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Corporation of the Town of St. Marys  
Box 998, St. Marys ON N4X 1B6

July 14, 2010

Ontario Heritage Trust  
10 Adelaide Street East, Suite 302  
Toronto ON M5C 1J3

**RE: By-Law 2010-32 to establish a Heritage Conservation District in St. Marys**

Please be advised that on June 22, 2010, St. Marys Town Council passed By-Law 2010-32 to establish a Heritage Conservation District (HCD) in downtown St. Marys under Part V of the Ontario Heritage Act. The boundaries of this district are shown on the map below, outlined by the heavy line.

Enclosed please find these copies: By-Law 2010-32; the published Notice; the letter and the information package sent to all property owners in the Heritage Conservation District.



Best wishes

Mary A. Smith, Heritage Coordinator, Town of St. Marys

**By-law Number 32 of 2010**  
**Of The Corporation of the Town of St. Marys**

**BEING** a By-law to establish a Heritage Conservation District in St. Marys.

**WHEREAS** the Council of the Corporation of the Town of St. Marys is authorized pursuant to subsection 11(3) of the *Municipal Act, 2001*, S.O. 2001, c.25 ("*Municipal Act, 2001*"), to pass by-laws within the following sphere of jurisdiction: culture, parks, recreation and heritage;

**AND WHEREAS** the Council of the Corporation of the Town of St. Marys is authorized, pursuant to subsection 41 (1) in Part V of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 ("*Act*") to pass by-laws providing for the establishment of Heritage Conservation Districts;

**AND WHEREAS** the Council of the Corporation of the Town of St. Marys has fulfilled the consultation requirements pursuant to subsection 41.1 (6) through (12) in Part V of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18

**AND WHEREAS** the Council of The Corporation of the Town of St. Marys deems it advisable and in the public interest to create a Heritage Conservation District within the boundaries shown on the attached Schedule "A," in order to help preserve the unique character of downtown St. Marys;

**NOW THEREFORE** the Corporation of the Town of St. Marys enacts as follows:

**PART I – SHORT TITLE**

1. This By-law may be referred to as the "HCD By-law".

**PART II – DEFINITIONS**

2. For the purposes of this By-law:

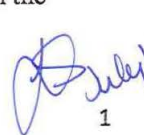
- (a) "Act" shall mean the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
- (b) "Alter" means to change in any manner and includes to restore, renovate, repair, build a new structure or demolish an existing structure; "alteration" and "altering" have corresponding meanings;
- (c) "CBO" shall mean the Town's Chief Building Official;
- (e) "Council" shall mean the elected Council of the Town of St. Marys;
- (f) "HCD" shall mean Heritage Conservation District
- (h) "Heritage Committee" means the Municipal Heritage Committee appointed by the Council of the Town of St. Marys;
- (j) "Owner" means the person registered on title in the proper land registry office as owner; and;
- (k) whenever the singular or neutral is used it shall, where necessary, be construed as if the plural or feminine or masculine had been used and vice versa, as the case may be and all definitions may also include the plural form where applicable.

**PART III – BOUNDARIES OF THE HERITAGE CONSERVATION DISTRICT**

3. The Council hereby establishes a Heritage Conservation District within the boundaries shown in Schedule "A" – an area bounded by the south bank of Trout Creek to the north, the west side of Peel Street to the east, the north side of Elgin Street to the south and the east bank of the Thames River to the west.

**PART IV – INVENTORY OF PROPERTIES**

4. A database of all properties, including digital images, within the boundaries of the HCD shall be created and regularly updated by the Town. This inventory shall be used in the

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review of Heritage Permit applications. Updates shall record alterations to properties in the HCD.

#### **PART V – HERITAGE PERMIT REVIEW PANEL**

5. A Heritage Permit Review Panel shall be established for a term concurrent with the term of Council as outlined in the Heritage Conservation District plan.

#### **PART VI – HERITAGE PERMIT APPLICATION PROCESS**

6. The following work is deemed to be ‘minor’ under this plan and shall be *exempt* from a Heritage Permit:

- all work within the interior of buildings or structures (unless a Part IV Designated Building with specific interior features that have been designated)
- plantings and gardens
- removal of vegetation other than trees of 200 mm caliper or greater
- **repair** of existing elements using like materials that match the original
- exterior paint
- masonry cleaning and re-pointing
- installation of central air-conditioning requiring mechanical equipment
- caulking, weather stripping, and installation and removal of storm windows
- **repairs** to roofing, chimneys, eaves troughs and downspouts, fences or broken window panes
- roof re-shingling as per guidelines in Heritage Conservation District Plan, 2009 (e.g. replacing asphalt with same material)
- paving or re-paving a driveway in asphalt or concrete (NOTE: re-sizing or relocating a driveway may require a permit after consultation with town staff.)
- minor installations including small satellite dishes, lighting and flag poles
- rear yard installations not disruptive of the street facade such as fencing, garden sheds, gazebos, dog houses, pools and children’s play equipment

7. Below are examples of alterations/modifications to the facade that shall require a heritage permit. (NOTE: These projects may also require a building permit and may be subject to other municipal by-laws.)

- new construction (new buildings and additions or new structures such as garages)
- structural alterations (e.g. verandas and porches, soffits and fascia)
- change in roofing material visible from the street
- replacing wall cladding (e.g. siding over wood or brick)
- repair or replacement of windows and doors
- new chimneys
- fences visible from the street
- alterations to downtown storefronts
- signage and awnings on commercial buildings
- installation—by the municipality—of the following items within the street allowance: street furniture, sidewalk lighting, plantings and above ground public works

demolition

8. **Existing features:** The HCD shall not be used to force a property owner to change a currently existing feature of a building.

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**9. Application for a Heritage Permit:**

- (a) An owner of a property within the HCD planning to make alterations to that property will consult with staff in the Building and Zoning Department who will advise whether it is necessary to obtain a Heritage Permit. If necessary, applicants will receive a Heritage Permit application form.
- (b) For many alterations, a written description may be all that is required to support the Heritage Permit application; for extensive alterations (such as those that will also require a Building Permit,) the CBO may require more information, including photographs, plans and estimates.
- (c) A tenant of a property within the HDC wishing to make alterations to that property must have the written consent of the owner or the owner's authorized agent.
- (d) There shall be no charge to the applicant for a Heritage Permit.

**10. Review and Approval:**

- (a) Completed applications for Heritage Permits may be issued directly by Building and Zoning staff if the proposed work follows the guidelines in the Town of St. Marys Heritage Conservation District Plan, 2009.
- (b) If an application requires further review, the CBO shall circulate it to the Heritage Permit Review Panel. The Heritage Permit Review Panel shall review the application and provide a report to the CBO recommending for or against the application.

NOTE: In straightforward applications, this process will be done by email and completed within three working days. For more complex applications, the panel shall meet and review the application within two weeks of submission.

- (c) The CBO shall provide notice of his/her decision in writing to the applicant.

**11. Appeal**

- (a) If the permit is refused, the applicant has the option to appeal to Town Council.
- (b) The applicant has the additional option to appeal to the Ontario Municipal Board.

**PART VII – ELIGIBILITY FOR MUNICIPAL GRANT SUPPORT FOR PROPERTY ALTERATIONS IN THE HERITAGE CONSERVATION DISTRICT**

**12. Facade Improvement Grants:** Criteria for consideration for a Facade Improvement Grant under the Community Improvement Program are not affected by the HCD. Heritage Permits may be required for some facade improvement projects.

**13. Heritage Grants:** The inventory of properties within the HCD will classify buildings by age and current heritage significance. Any property, residential, public or commercial, within the HCD that is deemed to have heritage significance, shall be eligible for a Municipal Heritage Grant, in accordance with the conditions of that program whether or not it is also designated under Part IV of the Ontario Heritage Act.

**14. Heritage Property Tax Relief Program:** The municipality may consider a Heritage Property Tax Relief program, in cooperation with the province, to encourage ongoing property maintenance and conservation, property owners within the HCD will be eligible for this benefit.

**PART VII – DELEGATION**

15. Council delegates to the CBO all of the powers required to administer the Heritage Conservation District plan in accordance with the terms of this By-law, including all acts necessary to carry out the authority vested in the CBO under this By-law.

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16. Notwithstanding any authority delegated to the CBO under this By-law, Council may, after notifying the CBO, exercise any authority that it delegated to the CBO under this By-law.

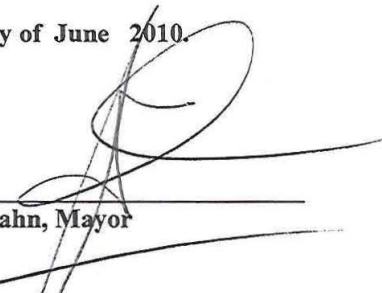
17. A decision by Council to exercise any authority delegated to the CBO under this By-law may be exercised with respect to the general administration of this By-law or with respect to a particular application made under this By-law.


**PART VIII – VALIDITY**

18. If a court of competent jurisdiction declares any provision, or any part of a provision, of the By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

**Read a first and second time this 22<sup>nd</sup> day of June 2010.**

**Read a third and final time and passed this 22<sup>nd</sup> day of June 2010.**

  
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**Jamie Hahn, Mayor**  
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**Robert Brindley, CAO/Clerk**

*Certified a true copy.*  
  
*July 15/10*

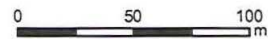
**LIZET SCOTT  
DEPUTY CLERK  
TOWN OF ST. MARYS**

Bylaw 32 of 2010 - Schedule A



Heritage Conservation District

Schedule A - Town of St. Marys  
Heritage Conservation District





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PHONE: (519) 284-2340  
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[www.townofstmarys.com](http://www.townofstmarys.com)

# TOWN OF ST. MARYS

"THE STONE TOWN"

July 12, 2010

**RE: By-Law 32 of 2010 to establish a Heritage Conservation District in St. Marys**

Please be advised that on June 22, 2010, St. Marys Town Council passed By-Law 32 of 2010 to establish a Heritage Conservation District (HCD) in downtown St. Marys. Your property within the boundaries of the HCD is therefore designated under Part V of the Ontario Heritage Act. This designation will be registered on the title of your property at the Land Registry Office.

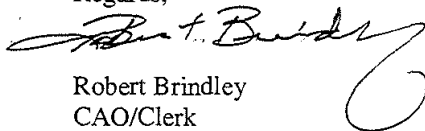
The Heritage Conservation District is within an area bounded by the south bank of Trout Creek to the north, the west side of Peel Street to the east, the north side of Elgin Street to the south and the east bank of the Thames River to the west. A map showing the boundaries of the HCD is enclosed with this letter.

Owners of properties within the HCD will be required to obtain a Heritage Permit before making major changes to the exterior of a building. More information about this requirement as well as an outline of potential incentives for property owners within a HCD can be found in the enclosed sheet of Frequently Asked Questions.

The By-Law establishing the Heritage Conservation District is available for review during normal business hours at the Office of the Chief Administrative Officer, St. Marys Town Hall, 175 Queen Street East, at the Building and Zoning Department, Municipal Operations Centre, 408 James Street South and on the municipal website: [www.townofstmarys.com](http://www.townofstmarys.com).

Any person who objects to By-Law No. 32 of 2010 may appeal to the Ontario Municipal Board by providing the CAO of the Town of St. Marys, not later than the 16th day of August 2010, with a Notice of Appeal. The appeal shall set out the objection to the by-law, the reasons in support of the objection and include the required \$125 filing fee prescribed for under the Ontario Municipal Board Act, payable by certified cheque or money order to the "Minister of Finance." Please be advised that if a Notice of Appeal is received, the matter will be referred to the Ontario Municipal Board.

Regards,

  
Robert Brindley  
CAO/Clerk





## Frequently Asked Questions – Heritage Conservation District in St. Marys

### Q. What is a Heritage Conservation District (HCD)?

An HCD is a way of protecting architectural and historical resources in a community. Municipalities have the power to create these districts under the Ontario Heritage Act, following an exact process and meeting specific criteria. The new HCD in St. Marys will join approximately 100 other HCDs in communities throughout Ontario.

### Q. Where is the HCD in St. Marys?

Our Heritage Conservation District is within an area bounded by the south bank of Trout Creek to the north, the west side of Peel Street to the east, the north side of Elgin Street to the south and the east bank of the Thames River to the west. A map showing the boundaries of the HCD is on page 2.

### Q. How does this area meet the criteria for an HCD?

Downtown St. Marys easily meets the provincial criteria for an HCD. Its built assets include one of the finest collections of Victorian and Edwardian storefronts of any town in Ontario; it is framed by two rivers and five heritage bridges; there is a sense of visual coherence up and down the main street. The downtown is contained between hills and rivers and this contributes to its compactness and beauty. It is an asset worth preserving.

### Q. How could an HCD benefit Downtown St. Marys?

A strong downtown is important: it's the face of the community and does as much as anything to attract new residents and new industry. The designation of an HCD offers long-term protection to the appearance of our downtown. The importance of conserving buildings and streetscapes is recognized in several statements within the Official Plan for the Town of St. Marys: Section 2.3. and within the recent Community Based Strategic Plan (Both plans are available at the Town's website: [www.townofstmarys.com](http://www.townofstmarys.com).)

### Q. Does an HCD impose restrictions on property owners?

An HCD sets out guidelines in an implementation plan. These come into play when a property owner wishes to make changes to the façade of a property within the district that will have implications for heritage features. It is important to note that it is not the purpose of an HCD to curtail or discourage or prohibit development or future growth but to provide guidance for change that adds to the architectural character of the area.

### Q. Specifically, what does this mean for property and business owners within an HCD?

- Major changes to the exterior of a property within an HCD (such as remodeling an entrance, building an addition) will require a review by a Heritage Permit Review Panel before a heritage permit is issued. Minor changes (replacing eavestroughs, replacing asphalt shingles with new asphalt shingles, repainting trim) will not. The bylaw clearly outlines what will need a permit and what will not.
- Heritage permits will be required only for exterior projects that can be seen from the street. There is no charge for a heritage permit. Turn-around time for review of straightforward, fully completed applications will be three working days.

### Q. Apart from the obvious one of preserving heritage properties and an attractive neighbourhood, are there any advantages to owning property within an HCD?

- Property owners of traditional buildings within the HCD who choose to restore original features using traditional materials can be eligible for the municipal Designated Property Grant if these improvements meet all conditions of that grant program.
- The municipality may consider a Heritage Property Tax Relief program, in cooperation with the province, to encourage ongoing property maintenance and conservation.

- When property owners seek to improve their properties or to build infill structures, a set of guidelines and reference material will be available to assist them in planning.

**Please note:**

- The HCD plan is intended to meet the needs of St. Marys and is not set in stone. It will be reviewed regularly and changed if necessary.
- The HCD will **not** be used to force someone to change a currently existing feature of a building.
- Property owners or businesses will **not** be expected to use traditional materials for upgrades or infill as long as new materials are sympathetic to their property and the neighbouring buildings.
- If an application for a Heritage Permit is not granted, a property owner has the right to appeal to Town Council. Further, a property owner has the right to appeal to the Ontario Municipal Board.
- The shared aim of Council and Heritage St. Marys is to work towards a strong downtown core. An HCD is another tool to achieve this goal. It will dovetail with other bylaws such as zoning, signage and property improvement that already apply to properties in the district.
- Information relating to the Heritage Conservation District is available during normal business hours at the Office of the Chief Administrative Officer, St. Marys Town Hall, 175 Queen Street East, at the Building and Zoning Department, Municipal Operations Centre, 408 James Street South or on the municipal website: [www.townofstmarys.com](http://www.townofstmarys.com). For further information, contact Mary Smith, Heritage Projects Liaison, St. Marys Museum, 519-284-3556; [msmith@town.stmarys.on.ca](mailto:msmith@town.stmarys.on.ca).

