

# Ontario Land Tribunal

Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** September 13, 2024

**CASE NO(S):** OLT-22-004705

**PROCEEDING COMMENCED UNDER** subsection 41(4) of the *Ontario Heritage Act*,  
R.S.O. 1990, c. O.18, as amended

Appellant:	2477454 Ontario Inc.
Subject:	Objection to By-law designating the Wellington Heritage Conservation District
Reference Number:	By-law No. 159-2022
Location:	Part of the Community of Wellington
Municipality/Upper Tier:	Prince Edward County
OLT Case No.:	OLT-22-004705
OLT Lead Case No.:	OLT-22-004705
OLT Case Name:	2477454 Ontario Inc. v. Prince Edward (County)

**Heard:** April 22, 2024, by video hearing

## APPEARANCES:

### Parties

2477454 Ontario Inc.

County of Prince Edward

### Counsel

M. Helfand  
M. Barrett, *in absentia*

J. Savini

**DECISION DELIVERED BY A. SAUVE AND ORDER OF THE TRIBUNAL**

---

[Link to the Order](#)

## INTRODUCTION

[1] This Settlement Conference was convened for the appeal of 2477454 Ontario Inc. (“Appellant”) to By-law No. 159-2022 of the County of Prince Edward (“PEC”) from adopting the Wellington Heritage Conservation District Plan (“WHCD”). The Parties have participated in Tribunal led mediation and reached a potential settlement. The Parties drafted Minutes of Settlement and are asking the Tribunal to allow the appeal in part.

[2] The WHCD was prepared in August 2022 and was adopted by council, pursuant to By-law No. 152-2022, on September 20, 2022.

[3] The Appellant owns property within the WHCD zone and objected to some of the site-specific policies and guidelines, not the WHCD as a whole.

[4] The Tribunal’s Decision relies on the uncontested heritage and planning evidence presented in support of the settlement. The Tribunal qualified Dr. Carl Bray, a landscape architect and heritage planner, to provide opinion evidence in heritage planning. Dr. Bray had authored the WHCD and participated in the mediation process that led to the Minutes of Settlement. Dr. Bray provided a thorough overview of the purpose and effect of the WHCD, including the modifications to the wording, policies and guidelines that resolved the appeal. Dr. Bray opined that the modifications help to differentiate between the newer commercial areas and older commercial areas and adds more preciseness to the details in different characteristics of the neighbourhood. Dr. Bray further opined that the modifications to the WHCD satisfy all of the statutory heritage conservation requirements under the *Ontario Heritage Act* (“OHA”) and the *Planning Act* (“Act”)

[5] The Tribunal also qualified Michael Michaud, the Manager of Planning for PEC, to provide opinion evidence in land use planning. Mr. Michaud prepared a staff report recommending the adoption of the WHCD and participated in the mediation process. Mr. Michaud opined that the proposed modifications meet the objectives and intent of the OHA

and the policies in the Official Plan (“OP”) and Secondary Plan (“SP”), represent good planning, and meet the intent of the Provincial Policy Statement.

[6] The following documents were made Exhibits at this Hearing:

1. Affidavit of Dr. Bray
2. Affidavit of Michael Michaud
3. Acknowledgment of Expert Duty for Michael Michaud
4. Draft Order

[7] Based on the uncontested opinion evidence in support of the settlement the Tribunal summarizes its findings below.

[8] The WHCD is the second and final component of the Heritage Conservation District planning process for the municipality, a process that began with the completion of the WHCD Study (“Study”) which commenced in July 2019. The Study determined that the Wellington downtown core area met the Province’s criteria for designation as a Heritage Conservation District. Council adopted the Study on May 11, 2021 and directed staff to proceed with the preparation of the WHCD.

[9] The downtown core of Wellington had been identified as a priority for conservation in the OP and the Wellington SP due to it containing one of the highest concentrations of historic buildings and cultural landscapes in the County. The possibility of an HCD here was originally brought forward by an association of commercial property owners and tenants in response to new development and concerns about demolitions. The OP also identifies this area as a priority for conservation, and other County policies promoting sustainability, cultural planning and tourism all support this goal.

[10] The modifications to the WHCD helps to differentiate between the newer commercial areas and older commercial areas to allow for an evolved land use pattern. The modifications also add more precise detail in the different characteristics in the neighbourhood and creates a distinction for new properties that are either contributing or non contributing to the character of the district.

[11] On the uncontested evidence of the qualified witnesses, the Tribunal finds that the WHCD and the modifications:

- satisfy the OHA's requirements, including identifying the cultural heritage values and attributes, listing the objectives, and articulating policies and procedures for conserving heritage;
- have regard for s. 2 of the Act, including subsections:
  - (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
  - (r) the promotion of built form that ... (ii) encourages a sense of place;
- are consistent with the Provincial Policy Statement, 2020, including policies:
  - 1.1.2 accommodate an appropriate range and mix of land uses to meet projected needs ...
  - 1.7.1 e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
  - 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- conforms with the OP and Secondary Plan



- and thus, constitute good planning in the public interest.

[12] Having considered the related decisions of City Council contained in the Exhibits, and having found that the WHCD and the modifications satisfy all legislative requirements, the Tribunal endorses the modifications which resolve the appeal, and approves the WHCD and the modifications as attached to this Decision and subject to the Order below.

## **ORDER**

[13] **The Tribunal orders that** the appeal of 2477454 Ontario Inc. from a decision of the Council of the County of Prince Edward to pass By-law No. 159-2022 that adopted the Wellington Heritage Conservation District Plan and Guidelines is allowed in part and By-law No. 159-2022 is amended and approved as set out at **Attachment 1** to this decision.

[14] The Tribunal authorizes the municipal clerk of the County of Prince Edward to format, as may be necessary, and assign a number to this By-law for record keeping purposes.

[15] Pursuant to Rule 24.3 of the Tribunal's Rules of Practice and Procedure, this Order is effective on April 22, 2024, being the day of the settlement hearing, upon which the proposed amendments to the By-law were presented and considered by the Tribunal.

*"A. Sauve"*

A. Sauve  
Member

## **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

**Attachment 1****BY-LAW NO. 159-2022**

---

**A BY-LAW TO DESIGNATE PART OF THE COMMUNITY OF WELLINGTON AS A  
HERITAGE CONSERVATION DISTRICT IN THE COUNTY OF PRINCE EDWARD**

---

1. **WHEREAS** Section 41(1) of the Ontario Heritage Act, R.S.O. 1990 c.O.18 authorizes the Council of a Municipality to enact By-laws to designate a defined area, including all buildings and structures thereon, as a heritage conservation district;
2. **AND WHEREAS** Council intends to designate portions of the Community of Wellington as defined by this by-law as a heritage conservation district;
3. **AND WHEREAS** Council has adopted a heritage conservation district plan for the district that is designated in the by-law, as required under Section 41.1 (1) of the Ontario Heritage Act, R.S.O. 1990, c.O.18;
4. **AND WHEREAS** Council completed a Study in accordance with Section 40 (1) of the Ontario Heritage Act, R.S.O. 1990, c.O.18. containing the content as required under Section 40 (2) of the Ontario Heritage Act, R.S.O. 1990, c.O.18, and has consulted with its Municipal Heritage Committee as required under Section 40 (3) of the Ontario Heritage Act, R.S.O. 1990, c.O.18 on May 19, 2022;
5. **AND WHEREAS** Council has made available to the public the "Wellington Heritage Conservation District Plan" and held a public meeting on June 23, 2022 with appropriate notice given in accordance with the Act as required by Section 41.1(6) of the Ontario Heritage Act, R.S.O. 1990, c.O.18;
6. **AND WHEREAS** Council has consulted with its Municipal Heritage Committee as required under Section 41.1(6) (c) of the Ontario Heritage Act, R.S.O. 1990, c.O.18;
7. **AND WHEREAS** the Official Plan for the County of Prince Edward contains policies pertaining to the establishment of heritage conservation districts;

**NOW THEREFORE** the Ontario Land Tribunal enacts as follows:

**Section 1.00: Definitions and Interpretation**

- 1.01 **Definitions:** In this by-law,

"County", "County of Prince Edward" or "Prince Edward County" means The Corporation of the County of Prince Edward and includes its entire geographic area;

"County Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "County Council" means the municipal council for the County;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**1.02 Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

**Section 2.00: Designation**

2.01 The area shown on Schedule "A" attached to and forming part of this by-law is designated as a Heritage Conservation District, known as the Wellington Heritage Conservation District.

2.02 The plan shown in Schedule "B" attached to and forming part of this by-law is adopted as a Heritage Conservation District Plan for the Wellington Heritage Conservation District, as amended by the modifications shown in Schedule "C", and is available in the Land Registry Office.

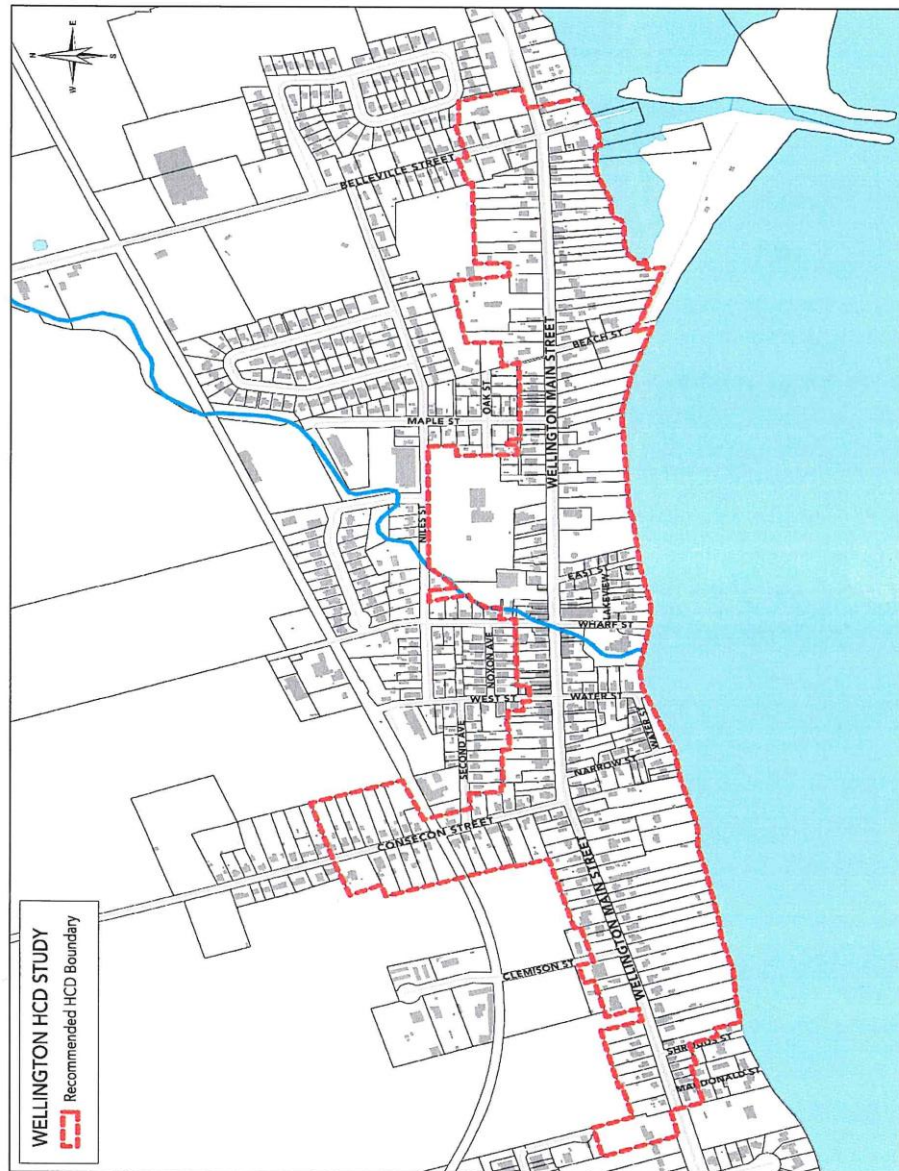
2.03 The County is authorized to cause a copy of this by-law to be registered against all properties located within the heritage conservation district boundaries described above in the proper Land Registry Office.

**Section 3.00: Administration and Effective Date**

3.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.

Motion 2022-410

## SCHEDULE A



**SCHEDULE B**

## Wellington Heritage Conservation District Plan



August 2022

### Final Report

***Prepared for:***

The Corporation of the County of Prince Edward

***Prepared by:***

Bray Heritage

***With:***

Branch Architecture

LHC | Heritage Planning and Archaeology



## TABLE OF CONTENTS

<b>Executive Summary .....</b>	<b>1</b>
Introduction.....	1
Using the Heritage Conservation District Plan.....	2
Frequently Asked Questions About District Designation.....	4
<b>PART A: Conserving and Enhancing District Character .....</b>	<b>6</b>
<b>1. Introduction .....</b>	<b>7</b>
1.1 What is a Heritage Conservation District? .....	7
1.2 Contents of a Heritage Conservation District Plan .....	8
1.3 District Planning Process and Mandate .....	12
1.4 Benefits of Designation.....	13
<b>PART B: Conservation Goals and Objectives .....</b>	<b>16</b>
<b>2. Statement of Objectives .....</b>	<b>17</b>
2.1 Rationale for Designation .....	17
2.2 District Boundary .....	17
2.3 Summary Statement of District's Cultural Heritage Value or Interest (SCHVI).....	19
2.4 Description of Heritage Attributes .....	22
2.5 Designation Goals and Objectives .....	24
<b>PART C: Policies.....</b>	<b>31</b>
<b>3. Conservation and Development Policies .....</b>	<b>32</b>
3.1 Introduction .....	32
3.2 Policies for the District as a Whole .....	33
3.3 Policies for Contributing Properties.....	35
3.4 Policies for Non-contributing Properties.....	36
3.5 Policies for New Development .....	36
3.6 Policies for Landscapes/Streetscapes .....	38
3.7 Policies for District Management and Enhancement.....	39
<b>PART D: Guidelines .....</b>	<b>40</b>
<b>4. Conservation and Development Guidelines.....</b>	<b>41</b>
4.1 Introduction .....	41
4.2 Guiding Principles .....	42
4.3 Applying the Guidelines .....	43

<b>5. Conservation Guidelines for Contributing Properties.....</b>	<b>44</b>
5.1 Introduction .....	44
5.2 Common Building Styles In the District .....	46
5.3 Steps in the Conservation Process.....	53
5.4 Maintenance .....	53
<b>6. Guidelines for Maintenance .....</b>	<b>55</b>
<b>7. Conservation Guidelines for Building Alterations and Additions .....</b>	<b>60</b>
7.1 Introduction .....	60
7.2 General Practices for Alterations and Additions.....	60
7.3 Specific Guidelines for Alterations to Contributing Buildings.....	62
7.4 Specific Guidelines for Alterations/Additions to Non-contributing Properties .....	63
<b>8. Guidelines for New Construction/Infill .....</b>	<b>64</b>
8.1 General .....	64
8.2 Massing.....	64
8.3 Windows .....	64
8.4 Cladding .....	65
8.5 Porches, Verandahs and Balconies.....	65
8.6 Signage .....	65
<b>9. Guidelines for Streetscapes and the Public Realm .....</b>	<b>66</b>
9.1 Introduction .....	66
9.2 Streetscapes .....	66
<b>PART E: Implementation Process .....</b>	<b>69</b>
<b>10. Heritage Management.....</b>	<b>70</b>
10.1 Heritage Permit Applications.....	70
10.2 Municipal Authority for Requiring an “Application for Alteration under the <i>Ontario Heritage Act</i> ”.....	70
<b>APPENDICES.....</b>	<b>80</b>
<b>A. Applicable Provincial Heritage Policies</b>	
<b>B. Monitoring the Plan’s Effectiveness</b>	
<b>C. Risk Management Strategies</b>	
<b>D. Incentive Programs</b>	

cover image credit: “Wellington Main Street Looking East” Pam Carter (copyright Pamela Carter Studio, used by permission)

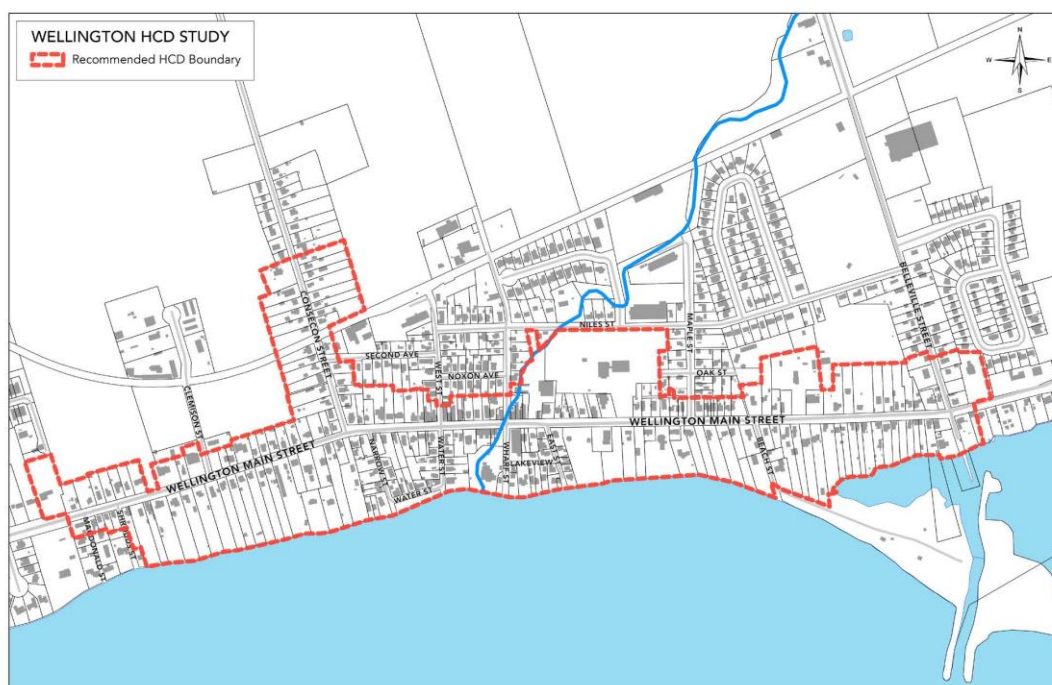
All photos by Carl Bray and Lindsay Reid.

# Executive Summary

(This does not constitute part of the District Plan)

## Introduction

The County of Prince Edward recognizes the economic and social benefits of heritage conservation in enhancing local quality of life and attracting investment. The County's towns, villages and hamlets are heritage assets, appreciated by residents and visitors alike. One of these assets is the historic village of Wellington. It merits recognition and protection. One of the best means of doing so is using the tools of the Ontario Heritage Act. The County has already designated a Heritage Conservation District in Picton and has chosen Wellington as the next place to be considered for a District. After completing a Study to confirm that the village met the Provincial criteria for designation, Council moved forward with designation of a Heritage Conservation District. The final step in this process is the creation of a Heritage Conservation District Plan which, following public consultation, goes to Council for approval.





This document is the Heritage Conservation District Plan. It is designed to help everyone – property owners, tenants, and County staff – to keep and enhance the special qualities of Wellington. The Plan uses the legislation provided in Part V of the Ontario Heritage Act so that the municipality can manage change in ways that highlight the area's distinct character while encouraging compatible development.

The Plan has five 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 which describes the context for the Plan's policies;
- Part C: Conservation and Development Policies, which describes the content of mandatory conservation policies;
- Part D: 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 E: Implementation Process, which sets out the process for regulating change in the District, including heritage permit applications and a list of minor alterations that do not require a heritage permit.

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, including recommendations for future changes to the County's heritage planning policies and procedures.

### Using the Heritage Conservation District Plan

The District Plan focuses on the core of the village. Within this area, the Plan identifies properties that enhance, or contribute to, the heritage character of Wellington. All properties contribute in some way through use of landscaping and modest scale, but some of the post-World War Two development has a suburban character that does not fit well with the predominant village layout and building styles. These non-contributing properties can be considered for rehabilitation or redevelopment. The map below will help you find out how your property is classified.



- For property owners:

- If you want to do maintenance on a contributing property, see guidelines in Sections 5.4 and 6.
- If you want to make an addition or alteration to a contributing property, see guidelines in Section 7.
- If you want to make changes to a non-contributing property, see guidelines in Section 7.4.
- If you want to build a new structure, see guidelines in Section 8.
- If you want to make changes to streets and parks, see guidelines in Section 9.
- If you are looking for the process of applying for a heritage permit, see Section 10.

## Frequently Asked Questions About District Designation

### **What is a Heritage Conservation District (HCD)?**

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* is legislation allowing district designation and codifying an area’s “heritage character” in order to protect the elements that define its character.

### **Why was the core area of Wellington selected for study as a Heritage Conservation District?**

Containing one of the highest concentrations of historic buildings and cultural landscapes in the County, and one of the highest in Wellington, the downtown core has been identified as a priority for conservation in the County’s Official Plan and the Wellington Secondary Plan. The possibility of an HCD here was originally brought forward by the BIA in response to new development and concerns about demolitions. The Official Plan also identifies this area as a priority for conservation, and other County policies promoting sustainability, cultural planning and tourism all support this goal.

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

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

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

Keeping in mind that HCDs are not retroactive and relate only to future work, designation entails a municipal requirement for a heritage permit for any significant change to the public face of your property (i.e. front, sides and roof). Such changes are usually related to planning or building permit applications. 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. This type of heritage protection has not had a negative impact on property values.

**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 County 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 Tool Kit").

The Plan should be read as a whole, however, each section is a discrete document, and the 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 heritage 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 setting that has significant cultural heritage value. Its special character is often a function of the age of its structures, the history of its occupation, and the activities 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 agency primarily responsible for the *Ontario Heritage Act*, 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 Wellington Heritage Conservation District Study (June 2020, Bray Heritage), this area contains a concentration of historic residential, commercial, and institutional buildings and streetscapes that together make it of one of the best-conserved villages in the County. The area has historical associations with early periods of settlement and each stage of the village's evolution since then. 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 1930s, and in Canada since the 1970s. There are currently over 130 HCDs in Ontario. They have proven to be effective ways of conserving and enhancing special places while supporting the everyday lives of residents and visitors. In Picton, the recently designated downtown Heritage Conservation District has shown local residents the ways in which a District can enhance a setting and underpin investment in downtown improvements through a time of significant development.

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 Wellington (as defined in the HCD Plan)

and of the County as a whole, in concert with the Wellington Secondary Plan (May 2015) and Official Plan (July 2021). As one of the first Heritage Conservation Districts to be designated in the County, the Plan should serve as a prototype for similar designation processes that the County 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 Wellington 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 Heritage Conservation District and in concert with the applicable policies and guidelines of the Wellington Secondary Plan.

To support these policies, **guidelines** have been developed to articulate suggested actions or recommendations that are based on best practices in conservation. 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. Adherence to the guidelines is not compulsory, however, guidelines should be applied as appropriate and should be used to consider options for changes to a property that support the conservation and enhancement of the heritage attributes identified in this Plan.



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:** d) for the purposes of cultural heritage, adjacent lands shall refer to those lands adjoining a property on the Heritage Register or in a Heritage Conservation District and lands that are separated from a property on the Heritage Register or in a Heritage Conservation District by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, and/or easement, or an intersection of any of these. (Official Plan 2021)

**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: “(alter) A change in any manner including restoration, renovation, or repair to the heritage attributes of a designated property” (Official Plan 2021). 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.

**Archaeological resources:** Includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon fieldwork undertaken in accordance with the *Ontario Heritage Act* (Official Plan 2021).

**Areas of archaeological potential:** Areas with the likelihood to contain archaeological resources. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The *Ontario Heritage Act* requires archaeological potential to be confirmed through archaeological fieldwork (Official Plan 2021).

**Built heritage resource:** A building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as defined by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers (Official Plan 2021).



**Compatible development:** Compatible development is development that may not necessarily be the same or even similar to existing development, but that nonetheless enhances the character of the existing community and avoids creating any undue, adverse impacts on adjacent properties (Official Plan 2021). For the purposes of this HCD Plan, the Plan policies and guidelines constitute the criteria described in the above definition.

**Conserved:** The identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments (Official Plan 2021).

**Contributing properties:** 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.

**Cultural heritage landscape:** A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their relationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*, villages, parks, gardens, battlefields, Main Street and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance, and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site) (PPS 2014 Official Plan 2021).

**Cultural heritage resources:** Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interests for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. (Growth Plan for the Greater Golden Horseshoe (2017).

**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 (e.g. significant views or vistas to or from a *protected heritage property*). (Provincial Policy Statement, 2020, P. 44-5).

**Maintenance:** Routine, cyclical, non-destructive actions, necessary to slow the deterioration of 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 as a building scale, massing, height, material, proportion and style, elements that are otherwise found in the heritage properties in the District, as defined in the District Plan. They do not support the overall cultural heritage value, character and integrity of the HCD.

**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 (*Standards and Guidelines* 2010).

**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 (*Standards and Guidelines* 2014).

**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 (*Standards and Guidelines* 2014).

### 1.3 District Planning Process and Mandate

Subsection 41.(1) of the *Ontario Heritage Act* (2005) 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)"

In this case, in addition to policy statements in the County's Official Plan, the mandate for designation arises from the issuance by the County of Prince Edward of a proposal for heritage consulting services to prepare a Heritage Conservation District Study for Wellington (RFP 2019-PD-36). Bray Heritage, the team awarded the contract, completed the Study in 2020 and recommended that the County proceed with designation and provided a recommended district boundary. In August 2021, Council approved the recommendation and authorized staff and the consulting team to proceed with preparation of a District Plan. The District Plan 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 Wellington study area as a Heritage Conservation District under Part V of the *Ontario Heritage Act*.

This Plan is based on the research and planning found in the Wellington Heritage Conservation District Study (June 2020). That study included public consultation that met the requirements of Section 41.1 (6) of the *Ontario Heritage Act*: a similar process was used for this HCD Plan. In addition to regular meetings with County staff, and despite interruptions caused by the pandemic, the consultation process took place throughout the preparation of the Plan.

The following is a summary of the community consultation process that meets, or exceeds, the requirements of Section 41.1 of the *Ontario Heritage Act*:

- Bray Heritage and the rest of the consulting team, with County staff, established a Plan steering committee at the beginning of the planning process and met with them soon after (October 5<sup>th</sup>, 2021) and again on March 11<sup>th</sup>, April 27<sup>th</sup>, and May 25<sup>th</sup>, 2022. The committee included local business owners, the local Councillor, a member of PEHAC who is also a County Councillor, a local artist and a local planning and urban design consultant, and the County's Manager of Planning. The purpose of the meetings was to gather local opinions on the content of the Plan and to have the committee act as a liaison with the wider community in identifying issues that the Plan should address. Bray Heritage, Branch Architecture and County staff were also in regular email correspondence with the committee to discuss issues and prepare for meetings with the public and Council committees.
- Two public meetings were held, the first on November 25<sup>th</sup>, 2021 (virtual) and the second, statutory meeting on May 5<sup>th</sup>, 2022 (also virtual). The first

meeting reviewed the HCD Study and introduced the process for designating an HCD, with explanations of the purpose and content of an HCD Plan. The second meeting followed release of the draft HCD Plan (April 8<sup>th</sup>, 2022) and focused on what District designation means for property owners, specifically addressing concerns expressed at the first meeting and online.

- The consultants presented the draft HCD Plan to the Municipal Heritage Committee (PEHAC) on May 19<sup>th</sup>, 2022. They also met in person with the Manager of the County Chamber of Commerce as well as with several property owners who had specific concerns about the affect of the Plan on their properties (May 24<sup>th</sup>, 2022). Both consultants were present to answer questions at a meeting of the Wellington BIA (May 17<sup>th</sup>, 2022). Indigenous groups with an interest in the study area have been contacted and the Mohawk of the Bay of Quinte responded that they wished to be kept informed.

#### HCD Plan Steering Committee

Mike Harper, Councillor

Michael Michaud, Planning

Ernest Margetson, PEHAC

Evan Nash, BIA

Dan Leeming, planner/urban designer

Pam Carter, artist

## 1.4 Benefits of Designation

### Promoting Civic Pride

The “sense of place” generated by Wellington 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 the term found often used in heritage planning, are precious and deserve ongoing good stewardship. Numerous comments from both new and long-time residents support this idea and reinforce the community spirit that is evident in many community-led initiatives. 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 building demolitions, large scale adjacent development, 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 Section 29 Part IV of the *Ontario Heritage Act*, Wellington’s cultural heritage resources are not fully protected by the current heritage policies in the County’s Official Plan or Zoning By-law. The recently updated *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*. When used in concert with the land use policies of the Wellington Secondary Plan (as the intent of the *Ontario Heritage Act* is conservation, protection and



*preservation*), an HCD Plan identifies and manages cultural heritage resources not otherwise addressed by the Secondary Plan.

### **Encouraging Compatible Growth**

Heritage conservation district designation is not necessarily, as the term may seem to imply, a device for preserving – in other words limiting change – in 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. Places can change for the worse, sometimes before people realize it is too late. 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, augmenting the more general land use policies of the Wellington Secondary Plan. 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 County 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 Wellington 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 mix of residential, institutional, and commercial land uses now present, and the potential effect 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 sufficient to allow change that conserves and enhances Wellington's heritage character (as defined in this Plan), 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 best practices for the conservation of cultural heritage resources. As demonstrated in successful downtown HCDs in Picton, as well as in Lindsay, 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. Decisions about change rest with Council and are based on clear policies and guidelines within the HCD Plan.

**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 such designations. Foremost is the need to ensure that designation does not turn the proposed District into a place that caters primarily to tourists but rather that the District continues to provide a range of convenient commercial and institutional services for its residents, in this case, informed and determined by the policies of the Wellington Secondary Plan. This has been an ongoing problem in communities where a focus on promoting tourism has resulted in a downtown commercial area that is no longer a typical main street offering a wide variety of retail stores that meet the needs of local residents. By contrast, towns such as Perth and Cobourg have accommodated tourism while managing to retain and enhance the retail mix within their downtown HCDs. They did so by working closely with their Business Improvement Associations, Council, and municipal economic development departments to balance local needs with those of visitors.

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. The Wellington Heritage Conservation District includes the core of the village's downtown and already provides areas of surface parking and good access. However, as demand increases, and with the anticipated impact of the development envisioned by the Secondary Plan, there will need to be plans that provide sufficient parking and access while conserving and enhancing the heritage attributes 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 and are addressed in the Wellington Secondary Plan.

Finally, it is imperative that the HCD Plan works in tandem with the local official plan and the Wellington Secondary Plan (scheduled for review). The village is identified in the newly adopted County Official Plan as an Urban Growth Area, meaning that expansion to the north may ultimately triple the current village population. The impact of that expansion in terms of added population and expanded infrastructure is a key issue in the conservation of Wellington's cultural heritage resources. These land use issues are the purview of the Wellington Secondary Plan and should be addressed in any proposals for development within the Heritage Conservation District. However, the *Ontario Heritage Act* allows for modifications to the municipal Property Standards by-law to ensure the conservation of the HCD's identified cultural heritage resources and heritage attributes.

## PART B: Conservation Goals and Objectives



## 2. Statement of Objectives

### 2.1 Rationale for Designation

It should be made clear that designation does not entail freezing the District in time. Rather, designation is a form of change management that allows communities to control the rate and type of change within the District in concert with the applicable policies of the Wellington Secondary Plan. With this definition in mind, the rationale for designation can be summarized as follows:

- The Wellington Study area, as a whole and including the sub-areas identified in the HCD Study, has a significant heritage character as found in its built heritage resources, cultural landscapes, areas of archaeological potential, and associations with important people and events in the history of the village and of Prince Edward County.
- The inventory and evaluation of the Study area have shown that these cultural heritage resources merit conservation.
- The Study area shows evidence of the major stages of its evolution from the village's inception to the present.
- Provincial and municipal planning policies require conservation of significant cultural heritage resources.
- As shown in the policies of the Wellington Secondary Plan, the Study area has potential for intensification and redevelopment that could affect the cultural heritage resources unless conservation policies and guidelines are in place.
- There appears to be public support for designation.
- The Study area is a popular tourist destination and designation would support the Provincial and municipal policies for economic development and heritage conservation.
- District designation, in concert with other municipal planning tools (such as, in this case, the Official Plan and Wellington Secondary Plan), has proven to be one of the best policy tools available to Ontario municipalities for meeting their conservation goals and objectives.

### 2.2 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; and
- Legal or planning factors.

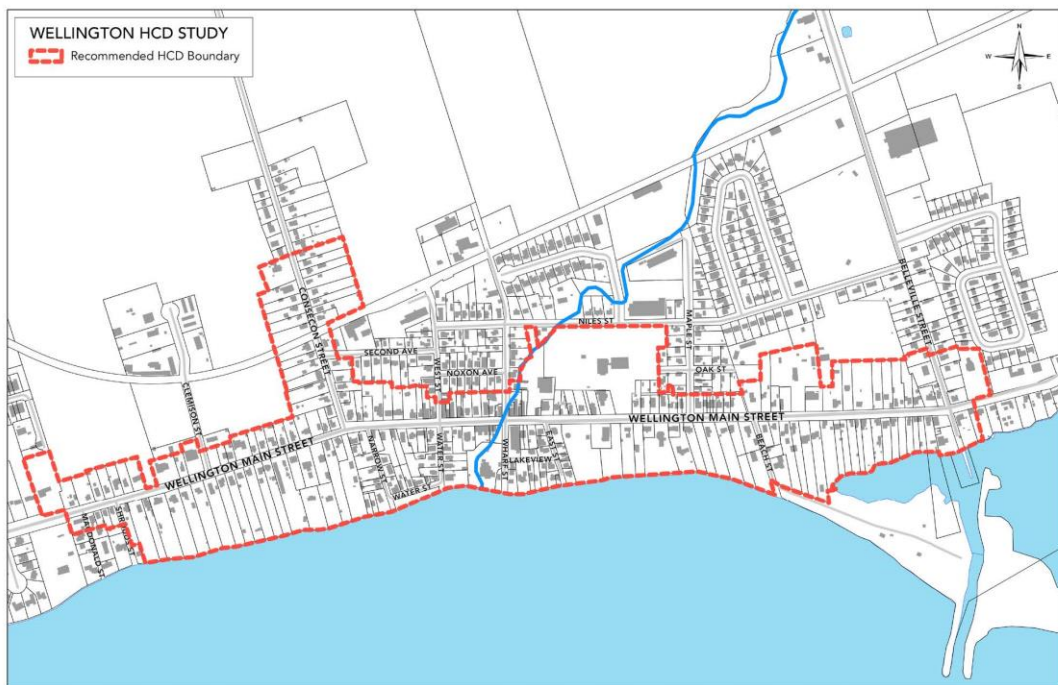
The proposed boundary addresses the Provincial criteria for boundary delineation as follows:

- Historic factors: incorporates the key physical components that represent the area's evolution;



- Visual factors: includes the key architectural styles and elements, landscapes and view corridors;
- Physical factors: uses major changes in land use, topography, access and building type to define its edges; and,
- Legal or planning factors: follows the general boundaries of early village as aligned along Main Street and is confined to lands owned municipally or in private hands.

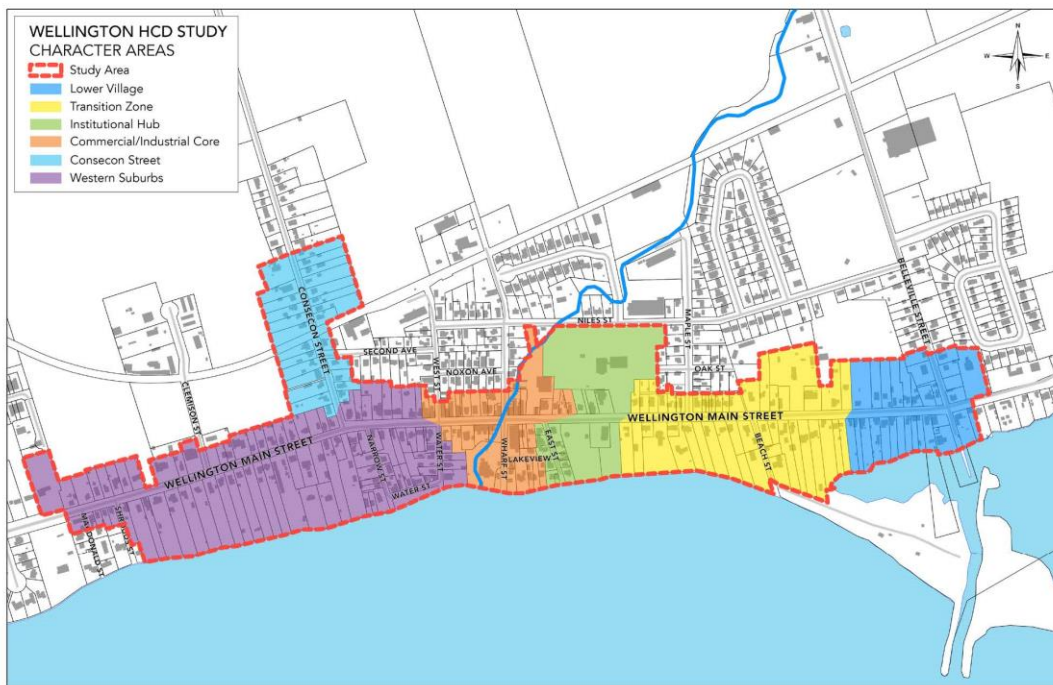
The recommended boundary meets the goals set out by the County in the Request for Proposal while addressing comments from local residents and reflecting the results of research undertaken during this Study. It also allows the policies and guidelines of the Heritage Conservation District Plan to prevail when applied to the rear portions of the properties flanking the streets within the study area. Development adjacent to the District boundary behind the buildings lining the streets within the boundary will be subject to the policies and guidelines of this Plan as they apply to the conservation of the heritage attributes of the District.



*District boundary*

## 2.3 Summary Statement of District's Cultural Heritage Value or Interest (SCHVI)

This SCHVI is in two parts. The first describes the cultural heritage value of the District as a whole while the second describes the cultural heritage values of the sub-areas (termed “character areas” for the purposes of this Plan) that collectively comprise the District and whose heritage character supports the cultural heritage values of the entire District. Character areas, as defined in the HCD Study and used in this Plan, are simply frameworks for describing the attributes of each sub-area in the District. They do not direct land use since those policies are found within the Wellington Secondary Plan (and land use is not within the purview of the *Ontario Heritage Act*). The District's heritage attributes have been described in the HCD Study (and are repeated here) and include the enduring physical and associative patterns of development that, collectively, define the District's heritage character and cultural heritage value.



Character areas

**Whole District**

The area's heritage value lies both in its collection of individually important properties and in its combination of these resources within a compact village form. The area has value because of properties that represent each stage of the village's development, because the area is relatively homogeneous, and because it offers examples of buildings and streetscapes that are significant within the village and the County. Overall, the District's heritage value lies in its collection of significant heritage properties and in its concentration of material and associative cultural heritage resources that are integral to the village's identity.

**Lower Village**

This sub-area retains key components of the first phase of the village's settlement, including the wharf and early buildings such as Tara Hall, the former Murphy House hotel and early worker's dwellings. It has heritage value because of these and other structures from the first half of the 19<sup>th</sup> century. The area's overall heritage value lies in its collection of individually important properties, in their original locations.

The Lower Village sub-area extends westward approximately from Nos. 147 to 177 Main Street (south side) and Nos. 146 to 176 (north side) and northwards approximately to No. 41 Belleville Street (east side) and No. 46 Belleville Street (west side).

**Transition Zone**

This large sub-area contains properties subdivided from lands originally owned by two prominent local families, the Reynolds and the Dorlands. By developing slowly over many years, is the most eclectic within the study area. Besides these important associations, it has heritage value for its variety of buildings and landscapes, from the large grounds of No. 192 and the deep rear yards on properties at the west end of West Lake to homes for summer visitors as well as local residents, in several styles, sizes and materials. Its overall heritage value is in development that represents various types of residential infill over many years, made harmonious by a continuous tree canopy along Main Street.

The Transition Zone sub-area extends westward approximately from Nos. 178 to 236 Main Street (north side) and Nos. 179 to 239 Main Street (south side).

**Institutional Hub**

This small sub-area contains the school, library, post office, Town Hall, public park and market at the church parking lot, and two churches. Its heritage value lies in this concentration of public land uses within the centre of the village. The library is located on the site of what was the largest hotel and tourist resort in Wellington. Overall, this sub-area's heritage value is its concentration of institutional properties that collectively create a hub of daily community activity.

The Institutional Hub sub-area extends westward approximately from Nos. 240 to 250 Main Street (north side) and Nos. 245 to 261 Main Street (south side) and including the properties on both sides of East Street.

### **Commercial/Industrial Core**

This sub-area occupies the important part of the village that includes both the main commercial district and the former industrial properties, as well as the former site of the main commercial wharf. The heritage value of this area lies in its associations with the creation of the Upper Village centred on Lane Creek and focusing on the Lake Ontario shoreline west of West Lake. Here are the village shops and services as well as the cultural and entertainment district of museum, theatre, restaurants, bars and hotel. The museum is associated with its original use as a Quaker meeting house and with Quaker history in the village and area. Overall, the heritage value of this sub-area lies in its evolved land use pattern of commercial and (new) industrial properties and its conservation of the creek.

The Commercial/Industrial Core sub-area extends westward approximately from Nos. 252 to 312 Main Street (north side) and Nos. 265 to 305 Main Street (south side) and including the properties on both sides of Wharf Street and Lakeview Avenue.

### **Consecon Street**

This is the only sub-area that focuses on an entirely residential street. Its cultural heritage value stems from its associations with early transportation routes (Danforth Road, railway) and its largely intact residential streetscape.

The Consecon Street sub-area extends north from Main Street approximately from Nos. 37 to 75 Consecon Street (east side) and Nos. 36 to 71 Consecon Street (west side).

### **Western Suburbs**

The extension of the Upper Village beyond West Street contains residential development on properties associated with former lakefront industries, summer homes and cottage lots. Its heritage value lies in the variety of late 19<sup>th</sup> and early 20<sup>th</sup> century housing represented along Main Street. Properties along Narrow Street crowd the sidewalk or road edge while those on Water Street have open views of the lake.

The Western Suburbs sub-area extends westward approximately from Nos. 314 to 414 Main Street (north side) and Nos. 307 to 409 Main Street (south side) and properties on both sides of lower West Street, Water Street, Narrow Street, as well as views of the lake down Shourds Street and Macdonald Street.



## 2.4 Description of Heritage Attributes

The proposed District is composed of several sub-areas (character areas), each with its own heritage characteristics. The heritage attributes for the District thus include two kinds: general attributes common to the District as a whole; and specific attributes found in each character area. Most of the attributes are the result of development in the 19<sup>th</sup> and early 20<sup>th</sup> century and do not necessarily reflect current patterns or types of development (i.e. non-contributing properties). Attributes that involve views should be mapped in future revisions to the Wellington Secondary Plan.

### Whole District

Heritage attributes for the District as a whole include:

- Views along streets;
- Mature tree canopies lining streets;
- A concentration of civic properties forming an institutional hub;
- A compact commercial core;
- A linear development pattern along an historic access route (Danforth Road);
- A location between lake shore and agricultural lands; and
- Historical associations with important people and events.

### Lower Village

- Tara Hall (146 Main Street) and later houses on Belleville Street subdivided from that property;
- Wharf (at the foot of Belleville Street) and associated harbour area and public park;
- The arrangement of development around an historic intersection (Township Line and Danforth Road);
- Corey Woodsworth House (156 Main Street);
- Murphy House Hotel (173 Main Street);
- Early workers' dwellings (e.g. 175, 177 Main Street);
- Views down Belleville Street to the water and baymouth bar; and
- Views between buildings south to the lake.

### Transition Zone

- The Dorland family houses (e.g. Nos. 192, 193, 204) and their associated outbuildings;
- The Reynolds House (No. 239);
- The Queen Anne summer houses (Nos. 230 to 234 Main Street);
- Representative examples of mid-late 19<sup>th</sup> century styles and materials

found in Prince Edward County at the time;

- Individual architectural details (porches, verandahs, decorative woodwork, towers and bays);
- The predominant use of brick and frame construction and cladding;
- Varied lot sizes and front setbacks;
- Mature trees (maples) in grassed boulevards and front yards;
- The view corridor along Main Street;
- Views between buildings south to the lake; and
- Historical associations with potential pre-contact Indigenous use, the early settlement pattern and industrial activity, as well as the development of summer tourism.

#### **Institutional Hub**

- Key public properties (listed above);
- Open views of the lake across the park;
- Associations with the former hotel (library property);
- Representative examples of mid-late 19<sup>th</sup> and early 20<sup>th</sup> century styles and materials found in Ontario at the time;
- Individual architectural details (porticos, decorative brick and stone work); and
- The predominant use of brick and frame construction and cladding.

#### **Commercial/Industrial Core**

- Lane Creek (as revealed at surface);
- Converted former industrial buildings;
- Conserved commercial buildings;
- The Wellington Heritage Museum building;
- Representative examples of late 19<sup>th</sup> and early 20<sup>th</sup> century commercial buildings, abutting the sidewalk and enclosing the street;
- Conversions of former industrial buildings (e.g. Drake Hotel, brew pub); and
- Views south to the lake along streets.

#### **Consecon Street**

- The unimproved street cross section (no curbs and gutters, grassed boulevards);
- The mature street tree canopy;
- Examples of late 19<sup>th</sup> and early 20<sup>th</sup> century brick and frame house styles;
- Varied front yard setbacks;
- The former rail corridor (Millenium Trail); and

- The large house and yard at No. 71 Consecon Street.

#### **Western Suburbs**

- Varied front yard setbacks, lot sizes and configurations;
- Large yards and gardens;
- Mature trees in the boulevard and front yards;
- Views south to the lake along streets;
- The Royal Canadian Legion property;
- Representative examples of late 19<sup>th</sup> and early 20<sup>th</sup> century styles and materials found in Prince Edward County at the time;
- Architectural details (porches, verandahs, decorative woodwork, and angled bays); and
- The use of brick and frame construction and cladding.

## **2.5 Designation Goals and Objectives**

### **Village Character**

District designation primarily focuses on conservation and enhancement of the physical character of the streetscapes within the District. This goal is important since Wellington has the streetscapes, types and scales of buildings typical of a village, thus its pattern of development is different from that of a town or city. Though the Wellington Secondary Plan indicates that the village will be enlarged by the development of lands north of the Millennium Trail, the village character of its core should be retained by conserving the essential characteristics of the village. The Heritage Conservation District Plan emphasizes the current development pattern of buildings arranged in an informal manner that expresses the incremental development of the village, over time. As befits a village, the scale of buildings is generally small, with larger buildings tending to be important institutional or commercial structures. Wellington's streetscapes are at a pedestrian scale, with few buildings outside the commercial core taller than two storeys, and many residential buildings with generous side and front yards that accommodate trees and gardens. The effect is one of visual porosity, with views of buildings alternating with those of landscaped yards and, in some cases, of the lake in the distance. The overall impression is one of informality, modest scale, and an eclectic group of buildings arranged along tree-lined streets.

Change within this context must be carefully considered and the HCD Plan provides the framework for evaluating changes. Development within a heritage district is premised on activities that conserve and enhance the setting. Property owners are encouraged to maintain their properties and to support the municipality in doing the same with the public realm. The HCD Plan is

based on a common sentiment expressed in conversations with local residents: villagers feel a sense of responsibility for the upkeep and enhancement of their community and are proud to be active stewards of their village. As a result, major changes to the existing setting, such as large-scale new infill, and the removal of buildings and vegetation, are to be considered very carefully. As a general principle, demolition of Contributing properties is discouraged within Heritage Conservation Districts and viewed as a last resort, to be considered only with a strong case based on such criteria as building condition or on issues of accessibility or health and safety. And given the current climate emergency, the loss of embodied energy in existing structures and the creation of building waste for deposit in municipal landfills are actions that do not support municipal, Provincial and national sustainability goals.

The point of new development in the HCD is to achieve a building massing and style that fits well within the existing streetscape. New buildings should be built using the best design practices of their time. While new designs should consider taking design cues from the existing buildings in the village, there is no requirement for new buildings to mimic these buildings. More important is that new buildings should complement older buildings' key components, such as orientation, setback, height, massing, bay width, roof line, vertical alignments, details, roof profile, materials and landscape setting. In other words, they should be good neighbours, visually speaking.

#### **HCD Plan and the Secondary Plan**

Most pressure for new development will come within the parts of the HCD that have been identified for intensification in Part Four of the Secondary Plan, Sections 4.1.1 and 4.1.2. Most of these are within the two Character Areas – the Lower Village and Commercial/Industrial Core – that currently contain most of the existing commercial land uses alongside residential and institutional properties. In order to keep the pedestrian scale and informal character of village streetscapes, including Main Street, new development along the street should continue the current massing of two-three storeys. Three- four storey structures permitted in Part Two (Section 2.5, subject to Section 4.1 policies; see below) of the Secondary Plan, if deemed by the County to be in conformity with the policies and guidelines of the HCD Plan, should keep to three stories abutting the sidewalk with an additional storey located to the rear (as a stepped back addition or as detached structures) where they are less visible from the street. In this way, the commercial parts of the village can expand without adversely affecting the existing low-rise pattern of buildings and landscapes, as defined in the Secondary Plan (see below).

The HCD Plan implements some of the village design policies of Section 4.1.7 for properties within the Heritage Conservation District. It does so



by providing policies based on the District's heritage attributes which help define the characteristics of the District and provide criteria to assess the compatibility of the design of new development with those attributes.

For its part, the Secondary Plan supports the HCD Plan's evaluation of village character as it applies to the mixed-use areas of the District. Policy in Section 4.1.2.1 states that Council shall: "ensure that mixed use development reflects the scale, function, and character of existing development on Main Street. Intensification should integrate with the existing low-rise fabric of the existing neighbourhood which generally includes buildings between one and three stories." Section 4.1.2.3 has policies stating that "additions and renovations should reflect the height, scale, and massing of adjacent buildings." Finally, Section 4.1.2.4 allows Council to "consider slightly taller buildings of three and four stories at key Main Street intersections, including: a) key intersections in the Village Core Area (Belleville Street, Wharf Street, West Street and Consecun Street); and b) Key redevelopment sites (former Midtown Meats property in the Village Core Area)."

#### **HCD Plan and the Ontario Heritage Act**

In terms of its structure and content, the Wellington HCD Plan meets the requirements of Section 41.1 (5) of the *Ontario Heritage Act* 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 Wellington HCD Plan does so. The HCD Plan also is in accordance with the Wellington Secondary Plan's policies for conservation and development. In Part 4, Quality of Place, Implementing Policies 3 and 6, the Secondary Plan strongly supports conservation of cultural heritage resources and provides general criteria for compatible new development.

#### **HCD Plan Objectives**

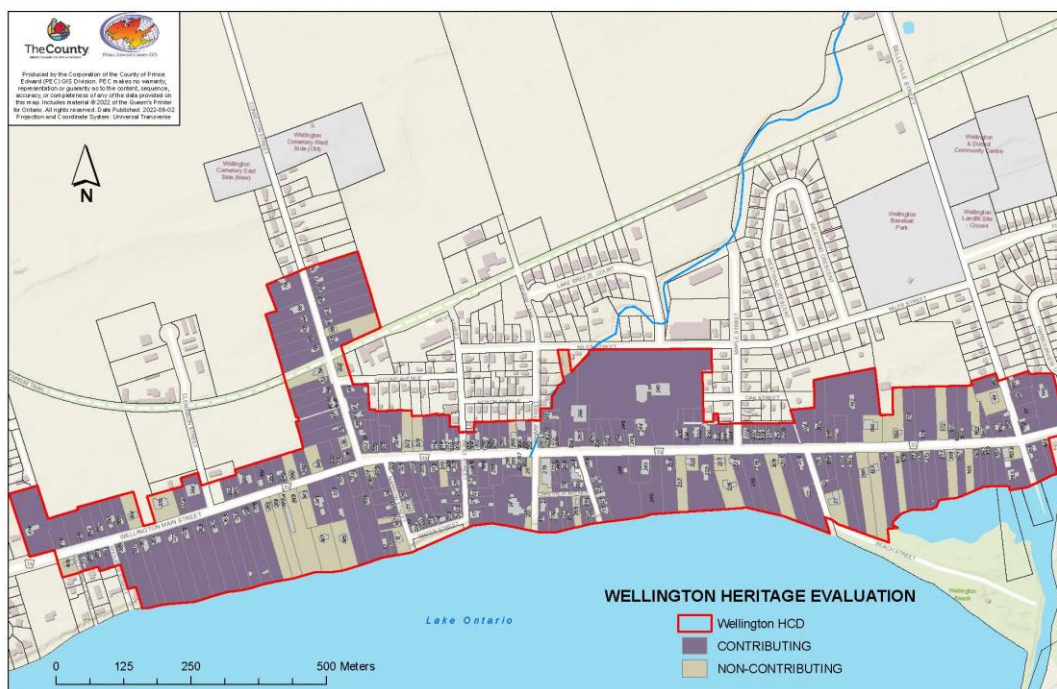
The following objectives provide a framework for the ongoing conservation of the District's material heritage resources, including built heritage resources, cultural heritage landscapes, and areas of archaeological potential, as well as non-material resources, such as historical associations and the 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. The Plan also includes specific objectives for the major components of the District.

The following have been identified as the objectives for designating the Wellington Heritage Conservation District ("the District") as a Heritage Conservation District

under Section 41 of the *Ontario Heritage Act*. Overall policy objectives for conservation and development in the proposed District are:

- To conserve significant cultural heritage resources, including built heritage resources, cultural landscapes, archaeological resources and areas of archaeological potential;
- To ensure that new development and site alteration conserve the cultural heritage values and heritage attributes of the District;
- To conserve, enhance and appreciate the cultural heritage values and attributes of the District;
- To encourage new construction and development that contributes to and is compatible with the cultural heritage value and heritage attributes of the District;
- To maintain and enhance the District by promoting the cultural heritage value of the District as a basis for economic development, while providing for development that meets contemporary needs;
- To ensure the long-term conservation and management of contributing resources in Wellington, including protected heritage properties, built heritage resources, cultural heritage landscapes, views, and historical associations;
- To establish a planning process that manages change 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; and
- 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.

### 2.5.1 Contributing Properties



### Contributing/Non-contributing properties

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

- Retaining and conserving contributing resources and properties identified in the District Study;
- Fostering continuing use of contributing properties, including and buildings and/or other cultural heritage resources thereon;
- Using the provisions of the *Ontario Heritage Act* and *Planning Act* to control the demolition or removal of contributing properties (including buildings or structures) and noting that demolition is a last resort;
- Fostering collaboration on conservation matters between the County and other agencies responsible for cultural heritage resources, such as the *Ontario Heritage Trust*;
- Pursuing all measures available to the municipality to prevent demolition or removal of contributing buildings and/or cultural heritage resources on contributing properties;

- Conserving buildings and/or cultural heritage resources on contributing properties by using the accepted principles and standards for heritage conservation, as outlined in this Plan;
- 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 cultural 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 cultural 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 District 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 County staff and the utility companies;
- Retaining and enhancing the tree canopy over-arching the District streets;
- Preserving the existing pattern of blocks, streets, and lanes 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 along existing streets of landscape and built features, especially views down to the lake and down Main 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 Conserving and Enhancing Heritage Character**

*The low-density residential character of the District, with the low-medium density character of the central commercial and institutional core areas, 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, as defined in this Plan;



- Considering applications for lot consolidation and lot severance on a case-by-case basis, in conformity with the policies and having regard for the guidelines of this Plan;
- Allowing replacement of properties containing non-contributing buildings or structures with development that is in conformity with the policies and has regard for the guidelines of this Plan;
- For properties designated under Section 29 Part IV of the *Ontario Heritage Act*, or protected by an easement, 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 District 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 undertaken by County staff and PEHAC;
- 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 business development and cultural tourism, provided that such initiatives do not negatively impact the heritage attributes of the District, as identified in this Plan, and are consistent with the policies and have regard for the guidelines of this Plan.



## PART C: Policies



## 3. Conservation and Development Policies

### 3.1 Introduction

Under the *Ontario Heritage Act*, within a Heritage Conservation District Plan document, a municipality can include both policies and guidelines to manage change. HCD **policies** are mandatory requirements and can prevail over a municipal by-law that affects the District to the extent of a conflict (Section 41.2 (2) of the *Ontario Heritage Act*). The second method is through the use of **guidelines**. As the term suggests, guidelines provide information so that those proposing changes do so with the benefit of the best advice. The HCD Plan as a whole informs the decision making process for County staff and heritage committee members. Guidelines identify incompatible changes that should be avoided but they are not restrictive so long as the proposed work conserves or enhances the heritage character of the District, as defined in this Plan.

The County can also use a variety of additional 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 County of Prince Edward Official Plan, Wellington Secondary Plan, the Comprehensive Zoning By-law (No. 1816-2006, or as superseded), as well as this Heritage Conservation District Plan. Other legislative tools are found in the Municipal Act. The County also has a property standards by-law (4520-2019) as well as in the County's own Site Plan Control provisions may apply to some forms of development in Heritage Districts. 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).

Individually, the provisions of the *Ontario Heritage Act* and the *Planning Act* both help to ensure the conservation of cultural heritage resources. However, when used in combination, they provide the County with an enhanced approach to managing conservation and new development within the Heritage Conservation District. Policies under the *Planning Act* can address land use, something the OHA does not do whereas District Plans provide direction for maintaining the integrity of the heritage character (or the appearance and experience) of a place.

Policies in the following section are grouped under these headings:

- District as a whole
- Contributing properties
- Non-contributing properties
- New development

- Landscapes/streetscapes
- Regulatory process, community and economic benefit

General heritage policies from these Acts are described in Appendix A, while policies specific to this HCD are found below. Guidelines providing ways to address these policies are found in Sections 3-7, below. For the purposes of brevity, all references to the Heritage Conservation District are shown as “HCD” or “District” and references to the Heritage Conservation District Plan are shown as the “Plan”. In the event of a conflict between District-wide policies and those of the other policies, the policy that meets the higher standard of conservation shall apply..

### 3.2 Policies for the District as a Whole

- Significant built heritage resources and significant cultural heritage landscapes shall be conserved (PPS Section 2.6.1). To accomplish this, the distinct cultural heritage values and attributes of the Wellington HCD, as defined in this District Plan, shall be conserved, maintained and/or enhanced. Works proposed on properties in the HCD must be evaluated holistically, considering both the impact on the subject property and the District. Applications for development or site alteration of properties within the HCD may require preparation of a Heritage Impact Assessment (HIA) as per Official Plan policy 3.3.4 (14).
- Additions to existing buildings and new secondary structures (e.g. garages, sheds and secondary suites) are encouraged to be located at the rear of existing buildings.
- Where development and/or site alteration involving ground disturbance is proposed in the HCD (excepting gardening activities and regular property maintenance), the policy of Section 2.6.2 of the Provincial Policy Statement shall apply. Development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- Where development is proposed adjacent to the boundaries of the HCD, the policies of Section 2.6.3 of the 2020 Provincial Policy Statement shall apply, and Council, through its Official Plan policies, shall require a Heritage Impact Assessment to be prepared by the proponent of any such development in order to ensure that the heritage values and attributes of the HCD will be conserved (Official Plan 2021, 3.3.4 (14).
- In accordance with Policy 2.6.5 of the Provincial Policy Statement, Council shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources in the HCD. The County shall work with representatives of Indigenous groups having an interest in the HCD to encourage collaborations that support and, where possible, conform to the policies and guidelines of this Plan.



- f) Any proposed Planning Act application in the District must demonstrate that the cultural heritage value and the contributing resources of the District shall be conserved. This may require preparation of a Heritage Impact Assessment by a qualified heritage professional.
- g) When a Site Plan Application is received for lands within the District, the application must demonstrate that it is consistent with the Plan.
- h) Future amendments to the County of Prince Edward Official Plan 2021 and Comprehensive Zoning By-law 1816-2006 (or as superseded) shall be in accordance with and shall implement the policies of this Plan.
- i) Enforcement of the County's Property Standards By-law (By-law 4520-2019 as amended) shall be consistently undertaken by County staff within the District and shall, in addition to the policies found in that By-law, have regard for the guidelines found in this Plan.
- j) Regular maintenance and minor alterations, as defined in Section 5 of the Plan, shall be permitted on properties within the HCD.
- k) Major alterations and additions, as defined in Section 5 of the Plan, shall require an application for alteration (heritage permit) and be subject to the approval process described in this District Plan.
- l) In instances where properties within the District are subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act, 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.
- m) 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 in Section 2 of the Plan, the County, through its Official Plan policies, will require submission of a Heritage Impact Assessment to assess the potential impact and provide options and mitigation strategies, at the discretion of the County Manager of Planning, and to be prepared by a qualified heritage professional.
- n) 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.
- o) The County can use its authority under Section 69.5.1 of the *Ontario Heritage Act* to require the restoration of an illegally demolished protected heritage resource as similar as possible to its previous condition and may recover the cost of the restoration from the property owner.
- p) In the event of a circumstance requiring an immediate or temporary response to ensure the conservation of an identified heritage attribute of a protected heritage resource, the Director of Development Services is authorized to provide Emergency Approval of the necessary works. PEHAC may be consulted on any Emergency Approval, at the Director's discretion.

- q) The decision of the County of Prince Edward 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. 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 the District, to ensure that the application complies with the Plan.
- r) 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*).
- s) 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.
- t) The administration of the *Ontarians with Disabilities Act*, the *Ontario Building Code* and related codes and regulations will be undertaken in accordance with Official Plan Policy 3.3.4 (7) in such a manner to ensure the conservation of heritage attributes of contributing resources while still ensuring the health and safety of the public. Preference should be given to reversible interventions.

### 3.3 Policies for Contributing Properties

- a) All alterations and conservation work requiring an application for alteration (heritage permit), as defined in the Plan, shall be consistent with the policies and have regard for the guidelines of the Plan.
- b) Properties in the HCD that are also individually designated under Section 29 Part IV of the *Ontario Heritage Act* will retain their individual designation and the County 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 where issues of building condition and/or accessibility become prevalent, or as a matter of health and safety (such as fire, tornado, flood, earthquake and as defined by the County Chief Building Official and/or Fire Chief), and instead the rehabilitation of the existing structure will be encouraged. Building condition shall be assessed by a professional engineer experienced in working with cultural heritage resources. If an owner of a contributing property situated in the Heritage Conservation District proposes to demolish or remove a building or structure on the property as part of a redevelopment of that property, a heritage permit with supporting rationale of a Heritage Impact Assessment shall be required, along with consultation with the PEHAC and approval by Council, in accordance with the *Ontario Heritage Act*. The property owner shall demonstrate to the satisfaction of Council that all other options to demolition have been considered and that each option is not viable. Where, by Council decision, buildings must be demolished for reasons of health and



safety any replacement structure shall be designed in accordance with the policies and have regard for the guidelines of this Plan and be a contemporary design compatible with the character of the HCD, as defined in this 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 or within the County. In accordance with the County's goal of developing a cultural heritage management plan in which are strategies for conserving and enhancing cultural heritage resources, the County shall develop terms of reference for the different types of heritage reports required to implement these strategies.
- e) When considering change or an alteration to a contributing property, owners are encouraged to consult with the County Planning staff 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.

### 3.4 Policies for Non-contributing Properties

- a) Proposed development of, or site alteration to, non-contributing built or landscape resources may be permitted provided that the proposed development or site alteration does not diminish or adversely impact contributing resources and the heritage attributes of the Heritage Conservation District. The preparation of a Heritage Impact Assessment may be required, as determined by County Planning staff on a case-by-case basis.
- b) Demolition of non-contributing building and landscape resources within the Heritage Conservation District shall be permitted if the proposed replacement building or landscape element has regard for the guidelines contained in this Plan. Obtaining a Demolition Permit shall be required and said permit will be issued contingent upon staff approval of the replacement building or landscape design.

### 3.5 Policies for New Development

- a) New construction in and adjacent to the HCD shall consider and respect the heritage attributes of built heritage and cultural heritage landscape resources in the District and be consistent with the policies and have regard for the guidelines in the HCD Plan.
- b) New construction in the District shall be aligned with the front yard setback of adjacent (contiguous) properties. Where there is a difference in such setbacks new construction shall be placed either in the middle between the adjacent properties or align with the setback of one adjacent property, whichever is deemed more appropriate after consultation with County Planning staff. In the event of a conflict

between this policy and the requirements of the County Zoning By-law, this policy shall apply. County Planning staff may also determine an appropriate front yard setback in reference to setbacks of other contributing buildings in the vicinity. Where deviations from this policy regarding front yard setbacks are proposed, a heritage permit with supporting rationale which may include a Heritage Impact Assessment shall be required, along with consultation with PEHAC and approval by Council.

- c) New construction shall respect the pattern of façade division by ensuring that the horizontal and vertical architectural elements and ratio of solid (walls) and void (windows) respond to those of neighbouring buildings.
- d) New construction shall maintain the general façade height of adjacent buildings. Where additional height is permitted in the Official Plan, Zoning By-law, and/or the Wellington Secondary Plan, it must be stepped back from the main façade of the new construction or be located to the rear, in order to complement the existing streetscape. Where deviations from this policy regarding height are proposed, a heritage permit with the supporting rationale of a Heritage Impact Assessment shall be required, along with consultation with PEHAC and approval by Council.
- e) Proposed development or site alteration that is not consistent with the policies and having regard for the guidelines of this Plan, as determined by Council after considering the advice of PEHAC/retained qualified heritage professionals, shall not be permitted.
- f) Council shall not, through committee and staff review of development applications, permit proposed developments or site alterations that are not consistent with the policies and do not have regard for the guidelines of this Plan, as determined by Council after considering the advice of PEHAC/retained heritage professionals.
- g) 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 follow the conservation and development guidance described in Official Plan Policy 3.3.4 (7) and be sympathetic, contextual, and respectful to contributing resources and the heritage attributes of the District. The replication of a lost structure or dwelling is not required; however, the replacement structure or dwelling shall have regard for the guidelines of the Plan.
- h) Guidelines, as outlined in this Plan, will be used in the evaluation of Heritage Permits for new development. Proposed development or site alterations shall have regard for the guidelines of the Plan.
- i) The County encourages intensification on vacant or underused lots in the District in the form of compatible new infill. Such intensification shall be consistent with the policies have regard for guidelines of this Plan.

### 3.6 Policies for Landscapes/Streetscapes

- a) In accordance with Provincial Policy Statement Policy 2.6.1, heritage attributes of landscapes and streetscapes, including parks and views within the HCD, and landscape treatments in the private portions of the streetscapes, as defined in the Plan, shall be conserved and enhanced following the policies and having regard for the guidelines of this Plan.
- b) In accordance with Provincial Policy Statement 2.6.3, development or site alteration of landscapes and streetscapes adjacent to the boundaries of the HCD shall be consistent with the policies have regard for the guidelines of the Plan, and Council shall require a Heritage Impact Assessment to determine if there is a negative impact on the District's heritage attributes.
- c) Alterations to landscapes and streetscapes within the District shall be permitted, providing that such alterations are consistent with the policies and have regard for the guidelines of this Plan. Proponents of projects for alterations shall consult with County Planning staff to determine if a heritage permit is required.
- d) Lot consolidation and lot severance shall be considered subject to a Heritage Impact Assessment (HIA) being prepared by a qualified heritage professional to the satisfaction of the County that shows consistency with the policies and regard for the guidelines of this Plan. The HIA can be scoped at the discretion of County Planning staff.
- e) Provision of parking and traffic management within the HCD shall be consistent with the policies and have regard for the guidelines of the Plan.
- f) All major public works undertaken within the HCD shall be consistent with the policies and have regard for the guidelines of this Plan, as determined by County Planning staff, in consultation with PEHAC. Improvements to public street rights-of-way, including widenings, additions of curbs and gutters and below-grade infrastructure, as well as paving, sidewalks, above-grade utilities, street signage and street furniture, shall be considered for their potential impact on the heritage character of the District, as defined in this Plan.
- g) Mature tree canopies shall be maintained and preserved, wherever possible, through careful pruning and stabilization. Private owners shall be encouraged to do so on their properties. For lands within the public realm, the County shall assess tree condition within the District to determine tree vitality and any decisions regarding removal of mature trees for reasons of disease, damage or affect on public safety shall be made in consultation with County staff and a certified arborists. In consultation with utility companies and County engineering and public works staff, the County shall develop and implement a program of replacement planting of suitable canopy street trees in the HCD. Maples are currently the dominant tree species along the village streets but suitable options that provide similar canopy and height characteristics should be considered.

- h) Proposals to widen sidewalks, including responses to accessibility requirements, shall be carefully considered for their impact on street trees, the boulevard (where present) and landscapes in front yards. Heritage permits shall be required for public works that have the potential to negatively impact street trees.

### 3.7 Policies for District Management and Enhancement

- a) The County may authorize the use of municipal funds to initiate additional cultural heritage and archaeological studies for the District.
- b) The County shall consider measures available under Provincial legislation and programs to provide owners with financial support and/or waiving of fees for conservation work undertaken on private property within the District that is consistent with the policies and has regard for the guidelines of the District Plan.
- c) The County shall continue to implement currently available financial incentives (e.g. the Heritage Property Grant Program) and enhance them, where possible, to assist in conservation work on District properties.
- d) The County shall provide training for staff and members of PEHAC for implementing this Plan regarding designation, new development and the conservation process (e.g. topic-based workshops, in-house training sessions, attendance at heritage conferences and study tours).
- e) The County, in partnership with heritage organizations or private contractors, 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.
- f) Ongoing monitoring of the effectiveness of the District Plan shall be undertaken by the County staff and PEHAC, as will the process of updating the inventory and evaluation of properties within the District. Monitoring and review processes shall be consistent with the policies and have regard for the guidelines of this District Plan.
- g) The County will work with the Quinte Conservation to encourage works that support and, where possible, be consistent with the policies and have regard for the guidelines of this Plan.
- h) The County shall consider authorizing the use of municipal funds to initiate preparation of a Stage 1 archaeological assessment for the District.



## PART D: Guidelines





## 4. Conservation and Development Guidelines

### 4.1 Introduction

As noted in Section 1.2, above, guidelines have been developed to support the policies in this Plan. Guidelines articulate suggested actions and recommendations that are based on best practices in conservation. They are not compulsory; instead, guidelines are the means by which the District goals and objectives and policies described above can be 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 District. They are meant to support the good work already being done and to provide information and encouragement to improve renovation or new construction planned for the future. The character statements and list of attributes (for the HCD as a whole and its character areas, 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 property owners in Districts must respond to changes in ownership and use, upgrades to infrastructure, and evolving economic conditions. Pressures for change come in many forms, from a desire to serve emerging markets to the need to repair and maintain 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 heritage character of 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 conservation and new development.

In a village setting, 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.

## 4.2 Guiding Principles

The guidelines provided in this District Plan are intended to help those who are proposing any changes to the exteriors of properties within the District, from routine maintenance through to new construction. The guidelines support conservation of the heritage values and attributes of the District. The character statement and list of attributes for the District and component sub-areas found in Section 2, above, are the primary reference to guide any changes to the District or to a property.

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

- *Standards and Guidelines for the Conservation of Historic Places in Canada*, Parks Canada, 2<sup>nd</sup> ed. 2010 ([www.historicplaces.ca](http://www.historicplaces.ca))
- *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 and InfoSheets ([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)
- *Preservation Briefs*, National Parks Service (US) <[www.nps.gov/tps](http://www.nps.gov/tps)>
- UNESCO and International Council on Monuments & Sites (ICOMOS) Conventions and Charters

In addition, a commonly-used summary of universal best practices can be found in the Ontario Ministry of Tourism, Sport and Culture’ “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)

### 4.3 Applying the Guidelines

Much of the future activity within the District will likely involve minor changes to existing buildings and settings. For the most part, the guidelines will help in efforts to *conserve* properties. Where more change is required, the guidelines will address *alterations* or *additions*, in most cases as they affect *contributing properties*. However, in the relatively few instances where there are *non-contributing properties*, the guidelines should be used to ensure that changes to these properties are compatible with the District's heritage attributes, as defined in this Plan.

The next step for property owners is to prepare a strategy for changes to a property within the District. Key questions to be asked in considering 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 in 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?

Assistance for property owners in considering changes to contributing properties can be found in Section 1 of the *Standards and Guidelines for the Conservation of Historic Places in Canada*, and in advice from the Prince Edward Heritage Advisory Committee (PEHAC). A first step in the process should always be a meeting with County Planning staff.

## 5. Conservation Guidelines for Contributing Properties

### 5.1 Introduction

#### **General**

The HCD Study included mapping of the inventory and evaluation of properties within the District.

The HCD boundary encompasses the downtown core, within which is a variety of building types. On Main Street most are 2 – 3 storey commercial and residential buildings and a few are institutional. On the side streets, some are house-form buildings converted to commercial use but the majority are residential.

#### **Conservation Issues for all Properties**

Most owners of older properties accept the added maintenance that such places often entail in return for the quality of the setting they supply. That said, many 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 County and other public agencies own many of the landmarks within the District, and with that ownership comes an additional responsibility to show by example in any conservation and alteration work done. Since these buildings are special, they have often been designed by architects and incorporate high quality materials and construction techniques. As a result, any work undertaken on them requires 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, many owners are able to do their own maintenance but for more complex work, issues arise in finding skilled tradespeople (and materials). If such people are available, they are sometimes booked well in advance and charge higher rates than would 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 (especially coming in from Lake Ontario)

and to everyday wear and tear, these wooden details require ongoing maintenance. 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 Wellington prides itself on its porches, 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 those offering double glazing and true muntins, conservation best practices recommend retrofit rather than replacement as being a better long-term investment as well as a more sustainable practice. County 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. This is because paint colours tend to follow current design trends and, no matter what palette is used, the colours can be painted over later. For colours best suited to specific architectural styles, many paint manufacturers offer heritage paint colour lines.

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 Wellington, the guidelines in the District Plan apply primarily to the street-facing elevation 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.



## 5.2 Common Building Styles In the District

### Loyalist Georgian (1790s-1860s)



173 Main Street

The Loyalist/Georgian architectural style filtered from Britain via the United States in the early 1790s. It was first adopted by settlers in the United States and arrived in Canada first with Loyalist settlers and later with British immigrants. This style remained popular through to 1860.

This buildings style, popular with single family dwelling, had a box-like massing and was either timber construction with wood siding or solid masonry. It had a rectangular floor plan organized according to a centre hall layout.

Common characteristics of this building style include: a hipped or side gable roof; symmetrical elevations; Classical proportions and simple detailing; and a prominent front doorway (in keeping with the Georgian tradition of hospitality). Building elements and/or attributes of this style include: simple cornices; small-paned double hung windows; flat or splayed window arches and door openings; wood or stone window sills; and, when masonry, contrasting quoins.

**Ontario Cottage (1830s-1890s)**

335 Main Street

Gable roof

Gable with Gothic window

Brick exterior

Tall sash windows

Central entrance within a  
symmetrical composition

In the mid-1800s, the Ontario Cottage or Worker's Cottage emerged as a popular and pervasive house style in Upper Canada. In 1864, this modest house design was promoted in *The Canada Farmer* as an affordable, well-planned and tasteful dwelling that could be constructed using locally available materials such as timber, stone or brick.

The houses are typically one-and-a-half storey buildings with a gable or hipped roof and a windowed gable over the central entrance door. The buildings are symmetrically organized with a central hall plan, windows flanking the front door, and chimneys on the side walls. As the style evolved projecting entry bays and rear 'tail' additions were often incorporated.

During the second half of the 19<sup>th</sup> century, influenced by British immigrants, the Ontario Cottage moved away from the Classical influence and adopted Gothic architecture's vertically oriented features such as steeply pitched gables, pointed arches at windows and doors, and decorative woodwork.

**Victorian Residential (1840s-1890s)**

193 Main Street

Front gable configuration

Sash windows

Wood clapboard siding

Decorative woodwork

Paired front door

Victorian style architecture generally encompasses building styles popular during Queen Victoria's reign from 1837 to 1901. Within Victorian era architecture there were many sub-styles that incorporated new and revival design. This often resulted in some eclectic mixes of motifs. This style is found throughout 19<sup>th</sup> century Ontario with the house form buildings featuring prominently.

Early Victorian houses are often one-and-a-half storeys high with a front gable configuration with a low to medium pitch roof. They follow an L-or-T-shaped plan with either a symmetrical or asymmetrical composition. The houses are brick, stone or wood frame construction with the brick examples often displaying dichromatic brickwork. Architectural details found in this style include carved or turned woodwork (vergeboard, gingerbread, finials and porch elements), quoins, sash windows, bays, and ornamented window and door surrounds.

Victorian Gothic was a revival style based on medieval Gothic buildings. The style encompassed a great deal of variety in materials, details and ornament, and is characterized by the emphasis on vertical elements in the architecture.

Victorian Italianate evolved from the picturesque Regency's and the desire to continue a tradition influenced by Classicism. These designs often feature decorative elements such as ornamental brackets, cupolas or belvederes.

**Queen Anne (1880s-1910s)**

232 Main Street

Hipped and gable  
roof configurations

Decorative wood shingles

Patterned windows with  
coloured glass

Adorned wrap around porch

The Queen Anne Revival style was one of the most widespread residential styles of the latter 19<sup>th</sup> century. This building style was not a pure revival like the Gothic or Greek, but rather drew inspiration and elements from different styles and periods. It originates from Picturesque principles of asymmetrical design. The style is credited to English Architect Richard Norman Shaw's interpretation of a "Domestic Revival" - an interpretation of late medieval housing which emphasized the use of local materials and vernacular details.

Queen Anne buildings are typically single detached dwellings, and two to two-and-a-half storeys in height. The houses have a balanced but asymmetrical composition, irregular plan forms and elevations, and roofs that are either hipped and/or gabled. They display a great variety and complexity of detail, which may include intricate woodwork, moulded brickwork, adorned porches and gable ends.

**Bungalow (1900s-1940s)**

27 East Street

Broad low-pitched roof

Wide front dormer

Horizontal siding

Paned sash windows

Off centre entrance

Deep verandah or porch

The Bungalow style house was an American import to Canada in the early 20<sup>th</sup> century. It was popularized in California; the Americans were inspired by the British version of India's banglas style of home (Bengali style). In Ontario, the bungalow style is almost exclusively residential as it was commonly found in house pattern catalogues.

The bungalow is generally a one or one-and-a-half storey dwelling with a front porch or verandah. The exterior is often rustic materials such as textured brick, fieldstone and/or stucco, though in Wellington many examples are painted clapboard. The roof is either a broad, low-pitched roof with a wide front dormer or a medium pitch front gable style.



**Post War (1945-1980s)**

233 Main Street

Picture window

Exterior treatment in brick, synthetic and precast stone

The Post-War style represents a dramatic shift to suburban living. This occurred after the Second World War, where extended families no longer lived together, servants became uncommon, new mass-produced appliances simplified daily domestic life and the automobile became the predominant mode of travel. Within the District, this includes a range of suburban houses, including the split-level home and the single storey bungalow.

These buildings are typically one or two storey dwellings with a large front lawn and often with an integrated garage. The houses are typically clad in brick, precast stone and/or vinyl or aluminium siding. The window openings are often set in pairs and feature a larger picture window. The proportion of openings to façade is generally smaller and shaped to emphasize the horizontal nature of the style.

### Commercial Block



306 Main Street

While there are many architectural styles applied to commercial buildings within the District, the buildings follow a traditional organization. The storefront is the most prominent feature with either residential or office uses on the second and third storeys.

These commercial buildings are generally two or three storeys in height with a flat roof and parapet. The designs exhibit a Classical influence with a vertical emphasis in massing and proportions. The buildings are often brick construction with fine detailing found in the brickwork, window and door arches, and at the cornice.

### 5.3 Steps in the Conservation Process

As explained above, the main reason to designate a district is to conserve its cultural 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* (2<sup>nd</sup> 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.

### 5.4 Maintenance

The majority of work within the District will involve conservation of the existing physical fabric. Maintenance activities (as described below) do 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), also known as "mothballing"
  - Assessing condition
  - Closing openings in the roof and walls, and filling broken windows
  - Preventing water infiltration
  - Securing against structural collapse
  - Providing for passive or mechanical ventilation to avoid mould growth
- Routine maintenance (for special architectural features)
  - Do it yourself, using traditional methods and materials, or retaining requisite contractors to do work requiring specialist skills
  - Annual monitoring of building condition
- Cleaning (periodic, using methods befitting the cladding materials)
  - Undertaken only to remove surface soiling as well as retard deterioration or to reveal obscured surfaces

Based on that document, the main components of the conservation process can be summarized below, in three major steps:

• **Step One: Understanding**

- o 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).
- o Check on site and document current condition and changes made over the building's history.
- o Augment site investigation and the inventory with archival and oral research, where possible.
- o Assess the property's relationship to the streetscape and District (especially height, setback, architectural design).

• **Step Two: Planning**

- o Keep or find a suitable use for the property.
- o Identify the needs of current and prospective users as well as municipal requirements.
- o Select the primary conservation process (Preservation, Restoration or Rehabilitation)
- o Review the standards that apply to the selected process (from the *Standards and Guidelines* 2<sup>nd</sup> ed. or as superseded.).
- o Follow the guidelines for that process (from the *Standards and Guidelines* 2<sup>nd</sup> ed. or as superseded.).
- o Review the proposed scope of work with the County 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 an Application for Alteration (Heritage Permit)/Building Permit to the County

• **Step Three: Intervening**

- o Undertake the proposed project.
- o Do regular maintenance.

- 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>Fall</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 fireplace & chimney		•
Check interior face of exterior walls for moisture or blistering	•	
Check that no wood is stacked against the building.	•	
Check fencing for deterioration	•	



## 6. Guidelines for Maintenance

### 6.5.1 Roofs

#### ROOFING MATERIAL

- On roof areas visible from the public right-of-way, here original roofing remains in place, use replacement roofing material to match original material (this especially the case if the material is wood shingle). Where the existing roofing material differs from the original material, it is preferable that replacement material match the original material. Since some buildings have shallow-pitched or flat roofs that are not visible from the street, choice of roofing material is open. In most cases, however, asphalt shingle and sheet metal can be used.
- For asphalt shingles, use premium quality for maximum life expectancy (up to 30 years); use grey, brown, or black colours.

#### 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 caused by acids and water vapour from the exhaust gases.

#### GABLES AND DORMERS

- Keep decorative 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.

#### 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. Be mindful that some older paints were lead-based and require appropriate techniques to protect workers for exposure to lead and to ensure its safe disposal.
- 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. Direct runoff water away from the house with extensions.

- For buildings close to the sidewalk, down spouts should be directed away from the building and away from pedestrian areas.
- Ice damming occurs when melting snow freezes and accumulates at the overhang of a building, preventing water from draining off the roof. If left unattended, moisture may work its way under the shingles and seep into the attic resulting in damage to the wood structure or causing the insulation to fail. To prevent ice damming do the following: keep gutters and downspouts clear; maintain air flow in the attic and keep the snow accumulation on the roof to a minimum.
- Refer to the “Alterations” section of these guidelines for contemplated alterations to roofs.

### **6.5.2 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 masonry walls should be removed (e.g. aluminum siding applied over brick).
- Re-pointing of brick and stone walls should match the colour and profile of the original mortar and be of the appropriate type and mixture that will not damage the masonry (brick and stone).
- Existing brick or stone walls should not be sandblasted or the kiln face taken off with an angle grinder to remove paint finish. Removal via a hot water wash or gentle paint stripper may be acceptable provided it does not damage the brick or stone surface. Undertake a test patch to determine the best course of action.
- To avoid treating brick in ways that seal the surface; instead, use a breathable, hydrophobic and water-repellant treatment.
- Painting of masonry surfaces is not appropriate as paint is difficult to remove and it does not allow for the masonry to express moisture, with a frequent result being deterioration of the masonry.
- Replacement brick or stone should match the original as closely as possible.
- 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 like 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, aluminum or synthetic 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 using traditional methods (modern assemblies may also be used). Match the original appearance in colour, texture, and finish, retaining specialists in exterior stucco work.

#### 6.5.3 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, speak to a supplier about appropriate coatings or select professional painters with specialist knowledge of paint types and application techniques appropriate for older buildings.

#### 6.5.4 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.
- 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.

#### 6.5.5 Windows and Doors

- Original or period 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, provide adequate thermal insulation. However, where replacement is necessary, wood double glazed units with true muntins are preferred, and similar units with surface-mounted muntins (not grills inserted between panes of glazing) 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 storm windows are recommended instead.
- Refer to the “Alterations” section of these guidelines if existing windows are sufficiently damaged that they need to be replaced. Wooden double-glazed windows are available and are a preferred replacement option. As an alternative, aluminum-clad wood windows are also an acceptable option. 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 façade fenestration.
- 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.

#### **6.5.6 Awnings and Shutters**

- Original exterior shutters and shutter hardware should be conserved and maintained. Missing louvers and hardware should be replaced to match the existing shutters.
- 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 window opening. Modern shutters in contemporary materials (e.g. aluminum or vinyl) and in sizes smaller than the window opening are not acceptable.

#### **6.5.7 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 for advice on repairs.

#### **6.5.8 Utilities and Telecommunications Installations**

- Locate utility meters (gas, electricity) away from the street facade, on side or rear walls, whenever possible.
- Above-grade services connections (e.g. wires) should be grouped together and linked to the building in locations away from the street facade.
- Avoid locating electrical conduit on the exterior face of the building visible from the street.



- Air conditioning units (both window and roof-mounted) should be located away from the street facade if possible.
- Where possible, locate, or relocate, internet receivers, satellite dishes and antennas away from the street facade.

**6.5.9 Accessibility**

- A power-operated lift is another option to exterior ramps.

**6.5.10 Signage**

The municipality's Sign By-law articulates sign requirements.

## 7. Conservation Guidelines for Building Alterations and Additions

### 7.1 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.

### 7.2 General Practices for Alterations and Additions

Alterations and Additions to heritage properties require an Application for Alteration (Heritage Permit) process to be conducted through the County, as described in Part D of the Plan, which makes available County Planning 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.

#### 7.2.1 General Guidelines for Alterations

- Find out as much as possible about the appearance and style of the building during its various evolutions 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.
- 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.
- Model replacement features and building forms on the originals in style, size, proportions and materials, whenever possible.
- As a rule, make changes reversible and as inconspicuous as possible.
- Record the alteration and retain samples of original materials that have been replaced.

#### **7.2.2 General Guidelines for Additions**

- Additions should be complementary to the main building and clearly secondary in terms of scale, massing and height; they should also be clearly distinguishable in form and detail.
- Additions should be located away from the main street-facing elevation, at the rear of the building.
- 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. The roofline of a rear addition should not exceed the height of the existing building's roof ridgeline or should be stepped back from the street elevation in order to reduce its visual impact when viewed from the street. Where the existing roof is a mansard roof, the top of parapet will be considered as the ridgeline.
- 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.
- Where additions are visible from the street their design should consider the horizontal and vertical patterns of the existing and/or neighbouring buildings including overall proportions, alignment of windows and doors, as well as of cornice lines and rooflines.
- Rear addition roof ridgeline height should not exceed the existing building roof ridgeline. In cases where additional height is permitted in the Wellington Secondary Plan, the rear addition should be stepped back from the main building roof ridgeline height.
- If possible, during the alteration process, record the alteration and retain samples of earlier materials that have been replaced.

## 7.3 Specific Guidelines for Alterations to Contributing Buildings

### 7.3.1 Roofs

- Roof profile visible from the street should remain unaltered.
- Changes to portions of the roof not visible from the street are acceptable. Ensure that vents, skylights and other new roof elements are sympathetic in type and materials and that they are discreetly placed out of general view from the street.
- Replacement roofing material should be compatible with the age and architectural style of the specific property.
- Conserve historic or original chimneys that contribute to the architectural style and design.

### 7.3.2 Windows

- Make efforts to re-build or recondition existing heritage- contributing windows before replacing them.
- Where existing heritage- contributing windows are too damaged beyond reasonable repair, new replacement windows should replicate the type, pattern and detailing of the original.
- Surface-mounted muntin bars are permitted and should have true muntins at the exterior of the glass (not grilles installed between panes).
- Avoid altering the location, size, and shape of original or heritage attribute window openings facing, or visible from, the street.
- Avoid creating new openings for windows on facades visible from the street.
- Where a replacement window is used it should be energy efficient wherever possible.

### 7.3.3 Cladding

- Replace exterior cladding that has degraded beyond reasonable 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 visually distinct from the cladding of the existing building.
- Acceptable cladding for a new addition should reference cladding types that are common to the District (where permitted by Building Code).
- Vinyl or synthetic siding or asphalt shingles should not be used as claddings for the front elevation of a new addition but can be considered for other elevations.



### 7.3.4 Signage

The municipality's Sign By-law No. 1122-2003 as amended articulates sign requirements within the downtown area. In accord with these policies and guidelines, the following are offered.

- Signage should be contained within the signboard above the main floor display façade or perpendicular to the facade.
- Light signs directly with light fixtures attached to the building facade.
- Avoid using internally lit plastic signage.
- Lighting of fixed or hanging signage should meet dark sky guidelines to avoid light pollution by being directed downwards.
- Encourage the use of hanging signs projecting from the facade.
- Encourage the use of retractable (not fixed) awnings, incorporating signage.

## 7.4 Specific Guidelines for Alterations/Additions to Non-contributing Properties

These properties should use the foregoing guidelines, with the following exceptions:

- Make efforts to carry out maintenance using materials and methods that do not detract from the heritage attributes of the area.

### 7.4.1 Windows

- Location, size, and shape of existing windows facing, or visible from, the street can be revised.
- Where visible from the street, new window openings should be designed so that the horizontal and vertical architectural elements are aligned with existing buildings.

### 7.4.2 Cladding

- Existing cladding is permitted to be covered over with different cladding that is more compatible with the heritage character of the adjacent buildings.
- Cladding materials used should be those that predominate in the District.

## 8. Guidelines for New Construction/Infill

### 8.1 General

- New buildings are not required to replicate an existing heritage style but instead should respond to the facade proportions, proportion of window openings to wall area, materials, and design devices (e.g. cornices, string courses dividing storeys) of Contributing buildings in the area.
- New construction should be legible as a contemporary intervention.
- 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 corner properties, by providing architectural details and features on both street facades or on visible upper storeys.

### 8.2 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 respond to those of neighbouring buildings.
- New construction should maintain the height of adjacent buildings except where the Wellington Secondary Plan allows consideration of additional height (up to four storeys: Sections 2.5.1 vis. Section 4.1, 4.1.2.4 and 4.5.1).

### 8.3 Windows

- In general, 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.
- Windows should be made of quality materials that are compatible with existing examples found in the District.

### 8.4 Cladding

- Acceptable cladding for a new addition should reference cladding types that are common to the District (where permitted by Building Code).
- Vinyl or synthetic siding or asphalt shingles should not be used as claddings for a new addition.

### 8.5 Porches, Verandahs and Balconies

- Open-air or glazed-in porches and verandahs are acceptable.

### 8.6 Signage

The municipality's Sign By-law articulates sign requirements within the downtown area.

## 9. Guidelines for Streetscapes and the Public Realm

### 9.1 Introduction

The assembly of building frontages, open spaces, streets and views between buildings 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.

Guidelines in the District Plan illustrate ways in which civic upkeep and improvements can reinforce these established patterns with sensitive installation of lighting, tree planting and street furniture. And when the streets need to be dug up to repair or install municipal services, the guidelines also provide advice on ways to do so without diminishing the District’s heritage values.

In both the public and the private realm, the street and block layout results in views across back and side yards that offer intriguing glimpses of the lake. Keeping these views from being obscured by new construction will be important in maintaining the heritage character of the District.

For general guidelines to be applied to urban downtown heritage districts such as Wellington, 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 Wellington, the following guidelines cover streetscapes and the public realm:

### 9.2 Streetscapes

#### 9.2.1 Public road allowance

- Any future upgrades to the public road allowance should consider the guidelines of the District Plan. The design should include, but not be restricted to, such components as parking and loading, plantings, paving, bicycle lanes and storage, street furniture and public art.

#### 9.2.2 Lighting

- At the time when the existing fixtures are to be replaced, there should be no attempt to have falsely historic street lighting distinctive to the



District. The County should use fixtures that are simple and unobtrusive and that incorporate banner arms and electrical outlets. New lighting should minimize light spill and glare, meeting guidelines for dark sky conditions. As budgets permit, it will be advisable to replace the existing high pressure sodium fixtures with ones that provide a quality of light better suited to pedestrian environments. Metal halide or, if feasible in future, LED luminaires, should be considered for possible installation in the District.

- Special lighting may be appropriate for key buildings within the District.

### **9.2.3 Street furniture and signage**

- Street furnishings such as benches, trash receptacles and bicycle racks are a major component of the District streetscape. 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 County's standard selections of such furnishings for downtown installations. Any comprehensive upgrade of street furniture should take place as part of an overall streetscape design.
- Municipal regulatory signage should be kept to a minimum and signs should be grouped on existing poles whenever possible.
- Consideration should be given to having special street signage for streets within the District, in compliance with municipal signage standards. A signage plan for the District should be undertaken to guide any proposed changes to existing street signage.

### **9.2.4 Plantings**

- New trees chosen for planting on public street rights-of-way should be chosen for their ability to thrive in Wellington's soil and climatic conditions. They should be native, non-invasive species. Tree location and canopy type and height should be assessed so as to avoid conflict with below-and-above-grade services. Species selection and tree location shall be made upon recommendations from a landscape architect and/or certified arborist, in consultation with the County staff.
- Maintain and enhance the mature tree canopy on private and public property.
- The District's tree canopy is primarily deciduous and planting of native coniferous and evergreen species should be limited to side and back yards.
- To avoid construction damage to existing trees, Tree Protection Zones should be established to protect the tree and to avoid soil compaction.
- Conserve existing boulevards and mature tree plantings within them.
- Avoid large areas of hard paving in front and side yards in order to maintain the prevalence of soft landscaping.

**9.2.5 District identity**

- Further means of supporting the Districts' distinct character can include special treatments of the streetscape. These can include, but not be restricted to, decorative banners, contrasting paving at street crosswalks and intersections, interpretive plaques, signage and murals.

## PART E: Implementation Process



## 10. Heritage Management

### 10.1 Heritage Permit Applications

Once the District is designated, all owners of property within the District, including the municipality and its agencies, 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. To the extent permitted by the legislation, however, the heritage permit process is meant to be pro-active rather than restrictive.

The County'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 within a Heritage Conservation District (HCD). These heritage attributes 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*" (Heritage Permit) process is administered by the County Planning staff. Requests are processed according to the requirements of the *Ontario Heritage Act* and in accordance with County requirements. Information concerning the application process can be obtained from the County Planning staff.

### 10.2 Municipal Authority for Requiring an "Application for Alteration under the *Ontario Heritage Act*".

The Council of the Corporation of the County of Prince Edward 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 County's application requirements.

### 10.2.1 When is an Application Required?

Section 41 (1) 1 of 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 protected by another type of designation such as a Heritage Easement or Part IV (individual property) designation.

The review process generally follows the recommendations of the Parks Canada *Standards and Guidelines* for the Conservation of Historic Properties in Canada (2010 as amended), along with the other conservation guidelines listed in Section 3.2, above. Conservation activities fall within the three main conservation actions and processes in the Standards and Guidelines:

- *Preservation*: which involves protecting, maintaining and/or stabilizing the existing materials, forms and integrity of a heritage resource while protecting its heritage attributes;
- *Rehabilitation*: makes possible continuing or compatible use for a heritage resource while protecting its heritage attributes; and
- *Restoration*: accurately reveals, recovers or represents the state of a heritage resource as it appeared at a particular period in its history, while protecting its heritage attributes.

Conservation may involve aspects of all three of these, but most projects are those that rehabilitate a heritage property through some form of adaptive reuse. Preservation is often a temporary measure used to buy time in order to determine the best way to conserve the property's heritage attributes, while restoration is usually confined to situations where detailed documentary evidence exists for the previous iterations of the heritage resource.

After meeting with Planning staff to discuss the proposed work and to determine if a heritage permit is required, applicants should find the most suitable way to do their project. 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. Under By-law 2905-2011, the Director of Development Services and his or her designated staff have delegated authority to make decisions relating to alterations to designated heritage properties. Note: For the properties in Wellington that have individual designations under Part IV of the *Ontario Heritage Act*, all actions listed below must conserve the heritage attributes identified in the designation by-law for that property and any interventions proposed for those attributes must be reviewed by PEHAC.

TABLE 1: HERITAGE PERMIT: CLASSES OF ALTERATIONS

Type of Work		Heritage Permit Required		Heritage Permit Approval Authority
		For Contributing Resources	For Non-Contributing Resources	
<b>Maintenance</b> For the purposes of the Heritage Conservation District Plan, maintenance shall be defined as the routine, 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.  Typical maintenance actions include: <ul style="list-style-type: none"> <li>■ periodic inspections;</li> <li>■ general property cleanup of rubbish and refuse;</li> <li>■ general gardening that does not negatively impact the heritage attributes of the streetscape, as defined in the Plan;</li> <li>■ painting of wood (new or repainting);</li> <li>■ replacement of broken glass in windows with same;</li> <li>■ repairs to existing window frames;</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
<b>Interior Renovation</b> (not applicable in an HCD)		No	No	No Heritage Permit Required
<b>Outbuilding</b>	Erection of a sensitively designed small outbuilding not requiring a Building Permit that will not negatively impact the identified heritage attributes of a contributing resource.	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 County 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 County 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 County Staff
	Re-roofing, different material or colour	Yes	No	
	Alteration to roofline if visible from the street	Yes	No	
<b>Porch/Verandah</b>	Porch/verandah replacement, same materials, size, and design	No	No	Approval Authority Delegated
	Porch/verandah replacement, different materials, size, and	Yes	No	

Type of Work		Heritage Permit Required		Heritage Permit Approval Authority
		For Contributing Resources	For Non-Contributing Resources	
	design where visible from the street and/or may impact the identified heritage attributes of a contributing resource			to County Staff
	Porch/verandah removal or addition where visible from the street and/or may impact the identified heritage attributes of a contributing resource	Yes	No	
Cladding, Soffit & Fascia, and Trim	Soffit and/or fascia replacement with the same materials and design	No	No	Approval Authority Delegated to County Staff
	Soffit and/or fascia replacement with different materials	Yes	No	
	Replacement of siding/cladding with the same material and colour	No	No	
	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	No	
	Replication of decorative trim in the same material and colour	No	No	
	Decorative trim removal or addition with different material or colour	Yes	No	
Other Exterior Alterations	New or increased parking areas (especially front yard)	Yes	Yes	Approval Authority Delegated to County Staff
	Repaving of existing parking area without expansion with the same material	No	No	
	Repaving of existing parking area without expansion with a 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	No	
	Chimney repointing using the same material and design	No	No	



Type of Work		Heritage Permit Required		Heritage Permit Approval Authority
		For Contributing Resources	For Non-Contributing Resources	
	Chimney replacement with a different material and design	Yes	No	
	Chimney removal or addition	Yes	No	
	Repair to eaves trough with the same material and a substantially similar design	No	No	
	Repair to eaves troughs with a different material and design	No	No	
	Addition of/change to eaves trough	Yes	No	

Type of Work		Type of Work		Heritage Permit Approval Authority
		For Contributing Resources	For Non-Contributing Resources	
Major Interventions	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 (Permit to Construct or Demolish)	Yes	Yes	
	Relocation of an existing structure to another location	Yes	Yes	

### **10.2.2 What is the “Heritage Permit” 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 County Planning staff to discuss the proposed work and to review the application process and permit form.

Step 2: Applicant makes application

Step 3: Planning staff review the application and if complete issues a notice of complete application. If incomplete, additional consultation between the applicant and Planning staff takes place. When the application is deemed complete Planning staff issues a notice of complete application.

Step 4: There are four versions of this step, depending upon the type of application (see the accompanying chart).

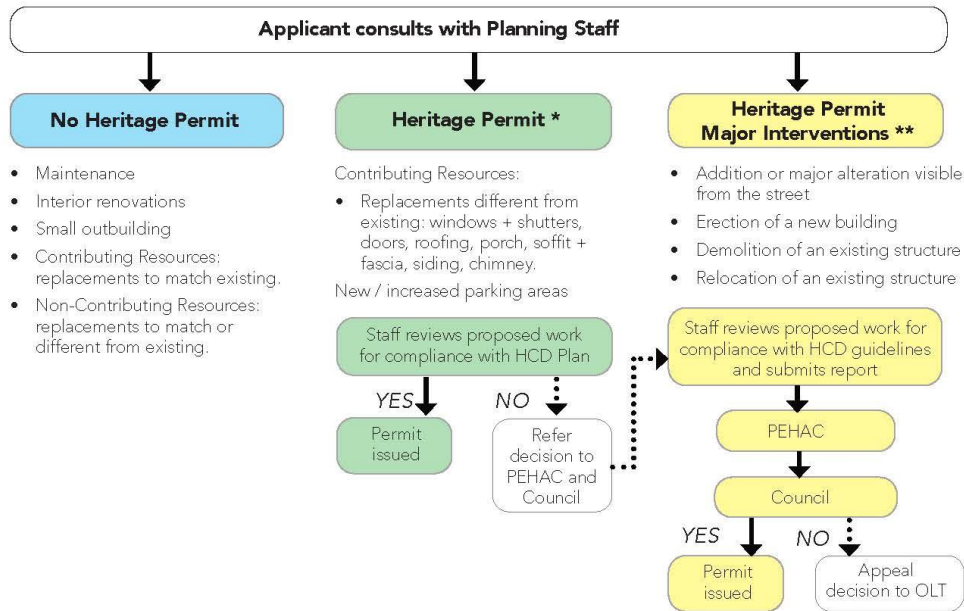
Planning staff review the application in detail and:

- a) grants the application with no conditions;
- b) grants with conditions;
- c) refuses the application (then proceeds to PEHAC and Council); or
- d) in the case of a major heritage permit, determines that the application is a major alteration requiring further review by PEHAC and consideration by Council.

In the case of c) or d), Planning staff submits a report with the application to PEHAC. The PEHAC reviews the report and application and makes recommendations to Council. Council can then decide to grant, grant with conditions, or refuse the application. An application denied by staff under delegated authority should be taken to PEHAC and Council for review and only after that should further appeals be pursued.

The owner of a property has the right to appeal refusal or approval with terms and conditions for an application to alter any part of a property within the HCD to the OLT (under Section 42(6) of the OHA). The owner has 30 days in which to give notice of an appeal to the Tribunal after receipt of the refusal or the permit or approval with conditions (OHA Section 42(7)).

In addition, staff or an applicant has the option to request that any application be forwarded to the Prince Edward Heritage Advisory Committee for their consideration.



\* The requirement of a Heritage Permit does not preclude the potential requirement of other permits/approvals (e.g. Building Permits, planning approvals, etc.)

\*\* Staff may require a Heritage Impact Assessment (HIA) for Major Interventions.

Permit Process

The *Ontario Heritage Act* requires a heritage permit application for properties in an HCD to include such information as the Council of a municipality may require and which are outlined in the County's heritage permit application forms. The current form that the County developed for the Picton HCD should be used but modified to comply with the requirements outlined in O. Reg. 385/21 Section 6 (1) and can be applied to any heritage permit application in the County. 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. At Council's discretion, approval can 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.

Depending upon Council's preferred process, for projects requiring a building permit, the applicant would apply for a building permit as well as a heritage permit (it is recommended that the two review processes proceed simultaneously). For projects under *Planning Act* approval processes - such as 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 this type of application, a full or scoped Heritage Impact Assessment may be required, at the discretion of the County Manager of Planning.

### **10.2.3 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. If the property also has an OHA Part IV heritage designation, review the property-specific heritage designation by-law and any heritage attributes identified in it.
- Become familiar with standard principles and practices for heritage conservation work, as found in the *Ontario Heritage Tool Kit* and the Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* (2<sup>nd</sup> ed or as superseded).
- Collect any available documentary research on the history of the property.
- Think of the ways in which the subject property fits within its context and how the proposed work can be integrated.
- Have a description of the property that is the subject of the application. The description should include concession and lot numbers, a reference plan and part numbers as well as street names and municipal addresses.

- Have photographs that depict the existing buildings, structures, landscape setting and heritage attributes of the property, including their condition.
- Have a site plan or sketch that illustrates the location of the proposed alteration, demolition or removal.
- Have drawings and written specifications for the proposed alteration, demolition or removal.
- Outline the reasons for the proposed alteration, demolition or removal and describe the potential impacts to the heritage attributes of the property and to the character of the HCD.
- Arrange a meeting with County Planning staff to preview the application prior to submission.



## APPENDICES



## A. Applicable Provincial Heritage Policies

In order to meet the goals and objectives of this HCD Plan, specific policies are to be followed by the County in regulating changes within the district. The following is an outline of the Provincial legislation that relates to a municipally designated HCD. The legislative context of each policy is described, followed by the related policy to be applied to the District.

### ONTARIO HERITAGE ACT POLICIES

#### The Ontario Heritage Act

The *Ontario Heritage Act*, R.S.O. 1990, c O.18 (**Ontario Heritage Act**) enables the provincial government and municipalities powers to conserve, protect, and preserve the heritage of Ontario. The Act is administered by a member of the Executive Council (provincial government cabinet) assigned to it by the Lieutenant Governor in Council. At the time of writing the *Ontario Heritage Act* is administered by the Minister—Ministry of Tourism, Culture and Sport (MTCS).

Part I (2) of the *Ontario Heritage Act* enables the Minister to determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario. One method to enact this agenda is enabling municipalities to create heritage conservation districts under Part V of the OHA.

#### 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 by-laws, 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.

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

#### **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.

### **PLANNING ACT POLICIES**

*The Planning Act* is the primary document for municipal and provincial land use planning in Ontario sets the context for provincial interest in heritage. It states under Part I (2, d):

The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as...the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.<sup>1</sup>

Under Section 1 of *The Planning Act*:

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter...shall be consistent with [the PPS].<sup>2</sup>

The *Provincial Policy Statement* directly addresses cultural heritage in Section 1.7.1e and Section 2.6.

---

<sup>1</sup> Province of Ontario, “Planning Act, R.S.O. 1990, c. P.13,” December 8, 2020, <https://www.ontario.ca/laws/statute/90p13>, Part I (2, d).

<sup>2</sup> Province of Ontario, “Planning Act,” Part I S.5.

---

Section 1.7 of the *PPS* regards long-term economic prosperity and promotes cultural heritage as a tool for economic prosperity. The relevant subsection states that long-term economic prosperity should be supported by:

- 1.7.1e encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

Section 2.6 of the *PPS* articulates provincial policy regarding cultural heritage and archaeology. The subsections state:

- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
- 2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.<sup>3</sup>

The *PPS* makes the consideration of cultural heritage equal to all other considerations and recognizes that there are complex interrelationships among environmental, economic, and social factors in land use planning. It is intended to be read in its entirety and relevant policies applied in each situation.

*Planning Act* processes ensure that any approvals are consistent with the *Provincial Policy Statement* and the *Heritage Conservation District Plan*.

### **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

---

<sup>3</sup> Province of Ontario, "Provincial Policy Statement 2020 – Under the Planning Act," last modified May 1, 2020, accessed February 3, 2021, <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>, 29.

---



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 County's *Official Plan*, *Zoning By-law*, and other applicable plans or policies.

Within the Heritage Conservation District Plan, policies have been developed in the circumstance that severance becomes a possibility within or adjacent to the Heritage Conservation District (see Section 3.2).

#### **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 continue to be required within the Heritage Conservation District. The Chief Building Official of the County should be involved in the review of Building Permit applications, including protected cultural heritage resources within the Heritage Conservation District, to provide comments and determine any requirements for a Heritage Permit, if necessary. The Heritage Conservation District Plan contains policies regarding building permit applications (see Section 10.2).

#### **EMERGENCY REPAIRS**

Immediate or temporary repairs may be required to ensure the protection and conservation of an identified heritage attribute of a protected heritage resource. These are 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 (however, deferred maintenance should not be considered as 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. Policies for emergency repairs are found in Section 3.2 of the HCD Plan.

---



## B. Monitoring the Plan's Effectiveness

With a number of properties and a predominantly mixed-use character, the District will have a number of changes over time. Since this District will be one of the first to be designated within the County, it is important for the municipality, as well as for local property owners and tenants, 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 PEHAC;
- Average time required to review and process heritage permit applications; and
- Comments received from the public, County staff and Council regarding conservation and regulation within the District.

County Planning 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 County of Prince Edward.

---



## C. Risk Management Strategies

In the event of unforeseen natural or human-made disasters, 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 Old Sydenham 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 cultural 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 heritage resources to determine heritage attributes (if not already undertaken);
  - As-found documentation of cultural **heritage** 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 cultural 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 2<sup>nd</sup> 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.
-





## D. Incentive Programs

### General

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 County 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
  - Tax holidays on improvements to heritage properties
  - Façade grants
  - Full use of the provisions in the *Ontario Building Code* that allow exceptions for heritage properties
-

### County of Prince Edward Heritage Grant Programs

At the time of writing, the County offered two heritage grant programs and an awards program. The Heritage Property Grant Program offers funds for improvements to building facades, rear and side walls, landscape and signage plus heritage restoration and interior rehabilitation, all subject to funds being available, as assessed annually by the County. Grants are available for properties designated under Part IV and V of the *Ontario Heritage Act*. The Built Heritage Fund is offered to owners of properties that are considered by the County to be of heritage value but may or may not be designated under the *Ontario Heritage Act*. The focus is on properties within a Business Improvement Area and/or owned by other Qualified Donees such as registered charities, schools, and institutions. Partnerships with Qualified Donees are also possible. Each year, the Prince Edward County Heritage Awards honour those who have made a significant contribution to conservation of buildings and cultural landscapes as well as those who have promoted heritage through education or interpretation (there is also a lifetime achievement award). More information is available using the links below:

<https://www.thecounty.ca/residents/services/planning/heritage-conservation/heritage-property-grant-program/>

<https://thecountyfoundation.ca/grants-funds/funds-tcf-manages/built-heritage-fund/built-heritage-fund-application/>

<http://pecounty.on.ca/county-government/departments/planning/heritage-conservation/prince-edward-county-heritage-awards/>

---

## SCHEDULE C

### Summary of Modifications to September 2022 Plan

~~Red strikethrough = deletion~~; green = addition

#### Section 1.2, Contents of a Heritage Conservation District Plan - middle of Para 3

Adherence to the guidelines is not compulsory. Guidelines should be applied as appropriate in the context of the ~~policy objectives of the~~ HCD Plan and the Wellington Secondary Plan. The guidelines should be used to consider options for changes to a property that support the conservation and enhancement of the heritage attributes identified in this Plan.

#### Section 2.1, Rationale for Designation - bullet 5

As shown in the policies of the Wellington Secondary Plan, the Study area has potential for intensification and redevelopment that could affect the cultural heritage resources ~~—unless conservation policies and guidelines are in place.~~

#### Section 2.3, Statement of Cultural Heritage Value – Lower Village

This sub-area retains key components of the first phase of the village's settlement, including the wharf and early buildings such as Tara Hall, the former Murphy House hotel and early worker's dwellings. It has heritage value because of these and other structures from the first half of the 19th century. The area's overall heritage value lies in its collection of individually important properties, in their original locations. ~~For the purposes of interpretation, the foregoing description of the area's overall heritage value includes the evolved land use pattern of commercial and residential properties and the collective composition of mixed land uses and varied landscapes.~~

#### Section 2.4, Description of Heritage Attributes - Whole District, bullet 4

~~A compact commercial core~~  
Concentrations of commercial activity

#### Section 2.5 – Designation Goals & Objectives

District designation primarily focuses on conservation and enhancement of the physical character of the streetscapes within the District. This goal is important since Wellington has the streetscapes, types and scales of buildings typical of a village, thus its pattern of development is different from that of a town or city. Though the Wellington Secondary Plan indicates that the village will be enlarged by the development of lands north of the Millennium Trail, the village character of its core should be retained by conserving the essential characteristics of the village, ~~as identified through the heritage attributes of each character area in Section 2.4 of the Plan.~~ The Heritage Conservation District Plan emphasizes the current development pattern of buildings

arranged in an informal manner that expresses the incremental development of the village, over time. As befits a village, the scale of buildings is generally small, with larger buildings tending to be important institutional or commercial structures. Wellington's streetscapes are at a pedestrian scale, with few buildings outside the commercial core taller than two storeys, and many residential buildings with generous side and front yards that accommodate trees and gardens. The effect is one of visual porosity, with views of buildings alternating with those of landscaped yards and, in some cases, of the lake in the distance. The overall impression is one of informality, modest scale, and an eclectic group of buildings arranged along tree-lined streets.

In the Lower Village and Village Core, the HCD Plan reflects the built form characteristic of the area's historic and current mixed commercial and residential uses that sustain the more traditional "Main Street" role of these areas. Buildings are often built to the sidewalk, creating a more intimate pedestrian experience, with a less dominant soft landscape and less visual porosity.

### **Section 2.5, Designation Goals and Objectives – start of Para 3**

The point of new development in the HCD is to achieve a building massing and style that fits well within the existing streetscape and the vision as articulated by municipal and provincial policy. New buildings should be built using the best design practices of their time. While new designs should consider taking design cues from the existing buildings in the village, there is no requirement for new buildings to mimic these buildings. More important is that new buildings should complement older buildings' key components, such as orientation, setback, height, massing, bay width, roof line, vertical alignments, details, roof profile, materials and landscape setting. In other words, they should be good neighbours, visually speaking.

### **Section 2.5, Designation Goals and Objectives – under "HCD Plan and the Secondary Plan"**

Most pressure for new development will come within the parts of the HCD that have been identified for intensification in Part Four of the Secondary Plan, Sections 4.1.1 and 4.1.2. Most of these are within the two Character Areas – the Lower Village and Commercial/Industrial Core – that currently contain most of the existing commercial land uses alongside residential and institutional properties. The current pedestrian scale and informal character of village streetscapes, including Main Street, has a building massing of two-three storeys, as also described in the Secondary Plan. The HCD Plan implements some of the village design policies of Section 4.1.7 for properties within the Heritage Conservation District. It does so by providing policies based on the District's heritage attributes which help define the characteristics of the District and provide criteria to assess the compatibility of the design of new development with those attributes.

For its part, the Secondary Plan supports the HCD Plan's evaluation of village character as it applies to the mixed-use areas of the District. Policy in Section 4.1.2.1 states that Council shall: "ensure that mixed use development reflects the scale, function, and character of existing development on Main Street. Intensification should integrate with the existing low-rise fabric of the existing neighbourhood which generally includes buildings between one and three stories." Section 4.1.2.3 has policies stating that "additions and renovations should reflect the height, scale, and massing of adjacent buildings." Finally, Section 4.1.2.4 allows Council to "consider slightly taller buildings of three and four stories at key Main Street intersections, including: a) key intersections in the Village Core Area (Belleville Street, Wharf Street, West Street and Consecon



Street); and b) Key redevelopment sites (former Midtown Meats property in the Village Core Area)."

**Section 2.5.3, Designation Goals and Objectives – Land Use, introductory sentence -**

~~The low density residential character of the District, with the low-medium density character of the central commercial and institutional core areas will be conserved by:~~

The heritage character of the District will be conserved by:

**Section 3.1 – Policies for the District as a Whole - n), q)**

Agreed that these two section can be deleted.

**Section 8.1, Guidelines for New Construction/Infill – General, bullet 3**

Be designed to respond to and complement ~~Attempt to match~~ the setback, ~~size~~, and massing patterns common on the streetscape in which the property is located, especially in the context of the immediate neighbouring contributing Heritage Conservation District properties.

**Section 8.2, Guidelines for New Construction/Infill – Massing, bullet 1**

New construction should ~~consider and respect~~ be designed to respond to and complement the scale and massing of adjacent contributing buildings, reflecting the base, middle and top of those buildings.

**Section 8.2, Guidelines for New Construction/Infill – Massing, bullet 3**

*New construction should ~~respect~~ be designed to respond to and complement the pattern of façade division by ensuring that the horizontal and vertical architectural elements respond to those of neighbouring contributing buildings within the Heritage Conservation District.*

**Section 8.2, Guidelines for New Construction/Infill – Massing, bullet 4**

New construction should ~~maintain~~ be designed to respond to the height of buildings on adjacent ~~buildings~~ contributing properties, except where ~~the Wellington Secondary Plan allows consideration of additional height (up to 4 storeys: Sections 2.5.1 vis. Section 4.1, 4.1.2.4 and 4.5.1)~~ the Official Plan, the Zoning by-law and/or the Wellington Secondary Plan, and amendments thereto, allow consideration of height that may not be present on existing contributing properties.

**Appendix A - Applicable Provincial Heritage Legislation and Policies**

**Conflict or Inconsistency**

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 by-laws, the Heritage Conservation District Plan 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.

Subsection 41.2(2) of the Ontario Heritage Act provides that in the event of a conflict between a Heritage Conservation District Plan and a municipal by-law, the plan prevails to the extent of the conflict:

- (2) In the event of a conflict between a heritage conservation district plan and a municipal by-law that affects the designated district, the plan prevails to the extent of the conflict, but in all other respects the by-law remains in full force.

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