

THE MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT

**MOUNT JOY
MARKHAM VILLAGE
VINEGAR HILL**

VOLUME 4

**IMPLEMENTATION
PROCESS**

Prepared For:
Town of Markham

Prepared by:
Project Planning Limited

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1. INTRODUCTION

The designation of a heritage conservation district ensures that a particular area, in this case Markham Village – is conserved in terms of its historic and architectural quality. The Design Guidelines establish what changes may occur to allow growth and development, yet with these changes remaining in the character and context of the heritage area. A heritage district, however, benefits all the people of a community (and visitors) not just the residents of the district. In this regard, while controls must be created to safeguard the heritage character of the area, they should not penalize the residents of the district.

WHAT IS A HERITAGE PERMIT

Approval from the Town with respect to the exterior (architectural features) of a building located within the District, may take the form of a recommendation from Heritage Markham, once adopted by Council, or a Heritage Permit form signed by the Heritage Co-ordinator, effective upon Council adoption of a consent agenda.

Requirements under the Ontario Heritage Act, do not supersede any other municipal requirements or legislation.

The objective in setting up the permit application process for the Markham Village Heritage Conservation District was then to create a system that best met the needs of both property owner and municipality.

"Once a heritage conservation designation by-law comes into force, no person, including the municipality, can erect, demolish or remove any building or structure without a permit issued by the council of the municipality. A permit is also required for the alteration of the external portion of any building or structure." (Ontario Heritage Guidelines p.23).

This volume of the Markham Village Heritage Conservation District Study explains in a step-by-step method, the permit application process for property owners within the district. Also included, is information relevant to obtaining financial assistance for building renovations.

The "Design Guidelines" established the parameters within which modifications, additions and demolitions may take place. However, the method by which the guidelines are implemented is crucial to the success of the heritage district. This implementation process must be clear, concise and readily available to all persons who wish to know.

Information on financial assistance in the form of government loans and grants must likewise also be available.

It should be noted that the permit application process is a means for the municipality to assess proposed changes and whether these will:

"...beneficially or detrimentally affect heritage features. These effects may be direct or indirect in their impacts." (Heritage Guidelines p.22)

Thus, for example, if a property owner wants to make an addition to the house in the form of a garage, or paint the exterior a different colour, this would be subject to approval through a permit issued under the Heritage Conservation District By-law.

However, it is important to note that:

"...the (heritage) permit application process does not control land use..." (Heritage Guidelines p.22) and that a heritage permit may be required in conjunction with other municipal permits or approvals.

For example, an owner who wished to change his/her residence to a commercial use would be subject to the policies of the Official Plan and/or zoning by-laws, not the guidelines in the Heritage Conservation District Plan. Also, an addition to a building located in the District may require a Building Permit and Site Plan Approval in addition to a Heritage Permit.

2. THE PERMIT APPLICATION PROCESS

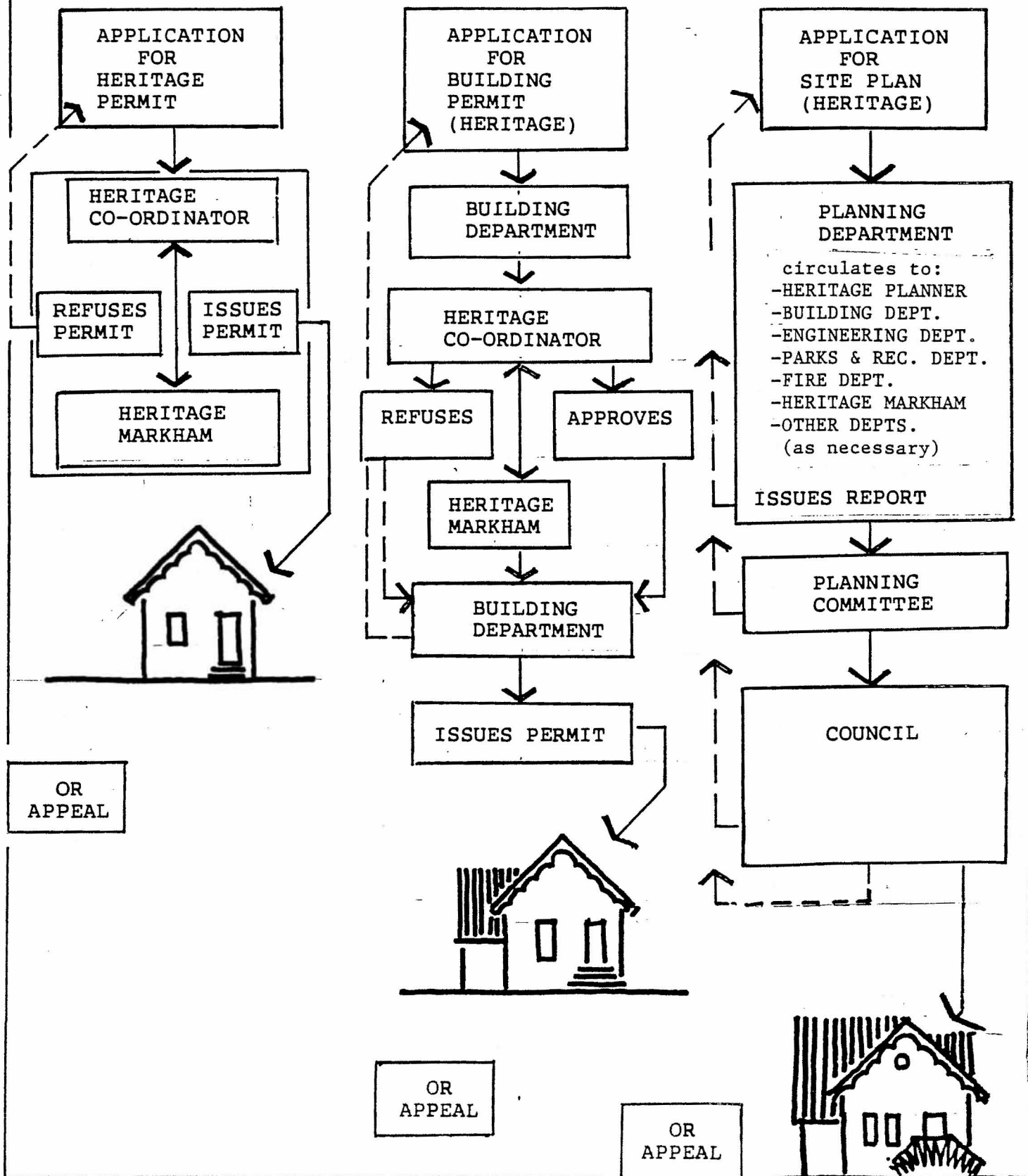
In order for a person within the Heritage District to make any external change to his/her property it must be approved by the municipality. The municipal process can be simplified into three processes to obtain a permit.

Essentially, the application and approval process varies with the magnitude of the change requested. Approval to paint the house, for example, should be received in most cases almost immediately, whereas a request to build more than a 50 square metres addition would require Site Plan approval.

The first process is the Heritage Permit Application which has been set up to streamline and minimize the time and effort needed by the resident to gain this approval. At the same time ensuring that usual controls and safeguards will be maintained. This is only used when no other permits are required.

The second process identified involves the issuance of a Building Permit in conjunction with a Heritage Permit. This process usually occurs for proposals which are minor but involve structural changes and therefore require compliance to the Building Code.

FIGURE 1 PERMIT APPLICATION PROCESS (SIMPLIFIED)



The third process identified, involves large scale development which require Site Plan Approval. This involves building proposals greater than 50 square metres.

The three different routes to obtain approval for an external property change within the Heritage District are explained in the following sections and applicable flow diagrams.

It should be noted that in all instances, if the person requesting the change does not obtain the approvals he/she requested, then an appeal may be lodged with the Ontario Municipal Board. A deputation to Heritage Markham, Heritage Race and Ethnocultural Equity Committee or Council may be arranged.

The three different routes are:

1. Route A – Town/staff authorization
2. Route B – Applications requiring Heritage and Building Permits.
3. Route C – Site Plan Approval

Fees:

There will be no fee for a Heritage Permit. A graduated fee schedule will be adopted for Site Plan Control Applications. Fees are applicable for building permits.

3. HERITAGE PERMIT (for minor external modifications only)

The following list identifies some of the types of modifications which require a Heritage Permit. This list is not complete and **any undertaking contemplated in the District should be discussed with the Heritage Co-ordinator.**

- changing paint colour of exterior
- replacement of roofing providing no structural changes
- minor alterations to exterior which do not require structural changes.
- fences

The permit application process may be subject to a Building Permit through the Building Department. Applicants are requested to confirm their renovation plans with the Building Department. It should be noted that a Heritage Permit does not supersede the requirements of the Ontario Building Code Act, Municipal Act or Planning Act.

The procedure to be followed is:

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|--------------------------|-----|--|
| Applicant | 1.1 | Reviews proposal with Heritage Co-ordinator |
| | 1.2 | Confirms with Building Department whether Building Permit is required |
| | 1.3 | Obtain forms, instructions and guidelines |
| | 1.4 | Files formal application |
| | | |
| Heritage
Co-ordinator | 2.1 | Reviews application and either: <ol style="list-style-type: none"> a) issues permit b) refuses permit, or c) circulates to Heritage Markham and/or other municipal departments for their consideration. After receiving comments the Heritage Co-ordinator either: <ol style="list-style-type: none"> i) issues permit, or ii) refuses permit. |
| | 2.2 | In cases where a permit is refused, the applicant may launch an appeal to Council and/or the Ontario Municipal Board. |
| | 2.3 | The Heritage Co-ordinator will provide a summary of the decisions in the form of a consent agenda for Heritage Markham's information and Council approval. |

4. **BUILDING PERMIT** (Heritage)

This procedure is essentially the same as for any building permit application, with the Heritage Co-ordinator simply being a commenting agency on the Building Permit circulation. For example, additions, demolitions or structural changes to the following are covered by this permit:

- porches
- verandas
- chimneys
- pools and enclosures
- signs
- structural repairs/modification (e.g. replacing a column or wall as it affects the exterior)
- addition of less than 50 square metres
- new construction less than 50 square metres

The procedure to be followed is:

- | | | |
|-----------------------|-----|---|
| Applicant | 1.1 | Applies to the Building Department and completes necessary forms. |
| Building Department | 2.1 | Circulates application to the Heritage Co-ordinator. |
| Heritage Co-ordinator | 3.1 | May discuss proposal with applicant |
| | 3.2 | Reviews application and either: <ul style="list-style-type: none"> (a) approves and returns application to Building Department, (b) refuses and returns application to Building Department with comments, or (c) circulates application to Heritage Markham. After receiving comments, the Heritage Co-ordinator either: <ul style="list-style-type: none"> i) approves and returns application to Building Department, ii) refuses and returns application to Building Department with comments. |
| | 3.3 | If the Building Permit is not circulated to Heritage Markham for comments, the Heritage Co-ordinator will provide a summary of the decisions in the form of a consent agenda for Heritage Markham's information. |
| Building Department | 4.1 | Makes decision regarding application and informs applicant of same. |

5. SITE PLAN APPROVAL PROCESS (Heritage)

This is the current approval process required by the Town of Markham with respect to properties within the Heritage District, and applies to:

- a) Any construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in clause (a) of paragraph 95 of Section 210 of the Municipal Act or of sites for the location of three or more mobile homes as defined in clause 45(1) of the Planning Act, 1983.

- b) An addition or alteration to a building or structure:
1. which has a floor area greater than:
 - i) fifty (50) square metres;
 - ii) 10% of the gross floor area of the said building or structure; whichever is the lesser

OR

2. which changes the use category of the existing building or structure.

The procedure to be followed is:

(this has been revised - see staff)

- Applicant
- 1.1 Obtains forms, instructions and guidelines.
 - 1.2 Reviews proposed development with the Planning Department. Applicant may wish to consult with both the Heritage Planner and the Heritage Co-ordinator.
 - 1.3 Files a formal application.

Planning

- Department
- 2.1 Open file.
 - 2.2 Checks application and acknowledges it.
 - 2.3 Circulates application to appropriate departments & agencies including Parks and Recreation, Building, Engineering, Fire Department and Heritage Markham for comment.
 - 2.4 Reviews & analyzes comments.
 - 2.5 If proposal is minor, the application is taken through Minor Applications Committee. The process then resumes at step 5.2.
 - 2.6 Prepares report including recommendations to Planning Committee.
 - 2.7 Report is available to applicant on the day of Planning Committee Meeting.

Planning

- Committee
- 3.1 Considers staff report. Applicant may make presentation to Committee.
 - 3.2 Makes recommendations to Council.

Council

- 4.1 Considers recommendations by Planning Committee.
- 4.2 Decision by Council
A deputation to Council may be arranged with the Clerks Department by the applicant.

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| Planning | 5.1 Applicant is advised of revisions and changes to the drawings and text for resubmission to the Town. |
| | 5.2 Final drawings and a reduction are submitted for final circulation and for inclusion in the Site Plan Agreement. |
| | 5.3 Applicant receives final agreement for execution (i.e. signature). |
| | |
| Admin. | 6.1 Applicant may request review of <u>any</u> clause in the agreement by the Administrative Committee of Council. |
| | 6.2 The executed agreement received from the applicant, is checked and executed by the Town. |
| | 6.3 Building permit is issued by the Building Department. |

There is also a streamlined site plan approval process (Minor Site Plan Approval Committee). The process is similar to the normal procedure with the exception that a report is not prepared and the application is reviewed by the Minor Applications Committee. This process is used for applications which are non-contentious and relatively minor in nature.

6. EXEMPTIONS:

The Heritage Permit application process will not be required for the following:-

- any interior work except structural repairs that affect the external appearance;
- repair of broken window panes;
- weatherstripping;
- masonry repointing;
- eavestrough repair;
- roof repair;
- chimney repair;
- fence repair;
- backyard patios, garden and tool sheds, gazebos, dog houses and other small outbuildings in the backyard that are not readily visible from the street.

7. OTHER COORDINATING PROCEDURES

In addition to heritage permit applications, all matters relating to the official plan, zoning, site plan control, severances, variances, demolitions, etc. within the boundary of the Heritage Conservation District will be submitted to Heritage Markham.

Furthermore, all municipal and public works, such as street improvements, utility locations, lights, signs, landscaping embellishments, etc. and including all activities of the provincial and federal governments in the district, will require review by Heritage Markham. Notwithstanding any of the above, and in addition thereto, applications under the Planning Act, Municipal Act, The Ontario Building Code and other statutes, and under any of the by-laws and regulations of the Town of Markham, are still required to be submitted and are subject to the normal processes or review and approval and appeal.

Review of Plan:

The Heritage Conservation District Plan will be reviewed by staff on an annual basis.

Amendments To The Plan:

The policies and guidelines of this plan may be amended only by by-law after consultation, plan circulation and a public meeting. The other parts of the plan, including the schedules and appendices, as well as minor administrative amendments, may be amended by a resolution of Council upon the recommendation of Heritage Markham.

Public Meetings:

Public meetings may be held by the Heritage Race Ethnocultural Equity Committee or Heritage Markham on matters of sufficient importance or public interest.

Co-ordination:

The Heritage Co-ordinator, assisted by the Heritage Planner and reporting to the Planning Director, will be responsible for co-ordinating the implementation of the plan.

Enforcement:

The Town of Markham will enforce the plan through Section 69 of the Ontario Heritage Act, Section 66 of the Planning Act and Section 321 of the Municipal Act.

Other by-laws:

The zoning and sign by-laws will be reviewed in order to achieve the objectives of this plan. The Town of Markham will consider preserving significant buildings through the relaxation of zoning requirements, where appropriate. A tree by-law for the preservation and regulation of planting of trees in the public right of way will be considered.

8. FINANCIAL ASSISTANCE

Through the designation of a Heritage Conservation District, the municipality and the province have recognised the importance of the area in terms of its architecture and heritage. To assist in the preservation of the built heritage, both the municipality and the province have created financial assistance programs.

8.1 Town of Markham

The Town of Markham has established a municipal Heritage Fund in the amount of \$200,000 for the purpose of promoting the repair, restoration or reconstruction of existing or original external physical elements of designated heritage structures. The Heritage Fund is used for the making of loans to owners of property under the terms and conditions as described below:

1. That a property to be eligible for a loan from the Heritage Fund must be one that has been designated by a by-law passed by the Council of the Town of Markham under Part IV or Part V of The Ontario Heritage Act to be of historical and/or architectural value or interest in accordance with Section 29 of The Act;
2. That the loan shall only be used for the repair, restoration or reconstruction of existing or original external physical elements of the building in a historically accurate and authentic manner which may include hidden structural work if it relates to and affects the integrity of the heritage character of the details of the exterior, or for the relocation of a designated building which is to be demolished;
3. That short term maintenance of a building shall not be eligible for a loan from the Heritage Fund;

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Contact Heritage Section staff or
Visit www.markham.ca (heritage conservation section)

4. That the loan in an amount not to exceed \$15,000.00 be repayable over a period not to exceed five (5) years, and that interest be calculated at a rate five (5) percentage points below the bank prime interest rate, and the loan plus interest be added to the collectors roll and collected in the same manner as municipal taxes, and, until payment thereof, shall be a lien or charge upon the land in respect of which the loan was made;
5. That the loan plus interest shall become immediately due and payable should the property be sold by the owner to which the loan was made, except in the event of the death of the owner, the loan plus interest will not become due and payable if the property is bequeathed to the spouse of the owner or his or her son or daughter;
6. That a property for which the owner is to be given a loan from the Heritage Fund must be one for which the proposed repairs, restoration, reconstruction, or relocation has been reviewed by the Local Architectural Conservation Advisory Committee and recommended as being suitable for a loan from the fund, and that it is reasonably certain that the existing use of the property will be continued;
7. That all applications for a loan shall be submitted to the Town Clerk who shall forward same to the Local Architectural Conservation Advisory Committee and Building Director for review and report to Council;
8. That the final decision to approve an application for a loan from the Heritage Fund shall be made by Council on the recommendation of the Local Architectural Conservation Advisory Committee.

8.2 Province of Ontario

The Province of Ontario "in response to the demand for programs to encourage architectural conservation" has established through the Ministry of Culture and Communications (MCC) a program entitled "Preserving Ontario's Architecture". This currently includes four grants.

It should be noted that these programs of financial assistance from the Province are valid as of November 1989, however, the latest information should be obtained through the Heritage Co-ordinator, Town of Markham, or directly from the Ministry of Culture and Communications.

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1. Designated Property Grant

This assists property owners in the conservation of properties designated under the Ontario Heritage Act. The program is administered by the municipality, and provides funding to a maximum of \$3000 per property per year.

All properties within a Heritage Conservation District are technically applicable for a grant although only those properties identified as Type A will normally be considered.

Types of Projects:

Designated Property Grants provide assistance for work that conserves or restores the heritage elements of the property. Eligible work might include:

- conservation or significant architectural features such as doors, windows, decorative trim, cupolas and chimneys and so on;
- conservation or renewal of original siding and roofing materials;
- work necessary to restore the structural soundness of the building;
- restoration of significant features which are no longer present but for which the appearance is clearly documented.

Work such as routine maintenance, landscaping, modern additions and other projects that do not improve the heritage aspects of the property are not eligible.

In order to obtain such a grant, the property owner applies to the municipality prior to starting the project. The municipality ensures that the proposed project meets the eligibility guidelines published by the Ministry and that the work carried out appropriately conserves or restores the heritage aspects of the property. When the project is completed, inspected and approved, the municipality pays the grant to the owner.

2. Revolving Heritage Funds

The Town of Markham does not currently possess a Revolving Heritage Fund.

3. Conservation District Funds

Once the Heritage Conservation District plan is approved, the municipality may apply for funds for the implementation of projects arising from the district plan. The locally established Fund is to be used for the conservation or restoration of the exterior of heritage buildings and public areas in the district. At least half of the Fund is to be applied to private properties.

The municipality administers this Fund and ensures that the projects are eligible and consistent with good conservation practice.

4. Commercial Rehabilitation Grants

Commercial Rehabilitation Grants provide funding for the conservation of privately-owned commercial and industrial buildings that have been designated by municipalities under the Ontario Heritage Act. To be eligible for a grant, a building must have been constructed for commercial or industrial purposes, or have been in such use for at least 50 years. Its proposed use must also be commercial or industrial, at least in part, or residential if the building contains three or more dwelling units.

Grants are awarded up to a maximum of 50 per cent of eligible heritage costs, and are administered by the Ministry of Citizenship and Culture. The maximum grant is \$150,000. Each project must involve a minimum expenditure of \$15,000 on eligible heritage work.

Any work that conserves or enhances the historic fabric of a building is eligible for grant assistance. The major thrusts of this work should be to ensure that structural stability of the buildings, to keep it weathertight and to conserve its heritage value. Eligible heritage work would include, for instance:

- conservation/repair of walls, roofs or foundations
- structural repairs
- restoration of original roofing or siding materials
- replacement of restoration or original doors, windows or decorative trim
- replacement or restoration of other historically documented elements.

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