



# TOWN OF NEWMARKET

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## ANSWERS TO QUESTIONS AND REPLIES TO COMMENTS ABOUT MAKING LOWER MAIN STREET SOUTH A HERITAGE CONSERVATION DISTRICT

The discussion at the December 11, 2008 workshop groups and comments received following the public information session cover seven broad topics.

### 1. Boundaries of Proposed District

There was some discussion around the inclusion of three buildings at the eastern end of Millard Avenue – two bungalows and an old livery converted to housing.

They were included in the proposed district because of their geographical location, at the river's top of bank. It is recommended that the two bungalows, zoned for Single-Family Detached Dwelling Second Density use, remain in their current use as long as their owners prefer and until such time as they choose to apply for redevelopment. The old livery is recommended for retention and, if the owner desires, improvement.

### 2. Alternatives to District Designation?

It was suggested that enhanced powers of site plan control under the *Planning Act* would be better than district designation under the Part V of the *Ontario Heritage Act*.

Site plan control is a process where applications for new commercial, industrial, multiple residential and institutional development are scrutinized by several departments and agencies. The enhanced powers for site plan control, which allow municipal review of drawings showing the exterior design features of buildings, has been exercised by the Town of Newmarket; however, site plan control would not be a suitable alternative to district designation. Site plan control applies to new buildings or additions and alterations that substantially increase size or usability and not to facade improvements for existing buildings.

District designation focuses on the character of an historic area made up of existing buildings (their external appearance only) and the landscapes around them (views, roads and yards visible to the public). District designation establishes a framework through which physical changes to the district can be assessed and guided so that they contribute to, and do not detract from, the district's integrity and character. Proposals by private property owners and proposals for public works by the municipality are reviewed against a heritage conservation district plan to ensure that change contributes to the district's character. This aspect of checking the kind of impact a proposal might have on the existing character of an historic area is unique to a heritage conservation district and is missing from other planning tools available to the municipality. In a heritage conservation district, it's expected that property owners will want to adapt their buildings for new demands, all the while making sure their property's character-defining elements remain. Alterations, additions, new construction and even demolition occur in heritage conservation districts. Contemporary new work that is complementary to historic buildings, located in the right place, and sympathetic to the district's character is encouraged. With 90 heritage conservation districts already established and working in Ontario and many more examples of protected historic areas around the world, the Town of Newmarket and its people can draw from a body of experience and put that to use on Lower Main Street South.

**[Newmarket's vision: A community well beyond the ordinary](#)**

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It was also suggested that designation of individual properties under Part IV of the *Ontario Heritage Act* could be substituted for district designation. If a municipal council and community wish to protect an entire area's historic character, then district designation is advisable. A heritage conservation district plan addresses all the properties in an historic area as well as the streets, public lands and views – in other words, the features of historic interest as well as the supporting context for those features. Part IV designation, on the other hand, is appropriate for protecting individual landmarks and outstanding interiors (interior spaces are not protected in a heritage conservation district).

### **3. Intent of District Plan's Policies and Guidelines**

There was discussion around the flexibility in approach to heritage review.

The *Ontario Heritage Act* requires that each heritage conservation district plan include a description of types of alterations that are minor in nature and should be exempted from heritage review. By leaving the choice of which kinds of proposals will be reviewed and which won't to each community, the extent to which proposal review is carried out can either be quite restrictive or permissive. Indeed, the whole heritage conservation district plan is generated in collaboration with the district's property owners and residents. Property owners, residents and the municipality decide the level of architectural control appropriate to maintaining and enhancing the district's historical character. In the City of Mississauga for example, property owners in the Meadowvale Village Heritage Conservation District opted for restrictive policies whereas property owners in the Old Port Credit Village Heritage Conservation District in the same municipality preferred a permissive approach to review.

### **4. Standards of Architectural Treatment in District**

Some concern was expressed over expectations for building improvements in a heritage conservation district, and brick repair was identified as an issue on Lower Main Street South.

District property owners are not obliged to improve their buildings. Instead, they are expected to maintain their buildings as any prudent owner would. Building restoration to some fixed time in the past is not the intent of district designation, and owners do not have to undertake museum-type restorations. On Lower Main Street South, it is recognized that the goal is economic revitalization and that building improvement will occur incrementally as it can be afforded. The policies and guidelines in the heritage conservation district plan should address the conservation of materials that are characteristic to the district. On Lower Main Street South, the humanly scaled street wall enclosures formed by two- and three-storey brick commercial blocks contribute to the street's visual interest. Painting, parging over brick, applying acrylic coats of External Insulation and Finish System or installing siding or screens not only hide the clay brick from view, but also often create conditions for irreversible damage to the brick. The heritage conservation district plan for Lower Main Street South will deal with cost-effective techniques to conserve the street's brick heritage over the long term, and the consultants at the next public information session will discuss the general condition and function of local brick masonry, what treatments to avoid and why, and how to approach improvements to deteriorated brickwork.

### **5. Procedures for Heritage Review**

A question was asked about the roles of Heritage Newmarket (the municipal heritage committee), the Planning Department and Town Council in the district plan's implementation. It was suggested that a group specifically dedicated to handle inquiries, provide advice, and address issues or concerns about Lower Main Street South be organized.

The *Ontario Heritage Act* gives municipalities latitude in deciding the procedures for heritage

review. The Act only states that a municipal council must consult its municipal heritage committee on applications to demolish or remove (relocate) buildings in heritage conservation districts. As a result, municipalities have chosen different methods of reviewing applications. In the oldest heritage conservation district, which is a suburban enclave, heritage review happens informally over kitchen tables before applications go to municipal council for approval. In a big-city neighbourhood district, City staff circulate applications to a ratepayers' association. Elsewhere, a district subcommittee of the municipal heritage committee is the point of first contact with applicants, meets ad hoc on site, or is entrusted with simpler applications. The consultants will lay out options for heritage review on Lower Main Street South.

## **6. Financial Implications of District Designation**

Some believed that district designation could negatively affect property value, mortgages, insurance coverage or construction costs.

The experience over nearly 30 years of designating heritage conservation districts shows that qualms felt before district designation dissipate when property owners actually see for themselves that district designation does not impose financial burdens. According to a 1998 study conducted by Dr. Robert Shipley and Shannon Bernstein for the Ontario Government, designated properties tend to perform as well as other properties, or better than average, in the local real estate market. They also tend to resist market downturns. Their further investigation of sales trends in heritage conservation districts will add to our knowledge about the performance of properties in districts. As for property insurance, district designation does not place additional requirements on the insurer, and replacement cost coverage is not required. Outdated electrical wiring, old heating systems and poor overall repair represent a higher risk to insurers, not whether the property is designated. Some insurance companies are not interested in carrying properties over a certain age; so, for them, an old building in a heritage conservation district is the same as one that is not designated. Likewise, district designation is not a real factor in financial institutions' lending criteria. As stated before, district designation does not oblige owners to restore their buildings to their original design or make costly upgrades. The heritage conservation district plan includes advice on prudent care of buildings for the long-term conservation of the district's historic character.

If Lower Main Street South were designated, under current Town policy, property owners would be eligible for an annual heritage tax rebate amounting to 40 per cent of the municipal and school taxes on their district property.

## **7. Relation of District Designation to other Town Initiatives**

The relation between the heritage conservation district study for Lower Main Street South and other initiatives of the Town was raised.

Aspects of the character of the new buildings envisaged for the Community Centre Lands adjacent to the proposed Lower Main Street South district will be addressed in the heritage conservation district plan. Preservation and enhancement of the views from east of the district, consideration of the topography along the steep riverbank, determination of appropriate building height, and choice of cladding materials are design aspects of importance to the proposed district.

Policies in the heritage conservation district plan that reinforce the objectives of the Town-wide cultural master plan will be identified.

## HERITAGE CONSERVATION DISTRICT STUDY FOR LOWER MAIN STREET SOUTH

### SOME USEFUL QUOTES

#### Designation and Property Values

“C Designation of properties under the Ontario Heritage Act does not in itself have any demonstrable negative effect on the performance of those properties. C There is, in fact, a positive correlation between designation and an enhancement in the rate of increase in property values when measured against the average trend in property values within a given community. C There is a distinct and generally robust market in designated heritage properties which is demonstrated by the facts that: a) they generally perform well in the market; b) the rate of sale among designated properties is as good or better than the ambient market trends; and c) that the values of heritage properties tend to be resistant to down-turns in the general market.” – *Robert Shipley and Shannon Bernstein, “Report on Research Concerning Trends in Property Values of Designated Heritage Properties In Several Ontario Communities, “ December 1998*

#### Designation and Property Insurance

“Insurers are not necessarily afraid of a heritage designated location. They are more concerned with the actual physical condition (wiring/plumbing/heating and general overall repair).” – *Ann Treusch, Commercial Account Executive, Cowan Insurance Brokers Limited, Kitchener, May 2005*

#### Living in a Heritage Conservation District

“[Without district designation,] the village would not be as it exists today, which is reflective of the way it existed in the 1800s – that there are still a lot of large lots, the homes are small, there are additions but the additions are compatible and sympathetic with the original structure and they’re done in such a way that it doesn’t look like you’ve got a six or five thousand or four thousand square foot house.” – *Jim Holmes, Meadowdale Village Heritage Conservation District, Mississauga, May 2006*

“We are very, very happy that we are a heritage designated district in that it has given us some leverage in maintaining the homes, the style of homes, stopping the tearing down of smaller homes which there is a lot of in this village for monster homes, and we are very proud of that. ... Newcomers to the village have bought here partly because of the heritage district designation.” – *Harry Blackburn, Churchville Heritage Conservation District, Brampton, June 2006*

“ ... the thing that the people in the neighbourhood like is that they know that someone’s not going to tear the house next door to them down and build one big monster like they’ve done in other areas.” – *Peggy Kurtin, Cabbagetown Heritage Conservation Districts, Toronto, September 2006*

“ ... we feel we’ve come up with a solution that preserves the character of this old neighbourhood and many of its older buildings without being overly restrictive to each of us. I have to say that many of us since designation have spent a fair bit of money on our homes and have had a lot of help from the City of Mississauga in choosing the right materials.” – *Jim Danahy, Old Port Credit Village Heritage Conservation District, Mississauga, July 2006*