincial Heritage Properties*, Ontario Ministry of Tourism, Culture and Sport, 2010 ([www.mtc.gov.on.ca](http://www.mtc.gov.on.ca))
- *Ontario Heritage Tool Kit*, Ontario Ministry of Culture, 2006 ([www.mtc.gov.on.ca](http://www.mtc.gov.on.ca))
- *Well-Preserved: the Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation*, Mark Fram, Boston Mills Press, 2003 (Third Edition)
- *InfoSheets*, Ontario Ministry of Culture ([www.culture.gov.on.ca](http://www.culture.gov.on.ca))
- UNESCO and International Council on Monuments & Sites (ICOMOS) Conventions and Charters

A commonly-used summary of universal best practices can be found in the Ontario Ministry of Tourism, Culture and Sport's “Eight Guiding Principles in the Conservation of Historic Properties”, all of which emphasize respect for original/historic material:

1. *Respect for Documentary Evidence* (do not base alterations on conjecture)
2. *Respect for Original Location* (avoid moving buildings unless there is no other way to conserve them)
3. *Respect for Historic Material* (repair/conservate rather than replace building materials and finishes, except where absolutely necessary)
4. *Respect for Original Fabric* (repair with like materials)
5. *Respect for the Building's History* (do not restore to one period at the expense of another period or periods)

6. *Reversibility* (alterations should allow a return to the property's original conditions)
7. *Legibility* (new work should be distinguishable from old)
8. *Maintenance* (with continuous care, future repair/restoration may not be necessary)

### 3.3 Applying the Guidelines

The next step for property owners is to prepare a strategy for undertaking the proposed work. The four key questions to be asked at each stage of consideration of a proposed alteration to property in the District are as follows:

- In what ways will the proposed alteration affect the overall character of the streetscape of the HCD?
- Is it possible to find ways to shape an alteration to maximize the extent to which it enhances the heritage character of the HCD?
- If the proposed intervention was commonly applied to other properties would the cumulative impact be keeping with the overall character of the District?
- What will be the impact of the proposed alteration on the property's heritage attributes and those of its streetscape context?
- Is it possible to find ways to shape the proposed alteration to minimize that impact?

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## 4. Conservation Guidelines for Contributing Properties

### 4.1 Introduction

Although contributing buildings require ongoing maintenance that often entails extra efforts to conserve heritage features, most older properties are very well built and are more robust than their newer counterparts. If the conservation regime suggested in this Plan is followed, owners of an older building will often have a better long-term investment than will owners of a new property.

The City owns Maryboro Museum and with that ownership comes an additional responsibility to show by example in any conservation and alteration work done. Since this building and its setting are special, any work undertaken here requires a high level of care and expertise. The guidelines in the District Plan, especially those in the federal *Standards and Guidelines* (2<sup>nd</sup> ed. or as superseded), offer specialist advice on how to address the unique issues that arise in landmark heritage buildings.

With all older properties, issues arise in finding skilled tradespeople (and materials) to do the maintenance work required for some parts of older buildings. If such people are available, they are sometimes booked well in advance and charge higher rates than everyday contractors. Municipalities can be of assistance here by providing lists of qualified specialist contractors, even though public agencies are not able to recommend specific firms.

On residential properties, the most vulnerable parts of the public face of houses are the wooden details such as those found in eaves, verandahs and porches. Exposed to the elements and, in the case of entrances, to everyday wear and tear, these wooden details tend to require ongoing maintenance if they are to survive. Often the temptation is simply to remove them, by covering a cornice or by taking off a porch. But this action also removes much of the visual character of the house and often leaves an ugly scar on the brickwork where the wooden structure once attached. Since porches are an important element of the streetscape, extra effort should be made to conserve these elements.

Other issues include upgrades to windows, where upgrading the existing windows sometimes seems more onerous than replacing them with new units. While there are many manufacturers able to supply windows that are energy-conserving while compatible with heritage settings (such as having double-glazing with true muntins), conservation best practices recommend

retrofit rather than replacement as being a better long-term investment as well as a more sustainable practice. City staff, using the guidelines in this Plan, can advise property owners on best options. And in making alterations or additions to older buildings, finding the best design approach requires careful thought if the end result is not to be a jarring contrast between old and new. Again, the guidelines in the District Plan offer sound advice on ways of resolving this issue.

Paint colour is a perennial issue, but paint colour types and colour schemes will not be prescribed in the District Plan. The reason for this is that “the colour you paint your front door” is too restrictive an issue to be included in guidelines that must apply to an entire district. Section 4.3.3 of the guidelines provides general advice. What tends to occur in most HCDs is that property owners correctly assume that a colour scheme similar to that which would have been original to the building is that which most suits it today. Paint suppliers can now offer a wide range of historically-accurate paint colours that will suit the different architectural styles found in the District.

As is evident from the foregoing discussion, guidelines for Heritage Conservation District primarily address the parts of a property that are visible from the street; in other words, the front. In Oak Street, the guidelines in the District Plan apply primarily to the façade and encourage additions and alterations to the building exterior to be undertaken on the back of the building and, in some cases, on the sides. In the case of the many properties on the south side of Oak Street that back onto Water Street and the Canal, the current response from property owners is to balance the need for private outdoor space, parking and storage (the usual components of a rear yard) with a recognition that this part of their property is also open to public view. The variety of responses, such as fences, hedges and attractive outbuildings, show that property owners have been successful in attaining this balance. Property owners on the south side of Oak Street can choose to use the guidelines in this Plan to inform changes to these rear yards but the primary focus of the guidelines is on the Oak Street frontages.

## 4.2 Steps in the Conservation Process

As explained above, the main reason to designate a district is to conserve its heritage resources. Conservation within a District involves careful attention to the area's (and the property's) heritage attributes while encouraging positive change. Conservation of built heritage resources covers the three main approaches to conservation described in the definition above. Within these three approaches, the Parks Canada Standards and Guidelines (2nd ed. or as superseded) provide a comprehensive summary of the steps necessary to conserve heritage properties. The document begins with a set of overall standards governing all types of conservation work, followed by detailed guidelines that provide options for specific conservation projects. Based on that document, the main components of the conservation process can be summarized below, in three major steps:

- Step One: Understanding
  - Refer to the property descriptions in the heritage inventory to determine the heritage value and any heritage attributes/character-defining elements of the subject property (especially the facade composition, cladding and windows).
  - Check on site and document current condition and changes made over the building's history.
  - Augment site investigation and the inventory with archival and oral research, where possible.
  - Assess the property's relationship to the streetscape and District (especially height, setback, architectural design).
- Step Two: Planning
  - Keep the existing or find a suitable new use for the property.
  - Identify the needs of current and prospective users as well as municipal requirements.
  - Select the primary conservation process.
  - Review the standards that apply to the selected process (from the *Standards and Guidelines* 2<sup>nd</sup> ed. or as superseded).
  - Follow the guidelines for that process (from the *Standards and Guidelines* 2<sup>nd</sup> ed. or as superseded).
  - Review the proposed scope of work with the City Planning and Building Departments to determine if a permit/application is needed.

- o Review the proposed scope of work with a (heritage) contractor to determine budget and schedule: make revisions to the proposed scope of work as required.
  - o If required, submit Application for Alteration/Building Permit to the City.
- Step Three: Intervening
  - o Undertake the proposed project.
  - o Do regular maintenance.

### 4.3 Maintenance

The majority of work within the District will involve conservation of the existing physical fabric. Maintenance does not require a heritage permit (technically termed an “application for alteration”). Maintenance, as well as rehabilitation and restoration, will be ongoing activities that are needed to retain and enhance the District’s heritage attributes. As with any property, the onus is on the owner to monitor building condition and to plan for both regular and periodic work that will be needed. There are several degrees of work entailed in conserving older buildings, and one or several of these may be involved, depending upon the situation. They are:

- Protection and stabilization (where portions of a building are badly deteriorated, to stop further decay)
  - o Assessing condition
  - o Closing openings in the roof and walls, and filling broken windows
  - o Preventing water infiltration
  - o Securing against structural collapse
- Routine maintenance (for special architectural features)
  - o Retaining requisite contractors to do work requiring specialist skills
  - o Annual monitoring of building condition
- Cleaning (periodic, using methods befitting the cladding materials)
  - o Undertaken only to retard deterioration or to reveal obscured surfaces
- Reconstruction (of deteriorated or missing elements)
  - o Only to be undertaken based on documentary evidence

For a schedule of ongoing conservation, refer to the following chart:

<b>Recommended Maintenance Checklist Regarding Exterior Building Conditions</b>				
<b>Item</b>	<b>Spring</b>	<b>Summer</b>	<b>Fall</b>	<b>Winter</b>
Check attic	•		•	
Check eaves trough and downspouts	•		•	
Check roof for damaged roofing materials	•		•	
Plan landscaping to avoid soil settlement and ponding	•			
Check caulking for air and water leaks	•		•	
Check & lubricate weather stripping	•		•	
Check exterior cladding	•		•	
Check windows & screens are operating properly	•		•	
Check sheds and garages		•		
Prune trees close to building (consult arborist)				•
Check fireplace & chimney			•	
Check for condensation				•
Check for ice damming				•
Check interior face of exterior walls for moisture or blistering	•			•
Check that no wood is stacked against the building.	•			
Check fencing for deterioration	•			

## 4.4 Guidelines for Maintenance

### 4.4.1 Roofs

#### ROOFING MATERIAL

- Where original roofing remains in place, use replacement roofing material to match original material. Where the existing roofing material differs from the original material, it is preferable that replacement material match the original material.
- Make an effort to recondition existing standing seam metal roofs. Existing standing seam metal roof should not be covered over with dissimilar roofing material.
- For asphalt shingles, use premium quality for maximum life expectancy (up to 30 years); use grey, brown or black colours.
- Provide a continuous air barrier system, insulation, and ventilation at attics to prevent the formation of ice dams. On roofs prone to ice dam formation, install additional waterproofing when re-roofing. The presence of a continuous air barrier system prevents warm interior air from entering the attic space and is a significant defence against ice dam formation.

#### CHIMNEYS

- Retain existing chimneys whenever possible, even if they are no longer functional, in order to conserve the symmetry and architectural detailing of the building roofline.
- Repair/replace deteriorated material with like materials and replicate original detailing and bond pattern, based on documentary evidence.
- Line the chimney to prevent deterioration by acids and water vapour from the exhaust gases.

#### GABLES, DORMERS AND TURRETS

- Keep decorative turrets and gables free of siding or coverings that obscure details.
- As with other exterior components, replace deteriorated material with like components in the original design, or replicate based on documentary evidence.
- Ensure weather resistance in new material and in dormers with adequate preservatives and insulation as well as bird protection measures.

## SOFFITS AND FASCIAS

- Avoid covering original materials with new materials.
- Strip and repaint original painted surfaces; identify causes of paint film peeling and blistering prior to repainting.
- Retain fascia detailing (e.g. verge boards or pressed metal); replace deteriorated wood with new wood cut to replicate the original.
- Eaves troughs and down spouts are recommended to be installed for the control and diversion of roof water run-off. Eaves troughs and down spouts should be discreet in appearance.
- Down spouts should be directed away from the building and away from pedestrian areas.
- Refer to the “Alterations” section of these guidelines for contemplated alterations to roofs.

### 4.4.2 Exterior Walls

#### BRICK AND STONE

- Keep rainwater from continuous contact with masonry walls (e.g. by ensuring proper drainage from roof surfaces and by retaining roof overhangs).
- Non-heritage contributing cladding that has been applied over original cladding should be removed (e.g. aluminum siding applied over brick or clapboard).
- Re-pointing of brick and stone masonry should match the colour and profile of the original mortar and be of the appropriate type and mixture that will not damage the masonry material.
- Existing brick or stone masonry should not be sandblasted to remove paint finish. Use of chemical paint stripper is acceptable provided it does not damage the brick or stone surface.
- Painting of brick surfaces is not recommended. It is also not appropriate for stone.
- Cracked or deteriorated stone surfaces should be stabilized using concealed non-oxidizing pins and epoxy injections.
- Replacement stone should closely resemble the original.
- Protect brick and stone masonry from spalling at grade. Salt should not be used as de-icing agent adjacent to masonry structures and ensure positive drainage away from foundation walls.

## WOOD SIDING

- Preserve as much as possible of original material when making repairs, and replace deteriorated material with similar material.
- Keep wood siding from contact with the ground to avoid rotting and insect damage.
- Whenever possible, replace natural wood siding with new natural or pre-finished wood siding, cut to the same profiles as the original.
- Do not replace wood siding with vinyl or aluminum siding, as they are easily damaged and cover original material. If wood siding cannot be used, fibre-cement board is an acceptable substitute.

## STUCCO

- Repair stucco with modern assemblies: match original appearance in colour, texture and finish, retaining specialists in exterior stucco work.
- Avoid the use of External Insulation Finish Systems (EIFS) as they require very careful installation if they are not to obscure architectural details or cause moisture retention problems for the underlying structure.

### 4.4.3 Decorative Trim and Details

- Regularly inspect, repaint and use wood preservatives on decorative wood components.
- Avoid using stock mouldings in standard profiles: instead, preserve and restore as much of the original trim as possible and use original elements as templates for replacement sections.
- Choose paint colours that are compatible with the heritage character of the District and that are complementary to the age, style and detailing of the subject building.
- For extensive repainting work, select professional painters with specialist knowledge of paint types and application techniques appropriate for older buildings.

### 4.4.4 Porches and Verandahs

- Original versions of these elements should be retained; removal or substantial alteration should be avoided, and original details conserved or replaced with new wooden versions.
- If a porch or verandah is being restored or replicated, do so only after finding documentary evidence of the original appearance. Since such exterior elements deteriorate more quickly due to exposure to the elements, decisions may need to be made as to which of several

earlier versions of the structure should be the model for the proposed work, based on the heritage attributes of the building.

- Ensure that the new or repaired porch is properly underpinned with footings extending below frost and with forms of skirting that promote good ventilation and prevent animal intrusion.
- Avoid fibreglass or plastic replicas of wooden details unless there are no other reasonable options, provided they match the shape and size of the details they are replacing.

#### **4.4.5 Windows and Doors**

- Original windows that suit the heritage character of the building should be maintained rather than replaced. In most cases, wooden sash windows and storm windows, if properly fitted and maintained, can provide superior thermal insulation. However, where replacement is necessary, wood double glazed units with true muntins are preferred, and similar units with false muntins are acceptable.
- Original stained-glass windows should be conserved and repaired; replacements for broken or missing glass should replicate the original and complete replacements should have glass details in colours and shapes similar to the original.
- Non-heritage contributing exterior storm windows should be removed; wood double glazed windows are recommended instead.
- Refer to the “Alterations” section of these guidelines if existing windows are sufficiently damaged that they need to be replaced. Avoid the use of aluminum or vinyl-clad windows: if they must be used, match the style, size and proportion of the original wooden windows, and provide a frame that can be painted to match the rest of the facade fenestration. Wood double glazed windows are available and are a preferred replacement option.
- Original exterior shutters and shutter hardware should be conserved and maintained. Missing louvers and hardware should be replaced.
- Shutters should only be installed on buildings that would have originally had them and should be of the size and design appropriate to the original buildings. Modern shutters in contemporary materials (e.g. aluminum) and in sizes smaller than the window opening, should be avoided.
- Preserve original doors, details, glass, hardware, door surrounds and entrance openings whenever possible.
- Choose storm doors and screen doors that are appropriate for the age and style of the building, and use wooden framed doors where practical.

#### **4.4.6 Foundations**

- Ensure positive drainage away from all foundation walls.
- Inspect foundations for cracking, settlement or loose materials, and repair accordingly.
- Foundations with noticeable settlement should be inspected by a structural engineer and may have to be rebuilt. Temporary support for the wall above the foundation work may be required.

#### **4.4.7 Utilities and Telecommunications Installations**

- Where there is a need to relocate the meter by the owner, or for new structures, the following approaches are preferred by many utility companies:
  - For single detached or semi-detached dwelling, locate utility meters (gas and electric) away from the street façade on the side walls of the building, but within 3 meters of the street front wall. Regulatory and safety requirements governing placement of meters or regulators will take precedence regarding the preferred placement of meters, which may result in their placement on the street façade.
  - For street row housing or other structures involving multiple common walls defining ownership, the placement of utility meters (gas and electric) will in most case be required on the street façade. Meter locations will be chosen based on safety and regulatory requirements and will enable appropriate landscape screening of the meters from view from the street.
- Property owners considering alterations/renovations to the location of water, gas or electric services/meters are advised to consult with the local utility provider prior to finalizing any plans or undertaking any work.
- Air conditioning units (both window and pad-mounted) should be located away from the street facade wherever possible.
- Locate, or relocate, satellite dishes away from the street facade.

#### **4.4.8 Accessibility**

- Design exterior inclined walking surfaces with grades of 5% or less. The 5% grade is easier to negotiate than the 8.3% OBC maximum grade, and also has the benefit of not requiring that a guard assembly be installed.
- A power-operated lift is another solution.

#### 4.4.9 Environmental Sustainability

##### GENERAL

- Make efforts to employ environmental sustainability measures, provided that the measures do not compromise the heritage attributes of the property or the surrounding area.
- Diligent building maintenance contributes to environmental sustainability by reducing the unnecessary consumption of resources as well as stress on landfill sites.

##### BUILDING ENVELOPE

- Insulate and air/vapour-seal exterior walls from interior (not exterior) where recommended. Insulating heritage structures can significantly affect masonry envelopes, rapidly shortening the life expectancy of existing materials through increased freeze/thaw cycles. Interior masonry surfaces should be repaired and convective air leakage should be reduced on the interior side (e.g. by applying a 25mm layer of spray-applied polyurethane foam insulation).
- A building with an upgraded air-tight building envelope will require mechanical ventilation rather than passive ventilation. Dedicated air intake and exhaust louvers will be required for living space air as well as for combustion air. New air intake & exhaust louvers should not be visible from street.

##### MECHANICAL SYSTEMS

- Air intake & exhaust vents should not be visible from the street. Coordinate location of mechanical equipment internally to eliminate penetrations visible from street. High efficiency gas fired appliances (boilers, furnaces) require power vented exhausts, typically horizontally through a sidewall rather than vertically like a conventional chimney, which will be possible only on corner properties within the downtown; otherwise, vertical venting will be necessary.

##### SOLAR PHOTOVOLTAIC/THERMAL PANELS/SKYLIGHTS/WINDMILLS

- Do not take trees down to allow more sunlight to be directed to proposed panels.
- Panels should not be visible from the street.
- Skylights should be installed flush with the roof profile.
- Micro-windmills (vertical axis) should be set back so as to be less visible from the street.

#### HEAT PUMPS

- Heat pump units should not be visible from street.
- Conduit and supply tubing should not be visible from the street.

#### WOOD BURNING CHIMNEYS

- Retrofit existing chimneys appropriately to accommodate high efficiency EPA wood burning appliances.
- Avoid new chimneys at the front and sides of the exterior of the building.

# 5. Conservation Guidelines for Building Alterations and Additions

## 5.1 Introduction

The guidelines that follow contain recommendations for new work/ additions and contemporary repairs/alterations that are not maintenance activities. Repair and maintenance activities that constitute ongoing conservation care are addressed in Section 4.0.

Guidelines for alterations and additions are organized in two groups. “Contributing” properties make the direct contribution to the Heritage Character of the District as a whole. The second group comprises “non-contributing” properties. The guidelines that apply to non-contributing properties are intended to ensure that they do not compromise the heritage character of the District as a whole by adding further inappropriate changes to the building, or to offer suggestions for their integration or ultimate replacement with a more compatible structure.

Alterations and Additions to heritage properties require an Application for Alteration process to be conducted through the City, as described in Part D of the Plan, which makes available City Heritage staff resources to ensure the best practices for managing property changes are identified.

Alterations include major changes such as additions, the construction of multiple dwelling units within an existing building, or the replacement of heritage elements that cannot be maintained and repaired using the conservation measures described in Section 4.

## 5.2 Guidelines for Alterations to Contributing Buildings

### 5.2.1 General

- Find out as much as possible about the appearance and style of the building during its various stages of evolution in order to determine the best options for alteration that respects the property’s heritage attributes.
- In the absence of documentary evidence, examine the building itself to determine original design details, materials and layouts.

- Look for properties within the District that are similar in age and style for further evidence of details and materials suitable for use in an alteration.
- If original materials and construction are available, avoid replacing them with contemporary materials and construction methods.
- Original elements such as windows, doors, porches, verandahs and their details should be retained and restored whenever possible.
- Model replacement features and building forms on the originals in style, size, proportions and materials, whenever possible.
- When in doubt, make changes reversible and as inconspicuous as possible.
- Record the alteration and retain samples of original materials that have been replaced.

### **5.2.2 Roofs**

- If possible, during the alteration process, record the alteration and retain samples of earlier materials that have been replaced.
- Roof profile visible from the street should remain unaltered.
- Changes to portions of the roof not visible from the street are permitted.
- Replacement roofing material should be compatible with the age and architectural style of the specific property.

### **5.2.3 Windows**

- Make efforts to re-build or recondition existing heritage- contributing windows before replacing them.
- Where existing heritage- contributing windows are too damaged to be reconditioned, new replacement windows should replicate the sash, stile, and muntin pattern of the original. Double-glazed wooden units with true muntins are preferred.
- “False” divided lights are permitted and should have true muntins at the exterior of the glass.
- Do not alter the location, size, and shape of all existing windows facing, or visible from, the street.
- Avoid creating new openings for windows on facades visible from the street.
- Avoid the use of mirrored glass.
- Avoid replacing hung sash windows with casement or other windows.
- Where a replacement window is used it should be energy efficient (such as Energy Star rated) wherever possible.

### 5.2.4 Cladding

- Make efforts to replace exterior cladding that has degraded beyond repair with new or reclaimed material to match.
- Existing exterior cladding that is appropriate to the age and architectural style of the property should not be covered over with different cladding.
- Cladding that is part of a new addition should be distinct from the cladding of the existing building.
- Acceptable cladding for a new addition includes: brick masonry; stone masonry; wood clapboard; fibre cement board with paint finish; stucco; wood shingles (where permitted by Building Code).
- Vinyl siding or asphalt shingles are not acceptable claddings for a new addition.

### 5.2.5 New multiple dwelling units in an existing building

- Required secondary means of egress should be integrated at the interior of the building. Where an exterior fire escape is required (and where permitted by Building Code), the fire escape should be located so that it is not visible from the street wherever possible.
- Hydro and gas meters, conduit, cable connections, telephone connections etc. should be located at the side of the building where access permits, or at the rear of the building wherever possible. No service connections or consumption meters should be located facing the street wherever possible, or should be screened within an open-able cabinet if on the street face.
- Parking spaces required by new dwelling units shall be accommodated on the street or in rear parking lots accessed by side driveways or laneways, where such access routes currently exist.

## 5.3 Guidelines for Additions to Contributing Properties

### 5.3.1 General

- Additions should be complementary to the main building and clearly secondary in terms of size; they should also be clearly distinguishable in form and detail.
- Additions should be located away from the main street facade, at the rear of the building, and not add to width of the front of the building.

- In exceptional circumstances where additions located at the side of the building are required/ possible, additions should be clearly set back from the principal elevation (façade) of the heritage structure in order to maintain the façade's visual prominence on the street, its main entrance, and its proportions.
- The height of the addition should be no more than that of the main building and, preferably, lower, in order to clearly distinguish it from the original building.
- Construction of additions should not entail removal, covering or other adverse impacts on the heritage attributes or other important architectural features of the original building.
- Additions should avoid causing irreversible changes to the original building.
- Rear addition roof ridgeline height should not exceed the existing building roof ridgeline or be within the angular plane described above. Where the existing roof is a mansard roof, the top of parapet will be considered as the ridgeline.

### **5.3.2 Rear Yards**

- Rear additions should be differentiated from the original building by means of different cladding, a reveal, or a setback on the side yard.
- Rear additions on properties backing onto Water Street should be designed to have minimal visual impact on the views from the public right-of-way and the Canal.

### **5.3.3 Porches, Verandahs and Balconies**

- Existing open-air porches, verandahs and balconies facing the street should remain unenclosed.
- Existing glazed-in porches, verandahs or balconies facing the street should remain glazed or revert to being unenclosed. Glazing should not be replaced with opaque cladding.
- New porches, verandahs and balconies are permitted to be added to an existing building where none currently exist provided that historical evidence and sufficient documentation concerning form and materials exists.

## 6. Guidelines for New Construction/Infill

### 6.1 General

- New buildings are not required to replicate an existing heritage style but should follow the facade proportions, proportion of window openings to wall area, materials, and design devices (e.g. cornices, string courses dividing storeys) of existing Contributing buildings in the area.
- Attempt to match the setback, footprint, size and massing patterns common on the streetscape in which the property is located, especially in the context of the immediate neighbouring properties.
- Take advantage of unique conditions, such as properties that have rear yards backing onto the public areas of Water Street and the Canal, by providing architectural details and features on both street facades or visible upper storeys.

### 6.2 Massing

- New construction should consider and respect the scale and massing of adjacent buildings, reflecting the base, middle and top of those buildings.
- New construction should generally maintain front wall alignment with adjacent existing buildings' front walls.
- New construction should respect the pattern of façade division by ensuring that the horizontal and vertical architectural elements are aligned with neighbouring buildings.
- New construction should maintain the height of adjacent buildings.

### 6.3 Roofs

- Gable or mansard roofs are recommended in residential properties.

### 6.4 Windows

- Windows should be vertically aligned from floor to floor and horizontally aligned with neighbouring buildings.
- Entries and display windows should be placed at regular intervals consistent with the pattern established on that block.
- A window/wall ratio that has a greater proportion of wall is preferred.
- Large blank expanses of glass are discouraged, but the appearance of divided lights is not required.

- Where 'false' divided lights are proposed, make efforts to use true muntins at the exterior surface of the glass.
- Hung sash, casement, awning, or hopper windows are acceptable.
- Do not use horizontal slider windows.
- Windows may be made of: wood; wood with painted extruded aluminum exterior; fibreglass with painted extruded aluminum exterior; vinyl with painted extruded aluminum exterior; thermally broken extruded aluminum frames with painted exterior finish.
- Avoid using white vinyl windows.
- Do not use mirrored glass.
- Use energy efficient (e.g. Energy Star-rated) windows.

## 6.5 Cladding

- Acceptable cladding materials include: Brick masonry; stone masonry; fibre cement board with paint finish; stucco; where permitted by Building Code.

## 6.6 Porches, Verandahs and Balconies

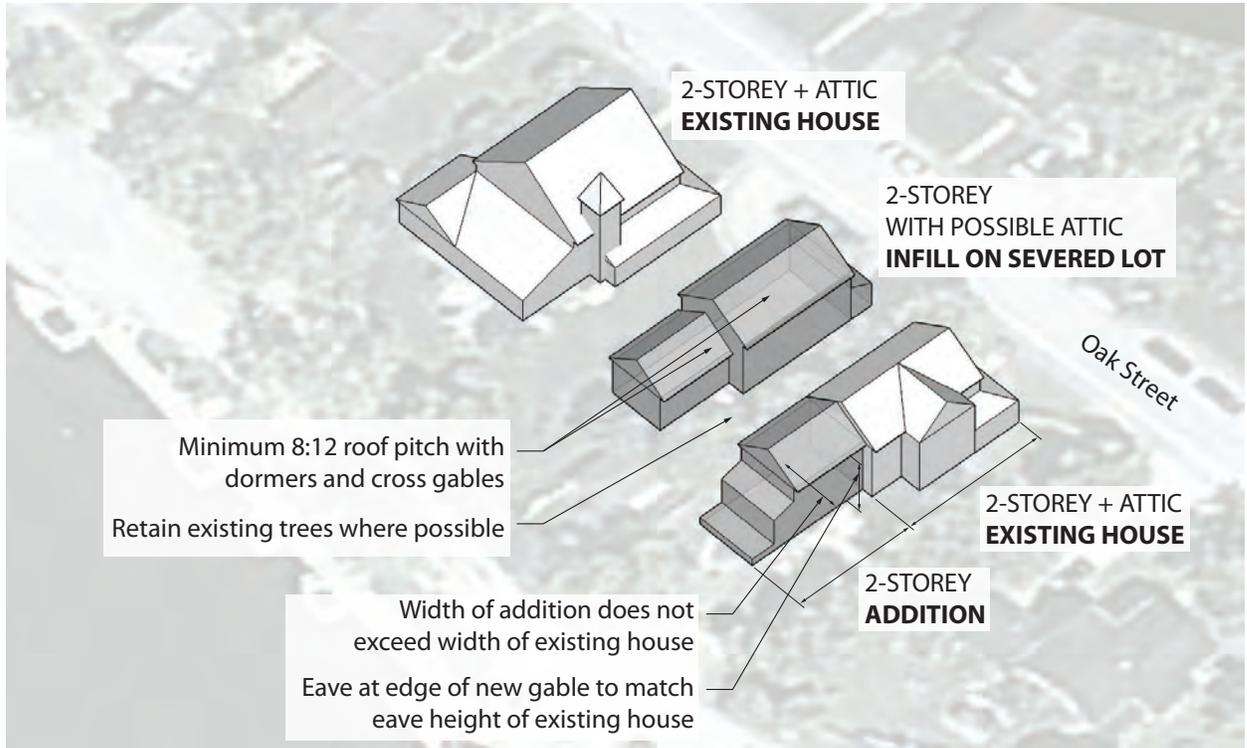
- Avoid using white vinyl windows.
- New balconies are acceptable.
- Open-air or glazed-in porches and verandahs are acceptable.

The following images show typical elements of the Contributing properties within the HCD and illustrate infill options that are compatible with the District's heritage attributes.

OAK STREET - TYPICAL RESIDENTIAL FACADE



OAK STREET - APPROPRIATE MASSING FOR INFILL AND ADDITIONS



# 7. Guidelines for Streetscapes and the Public Realm

## 7.1 Introduction

The assembly of building frontages, open spaces, and streets collectively make up the character of the District and, in combination, are greater than the sum of their parts. They constitute the “public realm”. They create a “sense of place” that is defined in this Plan as the “heritage character” which, in turn, is made up of the essential heritage attributes. These spaces were not originally designed as a unit, but were the result of many individual design decisions made incrementally, over time. However, there was consensus on some underlying principles that created a generally harmonious relationship between the different elements. It is these principles that form the basis for the following guidelines.

For general guidelines to be applied to urban heritage districts, refer to Section 4.1 of the Parks Canada *Standards and Guidelines* (2<sup>nd</sup> ed. or as superseded), especially the sub-sections addressing land use, visual relationships, and built features. As applied to Oak Street, the following guidelines cover streetscapes and the public realm.

## 7.2 Landscapes/Streetscapes

- The City should continue its program of replacing street trees. Gaps in the continuity of plantings should be filled as budgets permit.
- Chosen species must provide a shade canopy for the sidewalk and street and should have a good chance of thriving in the shallow, clayey soils prevalent in Kawartha.
- There should be no attempt to have falsely historic or otherwise decorative street lighting distinctive to the District. The City should use existing lighting poles and fixtures (or future substitutes) that are simple and unobtrusive.
- Street furnishings such as benches, trash receptacles and bicycle racks are a minor component of the District streetscapes. When the opportunity arises, new furniture should be compatible with the District’s heritage character but not falsely historic, and should be co-ordinated with the City’s standard selections of such furnishings for downtown installations. Municipal regulatory signage should be kept to a minimum and signs should be grouped on existing poles whenever possible.

- Consideration shall be given to having special street signage for streets within the District, in compliance with municipal signage standards.
- Existing trees in private rear yards should be conserved where possible. Parking and landscape treatments should be arranged so as to have no negative impact on the root zone, trunk or canopy of trees in rear yards.

# PART D: IMPLEMENTATION PROCESS



## 8. Heritage Management

### 8.1 Introduction

Once the District is designated, all owners of property within the district, municipal staff, and City Council must comply with the requirements of the *Ontario Heritage Act* and the District Plan. After designation of a heritage conservation district, the municipality assumes responsibility for managing change within the District and for overseeing conservation and development activity.

This process need not be onerous. The District Plan identifies the types of changes in the District the City wants to encourage and provide the means to “fast-track” them, in most cases by exempting such changes from the requirement to apply for a heritage permit. In other words, to the extent permitted by the legislation, the heritage permit process is meant to be proactive rather than restrictive.

### 8.2 Heritage Permit Applications

The City’s primary management tool is an “Application for Alteration under the *Ontario Heritage Act*” (also known as a “heritage permit”) which is required for any action that may affect the heritage attributes/character defining elements within a Heritage Conservation District (HCD). These heritage attributes/character defining elements can be located on an individual property or in the public realm. Properties designated under Part IV of the *Act* may have additional aspects related to their reasons for designation that may require heritage permits (as in the case of designation of interior elements).

The “Application for Alteration under the *Ontario Heritage Act*” process is administered by the City heritage staff. Requests are processed according to the requirements of the *Ontario Heritage Act* and in accordance with Town requirements. Information concerning the application process can be obtained from the Economic Development Department.

## 8.3 Municipal Authority for Requiring an “Application for Alteration under the *Ontario Heritage Act*”.

The Council of the Corporation of the City of Kawartha Lakes has the authority under s.42(1) of the *Ontario Heritage Act* to grant, grant with terms and conditions, or refuse an application for a permit to alter, demolish or remove, or erect any building or structure within the HCDs. The *Act* states that:

*No owner of property within the HCD 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.*

Applications for Alteration under the *Ontario Heritage Act* are required whether the owner is a private citizen, public agency, business or the municipality. The Province of Ontario and the Government of Canada, as senior levels of government, are exempt from the requirement but are encouraged to comply with the City’s application requirements.

### 8.3.1 When is an Application Required?

The *Ontario Heritage Act* stipulates that Applications for Alterations under the *Ontario Heritage Act* are required in HCDs only for work on the exteriors of buildings or structures, unless otherwise propertyed by another type of designation such as a Heritage Easement or Part IV (individual property) designation.

The following chart illustrates the typical steps that a property owner should take when contemplating any alterations, additions, or other work to their buildings and properties within the Heritage Conservation District. City staff have delegated authority to make decisions relating to specific works. Note that there are no non-contributing resources in the Oak Street HCD: this is a standard chart for HCDs in the City of Kawartha Lakes.

**TABLE 1: HERITAGE PERMIT: CLASSES OF ALTERATIONS**

Type of Work		Heritage Permit Required		Heritage Permit Approval Authority
		For Contributing Resources	For Non-Contributing Resources	
<p><b>Maintenance</b></p> <p>For the purposes of the Heritage Conservation District Plan, maintenance shall be defined as the routine, cyclical, non-destructive actions necessary to ensure the long-term conservation of a protected heritage resource, and its heritage attributes. Actions undertaken under the scope of maintenance should use the same type of material to maintain the cultural heritage value of a protected heritage resource, in keeping with the design, colour, texture, and other distinctive features that is to be maintained.</p> <p>Typical maintenance actions include:</p> <ul style="list-style-type: none"> <li>periodic inspections;</li> <li>general property cleanup of rubbish and refuse;</li> <li>general gardening;</li> <li>painting;</li> <li>replacement of broken glass in windows with same;</li> <li>replacement of asphalt shingles with same; and/or</li> <li>any work defined as maintenance within Part IV of the <i>Ontario Heritage Act</i> designation by-law or easement agreement</li> </ul>		No	No	No Heritage Permit Required
<p><b>Interior Renovation</b></p>		No	No	No Heritage Permit Required
<p><b>Outbuilding</b></p>	<p>Erection of a small outbuilding not requiring a Building Permit and is not visible from the street and/or will not impact the identified heritage attributes of a contributing resource</p>	No	No	No Heritage Permit Required

Type of Work		Heritage Permit Required		Heritage Permit Approval Authority
		For Contributing Resources	For Non-Contributing Resources	
<b>Windows</b>	Window replacement, same material, size, and design	No	No	Approval Authority Delegated to City Staff
	Window replacement, different material, size, or design, where window is visible from the street and/or may impact the identified heritage attributes of a contributing resource	Yes	No	
	Window open removal or addition, including skylight, where visible from the street and/or may impact the identified heritage attributes of a contributing resource	Yes	No	
	Shutter replacement, same material, size, and design	No	No	
	Shutter replacement, different material, size, or design	Yes	No	
	Shutter removal or addition	Yes	No	
<b>Doors</b>	Door replacement, same material, size, and design	No	No	Approval Authority Delegated to City Staff
	Door replacement, different material, size, or design where door is visible from the street and/or may impact the identified heritage attributes of a contributing resource	Yes	No	
	Addition of storm or screen door	No	No	
	Door opening removal or addition where visible from the street and/or may impact the identified heritage attributes of a contributing resource	Yes	No	
<b>Roof</b>	Re-roofing, same material and colour	No	No	Approval Authority Delegated to City Staff
	Re-roofing, different material or colour	Yes	No	
	Alteration to roofline	Yes	No	
<b>Porch/Verandah</b>	Porch/verandah replacement, same materials, size, and design	No	No	Approval Authority Delegated to City Staff
	Porch/verandah replacement, different materials, size, and design where visible from the street and/or may impact the identified heritage attributes of a contributing resource	Yes	No	
	Porch/verandah removal or addition where visible from the street and/or may impact the identified heritage attributes of a contributing resource	Yes	No	

Type of Work		Heritage Permit Required		Heritage Permit Approval Authority
		For Contributing Resources	For Non-Contributing Resources	
<b>Cladding, Soffit &amp; Fascia, and Trim</b>	Soffit and/or fascia replacement, same materials	No	No	Approval Authority Delegated to City Staff
	Soffit and/or fascia replacement, different materials	No	No	
	Replacement of siding/cladding, same material, colour	Yes	Yes	
	Removal/installation of cladding/siding, different material, colour where visible from the street and/or may impact the identified heritage attributes of a contributing resource	Yes	Yes	
	Replication of decorative trim, same material, colour	No	No	
	Decorative trim removal or addition, different material, colour	Yes	No	
<b>Other Exterior Alterations</b>	New or increased parking areas (especially front yard)	Yes	Yes	Approval Authority Delegated to City Staff
	Repaving of existing parking area without expansion, same material	No	No	
	Repaving of existing parking area without expansion, different material	No	No	
	Addition or alteration visible from the street and/or may impact the identified heritage attributes of a contributing resource (e.g. solar panel)	Yes	Yes	
	Chimney repointing, same material, design	No	No	
	Chimney replacement, different material, design	Yes	No	
	Chimney removal or addition	Yes	No	
	Repair to eaves trough, same material, design	No	No	
	Repair to eaves troughs, different material, design	No	No	
	Addition of/change to eaves trough	No	No	

Type of Work		Type of Work		Heritage Permit Approval Authority
		For Contributing Resources	For Non-Contributing Resources	
<b>Major Interventions</b>	Erection of a new building or structure (requiring a Building Permit) on same property, where new building or structure is visible from the street and/or may impact the identified heritage attributes of a contributing resource	Yes	Yes	Council Approval Required
	Addition or major alteration visible from the street and/or may impact the identified heritage attributes of a contributing resource	Yes	Yes	
	Demolition of an existing structure (Demolition Permit)	Yes	Yes	
	Relocation of an existing structure to another location	Yes	Yes	

### 8.3.2 What is the Application Approval Process?

All applications for approval must follow the requirements of the *Ontario Heritage Act*. In order to do so, the application for alteration (heritage permit) process is as follows:

Step 1: Applicant meets with City heritage staff to discuss the proposed work and to review the application process.

Step 2: Applicant makes application.

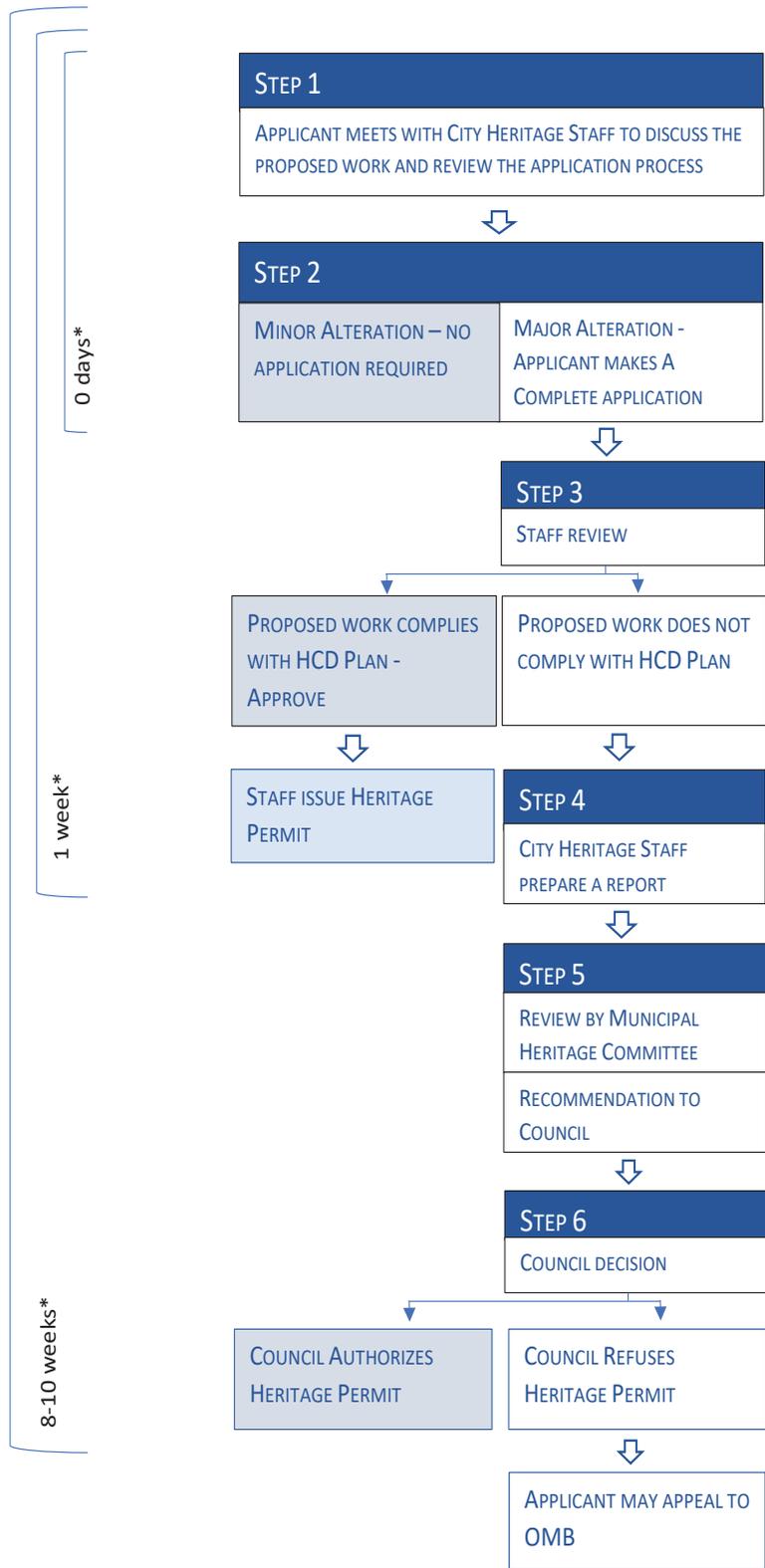
Step 3: There are four versions of this step, depending upon the type of application (see the accompanying chart).

Heritage staff review the application and:

- a) grants the application with no conditions;
- b) grants with conditions;
- c) refuses the application; or
- d) determines that the application is a major alteration requiring further review by the Municipal Heritage Committee and approval by Council.

In the case of c) or d), Heritage staff submits a report with the application to the Municipal Heritage Committee. The Municipal Heritage Committee reviews the report and application and makes recommendations to Council. Council can then decide to grant, grant with conditions, or refuse the application. The applicant has the right to appeal refusal to the OMB (under Section 44 of the *OHA*). In addition, staff or an applicant has the option to request that any application be forwarded to the Municipal Heritage Committee for their consideration.

### APPLICATION FOR ALTERATION PROCESS



Some examples of terms or conditions that heritage staff, Municipal Heritage Committee and Council may request include:

- If the proposed development could involve significant changes to the character of the District<sup>1</sup>, or is adjacent to the District, the City may require the proponent to supply a Heritage Impact Assessment and/or Conservation Plan, to be prepared by a qualified heritage consultant<sup>2</sup>, analyzing the impact of any proposed work on the heritage attributes of the property, neighbouring properties, and the HCD as a whole. The report contains a fitting conservation strategy and recommends approval of the permit application as submitted, provides alternatives, or recommends refusal. Requirements for the scope and format of Heritage Impact Assessments are to be determined in consultation with City heritage staff.
- Documentation of the property prior to the work being proposed in the application. This typically involves historical research, photography of current conditions, measured drawings and may also include requirements for salvage of identified components. Copies of the documents are typically submitted to the municipality for their records.
- Archaeological assessments<sup>3</sup>.
- A heritage conservation easement agreement under the *Act*, to be registered on title, or similar covenant, requiring standards of maintenance or conservation work in return for permitted financial or planning incentives.
- Commemoration of the property, for example through installation on the property of an interpretive plaque.

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<sup>1</sup> Note that this requirement also applies to properties that are adjacent to the District. In this context, “adjacent” is defined according to the meaning described in this HCD Plan.

<sup>2</sup> Such a person is to be a member of the Canadian Association of Heritage Professionals (CAHP) and have experience in Heritage Conservation Districts.

<sup>3</sup> A Stage 1 archaeological assessment for the Oak Street HCD should be considered by the City to help implement the Plan’s policies and guidelines. Stage 2, 3 or 4 archaeological assessments may be required by the City for proposed works in areas identified in the Stage 1 assessment as having high archaeological potential.

A complete application for a heritage permit must be consistent with the requirements of the *Ontario Heritage Act* and the City of Kawartha Lakes.

Once a complete application has been submitted, the *Act* requires the municipality to either grant or refuse the permit within a period of 90 calendar days. Approval will be granted as long as:

- There are no material changes to plans, specifications, documents or other information that forms the basis for issuing the permit, and;
- The work is carried out in accordance with the plans, specifications, documents or other information.

For projects requiring a building permit, the applicant must apply for a building permit as well as a heritage permit: the two review processes will proceed simultaneously. For projects requiring Site Plan Approval, or an amendment to the Zoning By-law or Official Plan, separate applications for these actions must also be made, for review by relevant municipal staff.

For major alterations, the City may require securities to ensure that the proposed work is carried out according to the requirements and conditions of the application for alteration. For municipal works, the City should ensure that contractors have sufficient insurance to cover any damage. The City should consider establishing a committee comprised of the City planning and heritage staff, the Chief Building Official and representatives of the relevant City Departments, to monitor the execution of the application of alteration.

### **8.3.3 What Should Applicants do to Prepare for an Application?**

To make the process as smooth as possible for all concerned, applicants should do some background research. Suggested actions include the following:

- Become familiar with the HCD Plan objectives, policies and guidelines;
- Review the property description in the inventory and evaluation attached to this Plan, noting the building features and heritage attributes outlined in this Plan;
- Become familiar with standard principles and practices for heritage conservation work, as found in the Ontario Heritage Tool Kit and the federal *Standards and Guidelines for the Conservation of Historic Places in Canada* (2010 ed. or as updated.)
- Collect any available documentary research on the history of the property;

- Think of the ways in which the subject property fits within the streetscape and how the proposed work can be integrated; and
- Arrange a meeting with heritage planning staff to preview the application prior to submission.

# APPENDICES

## A. Monitoring the Plan's Effectiveness

With a limited number of properties and a predominantly residential character, the District will have a limited number of changes over time. Since this District will be one of the first to be designated within the City of Kawartha Lakes, it is important for the City, as well as for local residents, to see the ways in which change has been managed following designation, and to rectify any problems with the conservation and regulatory processes. Therefore, it is recommended that a monitoring program be put in place subsequent to the passage of the designating by-law, containing:

- Tracking of building permit applications applied for and granted, by type, completeness and location;
- Tracking of applications for Site Plan Control, or amendments to the Zoning By-law or Official Plan applied for and granted, by type, completeness and location;
- Recording number of applications for all types of permits delegated to staff for review, and those reviewed by the Municipal Heritage Committee;
- Average time required to review and process heritage permit applications; and
- Comments received from the public, City staff and Council regarding conservation and regulation within the District.

City heritage staff will be responsible for monitoring the implementation process. It is suggested that the monitoring process be undertaken on an annual basis.

In the longer term, consideration should be given to reviewing the HCD Plan policies and guidelines only as necessary to reflect any changes in municipal or Provincial heritage policy, or in response to changes in procedures or functions within the City of Kawartha Lakes.

## B. Risk Management Strategies

Although there is little likelihood of a major fire or natural disaster causing extensive damage to a large number of properties within the district, it is prudent for the municipality to have disaster management plans available should those events occur. At a smaller scale, loss of individual properties requires redevelopment that respects the district's heritage character. Using the policies and guidelines of the District Plan, the rebuilding process can be assured of doing so.

The process for preparing for, and dealing with, both natural and human-made disasters has been addressed at an international level. The International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) published a document that provides a framework for producing a local emergency response process. Even though directed at World Heritage Sites, the 1998 publication entitled "Risk Preparedness: A Management Manual for World Cultural Heritage" has principles and practices that are applicable to municipalities. General guidelines applicable to Oak Street are found below and include those for advance planning, for responses during an emergency, and for the recovery period afterwards.

Guidelines for advance planning include the following:

Documentation of existing heritage resources:

- Identification of cultural resources within the HCDs that would require special care in an emergency (e.g. architectural details, cultural landscape elements);
- Evaluation of cultural resources to determine heritage attributes (if not already undertaken);
- As-found documentation of cultural resources (buildings, landscapes, archaeological sites) sufficient to allow reconstruction or replacement;
- For built heritage resources, ongoing provision of information to technical professionals (e.g. architects, engineers, skilled trades) in traditional techniques of construction useful in reconstruction or replacement; and
- In the case of built heritage resources and cultural landscapes damaged in a disaster, documentation of the response (e.g. repair/reconstruction/replacement) and recording of lessons learned.

### **Risk Analysis**

- Determination of the types of threats most likely to affect the cultural heritage resources within the HCDs (hazards), the degree of threat (vulnerability) and the resulting level of risk (hazard vulnerability);
- Identification of the portions of properties that would be most vulnerable to damage, and making recommendations for reducing potential damage;
- Assessment of municipal services, including public and private building substructures, that could be vulnerable, and making recommendations for their protection;
- Identification of the most common emergencies that could be expected on properties within the HCDs, and mapping of areas having the most risk; and
- Acquisition of insurance to cover risk (public and private property), to cover all hazards to address liability for emergency response activities and post-emergency reconstruction work.

### **Emergency Response Plans**

- Compilation of a list of qualified emergency response specialists, available for various aspects of response, including salvage/conservation rescue (e.g. heritage architects and landscape architects, skilled trades people, project managers, materials suppliers) and keeping the list current.

### **Mitigation in Advance of Disasters**

- Retrofitting of vulnerable built heritage resources (and, where possible, cultural landscapes) to add strength/cover to resist stresses (e.g. structural reinforcement, flood-proofing);
- Provision of storage space and conservation measures for moveable heritage resources in the event of an emergency (e.g. archival storage); and
- Provision of information on mitigation techniques and measures.

### **Financial Measures**

- Provision, in the municipal budget and budgets of private property owners, of emergency funds for immediate response and for long-term repair and restoration of cultural heritage resources.

The report includes guidelines for responses that will be needed during an emergency. These include:

- Creation of an emergency response team of conservation professionals whose job it is to assess and document the impacts of the disaster and to recommend/provide:
  - o Short-term measures for stabilization security and safety;
  - o Priorities for long-term repair and restoration;
  - o Assessments of instances of imminent loss and loss; and
  - o Identification of needs for further survey.

The report ends with guidelines for responses that would be suitable in the period following the disaster. These include:

- Rebuilding and reconstruction activities:
  - o Understanding and application of appropriate conservation principles standards (i.e. the Parks Canada “Standards and Guidelines for the Conservation of Historic Places in Canada (2010 ed.)” and the policies and guidelines of the subject District Plan);
  - o Implementation of the heritage permit application process found in the District Plan;
  - o Ongoing information programs for those undertaking repair and restoration activity, based on the guidelines of the District Plan;
  - o Identifying and confirming suitable suppliers of materials and skills, using the list compiled in the emergency response plan;
  - o Identifying components of damaged properties that continue to be safe to use, based on the report of the emergency response team, and including inspection of municipal serving infrastructure; and
  - o Post-disaster monitoring of the effectiveness of the response measures, and recommendations for improvements to existing emergency response guidelines.

## C. Incentive Programs

Incentives of various kinds can be effective ways of encouraging owners to maintain and enhance heritage properties. At present, however, there are no programs at either the federal or Provincial level that offer financial assistance to property owners for conservation work on heritage properties. That said, the City will continue to monitor both levels of government for any such programs and will apply for funding to support heritage conservation. There have been different types of incentives available in the past, from both the Provincial and federal governments, and these have included grants, loans and preferential tax treatment. Another common form of incentive that is popular with many property owners is a faster approval process made possible by clear definition of requirements, support by qualified public service staff, and exceptions from certain building regulations. Some of the most effective incentive programs in Ontario have included:

- A clear and efficient review process for heritage permit applications, to save time and money
- Property Tax Relief Program for improvements to heritage properties
- Façade grants
- Full use of the provisions in the Ontario Building Code that allow exceptions for heritage properties

## D. Consultation Process

**Date: Sunday, 28 August, 2016, 2:00-5:00 p.m.**

*Place:* Fenelon Falls Museum

*Attendees:* Craig Backman, Tim and Linda Kieley, Angie Wildgoose, Mike Barkwell, Glen Roberts, John Livingstone, David and Lynn Evans, Charlene Loncoa, Merrill Pierce, Elizabeth and Harvey Korn, Clr. Doug Elmslie, Debra Soule (City staff), Carl Bray, Marc Letourneau, Barry Sampson (all of the consulting team).

The workshop's purpose was to introduce the next phase of the heritage conservation district planning process – the Heritage Conservation District (HCD) Plan. The workshop was held at the beginning of the Plan phase. As a result, the discussion focused on the types of policies and guidelines for conservation and development that local residents would prefer, based on what is typically found in HCD Plans. Ms. Soule and the consulting team provided a brief introduction, after which the discussion resulted in the following main comments:

- The study area is stable but could be impacted by lot consolidation (leading to demolition of existing housing and development of medium density residential or institutional buildings taking advantage of the waterfront location).
- Property standards enforcement is an ongoing concern (one property in particular).
- Parking and traffic generated by visitors to the museum is an issue, as is the traffic to and from the public boat launch.
- There was a general consensus that there should be flexibility in what property owners can do with their buildings, so that there would not be restrictions on such changes as paint colour or window type, and that guidelines should offer options for these and related types of maintenance, alteration or addition. There was a general sense that most property owners would take good care of their heritage buildings and grounds (which are a main reason for living here) and needed regulation only to help ensure that all property owners did so.
- There was a common wish to re-establish shade street trees in the public right-of-way.
- There was discussion about the newer houses within the study boundary and whether they might be replaced in future with more compatible designs.

There were a few objections to regulations of any kind in the context of doubts over the need for District designation. However, there was majority support for designation and for the residents' ongoing role in contributing to the District planning process. One issue that remained unresolved was the wish on the part of property owners on Francis Street to have their properties removed from within the District, with the result that only properties flanking Oak Street would be designated. Staff and the consulting team agreed to consider this option.

**Date: Tuesday, 25 October, 2016, 5:30-6:30 p.m.**

*Place:* Fenelon Falls Community Centre

*Attendees:* Mike Barkwell, Glen Roberts, Doug Oxley, David Evans, Clr. Doug Elmslie, Debra Soule (City staff), Carl Bray, Marc Letourneau, Andrew Ashbury (all of the consulting team).

The workshop's purpose was to introduce the Oak Street HCD Advisory Committee to preliminary contents of the Heritage Conservation District (HCD) Plan. The workshop was held at the middle of the Plan phase. As a result, the discussion focused on comments on the preliminary policies and guidelines for conservation and development in the current draft Plan. Ms. Soule and the consulting team provided a brief introduction, after which the discussion resulted in the following main comments:

- Remove Francis Street properties from boundary, confine to properties bordering Oak Street
- Stage 1 archaeological assessment of public lands: they have been heavily disturbed by railway construction
- Conservation of oak trees needed, preceded by a tree condition survey
- Traffic management needs to be improved (people lost or heading to the museum)
- Need success and failure stories for HCDs
- The City could consider financial incentives to property owners similar to those offered for septic system upgrades

The following are more detailed notes, by topic, taken by Andrew Ashbury.

HCD proposed boundary:

- Recognize advantage of excluding the north properties on Francis St for simplified shape, more concentrated, centered on Maryboro; some are part-time residents, could be swayed, sentiments not towards opt-out
- Could designate Francis St properties as designated individual properties
- Questions arising in neighbourhood about HCD impact on property values
- Recognize concern about opt-out cascade leaving "swiss cheese" boundary
- Additional properties can opt-in later
- Reopen boundary discussion and review every 5-10 years anyways
- City intends to build a splash pad east of the treatment plant

Archeological potential:

- HCD area has high archeological potential, particularly as historical first nations settlement
- HCD area has high archeological potential includes proposed splash pad location, however disturbed by berms for railway that have since been removed, contamination associated with former railway tie plant may have been found, removed, capped under new soil
- Stage 1 archeological assessment can avoid requiring individual owners pay for archeological study when building additions, etc., now a requirement anyways (HCD or not) for new infrastructure upgrades, likely including splash pad
- Stage 1 archeological assessment requires background research that has mostly been completed for the HCD study
- Enbridge gas line follows former railway and Francis Street, may have precipitated archeological study already
- archeological assessments:
  - o stage 1: no field work
  - o stage 2: 5m interval test holes
  - o stage 3: positive test holes proceed with detailed excavation, or left in situ, or removal for preservation
- stage 1 example: Peterborough: full mapping of high, medium and low probability archeological sites

Vegetation:

- characteristic vegetation is oaks remaining from the Bur Oak grove and sugar maples along the right of way
- waterfront side lost white pine
- Hydro has authority to remove any tree; imminent work required on poles
- Utilities Kingston precedent: sought unrestricted authority to remove trees amidst continuous increasing power requirements and maintenance, but some flexibility for preservation by dodging through canopy, replacing lines on same side of street as existing
- Hydro will ultimately have licence to remove but conversation can be initiated sooner than later to make adjustments and preserve, also can have arborist and archeologist on side during hydro work to negotiate
- Particular neighbour's oaks and pines are dying
- Tree condition survey could be done, oaks are at end of lifespan

- Glen Walker (resident) thought inventory of trees was done recently, perhaps by Sir Sanford Fleming College
- City has one or two arborists on staff [Note: this has not been confirmed by City staff]

Policy strategy:

- Recognized preference for permissive rather than restrictive policy framework:
  - appropriate new development or redevelopment
  - enhancing public realm
  - long term conservation
  - parking policies
  - demolition policies
  - property standards
  - other public realm and public works policies
  - new infill form, scale and massing: flexibility in design without permitting massive scale, ties into zoning regulations
- Recognize preference for guidelines on architectural best practices to have less focus on details like windows, doors, etc.:
  - Architectural conservation best practices
  - Vegetation planting recommendations
  - New infill design
  - Intention to prefer square or vertical emphasis rather than horizontal; must address unwanted prominent garages and larger windows; want to direct towards complementary details, brick, wood, instead of steel, glass; want side driveway and additions or garages to be at rear
- Recognized preference to prevent lot consolidation (or set maximum lot size)
- Recognized preference to permit severance: strong opposition to restrictions on severing or selling lot someday

Parking:

- Parking policies to be incorporated
- Better traffic management needed: example of RV backing all the way down street, unsafe one lane junction

Worst-case scenario documents: fire, flood, tornado

- Useful to have risk management strategy: advance, at the time, after
- Can try to minimize response delay by council or ministry of labour

Potential incentives:

- Grants and loans less optimal
- Facade grants, tax relief, development charge discounts, parking benefits, etc. could be provided via Community Improvement Plan
- Examples: 5-year holiday from tax increases after heritage renovation, waiver of development, permit, Kawartha conservation fees
- Not huge amounts but tangible incentives

Next steps:

- Intend to wrap up HCD in January
- Presentation will be emailed around for other residents that couldn't attend tonight
- Request for examples of success stories and failures from previous HCD initiatives: great economic impact study titled The Lazarus Effect (by Heritage Resources Centre at University of Waterloo, free to read online)
  - o Heritage renovations produce local jobs, local value, local small business, tourism, revitalization
  - o Warnings as well, must avoid over-regulation (won't work if too restrictive or complex) and excessive costly time delays
- Potential to circulate guidelines prior to next meeting so people can react and be prepared to provide feedback

## **Oak Street Advisory Committee Meeting**

*Date:* April 12, 2017 (6:30 p.m.)

*Place:* Fenelon Falls Community Centre

*Attendees:* Doug Elmslie, Glen Roberts, Sandra Backman, Anne Mackay, Stewart Branson, Mike Barkwell, Mike Sloboda, Bill Bateman, Linda Kieley, Tim Kieley, Debra Soule, Carl Bray

The purpose of the meeting was to review the draft final HCD Plan and to record comments from the local residents on the Committee. A summary of these comments is provided below:

- Questions about what the City can offer residents in terms of incentives (e.g. tax holidays similar to those available for properties within the adjacent Fenelon Falls downtown CIP)
- Concerns about loss of street trees through removals by hydro utilities (formerly an average of 3 trees for each lot frontage)
- Concerns about bright, high street lights and uneven, asphalt sidewalks
- Concerns about traffic and parking, need for City to prepare a traffic management plan
- Questions about what is “in it” for property owners: response was that it is a risk management tool, protecting your investment by precluding unsympathetic development within the HCD, and providing incentive for the City to invest in streetscape improvements
- Wish to have street tree planting, shorter street lights and better sidewalks (designed to fit the HCD character)
- Questions about views from the HCD to and across the Canal (potential designation of properties on the other side, to conserve the view) and to abutting properties on Francis Street (adjacency policies under the OP and PPS address that via requirement for a Heritage Impact Assessment for any development on those properties that could affect the heritage attributes of the HCD)
- Suggestions for amendments to the Zoning By-law to specify minimum lot sizes (based on the average sizes of the current lots)
- Support for the suggestion of the City preparing a source list of qualified tradespeople for heritage conservation work
- Suggestions for sources of historical photos to assist property owners with restoration of original features (check the local history by Marg Adams “Fenelon Falls Then and Now”, ask John Hoskins, former chair of the Fenelon Falls Historical Society)

### ON-LINE SURVEY RESULTS

An on-line survey of comments on District designation was sent to all property owners in the study area. There were 6 responses. There was consensus that the Francis Street properties should be excluded from the District and that Oak Street paving and sidewalks should be improved. There was also a request to reduce vehicular traffic.