



## Report to Council

Department: Planning  
Date: March 6, 2017  
Prepared by: Rita Jabbour, Assistant Planner  
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Director, Infrastructure of Development  
Report Number: Planning 2017-08  
Subject: The Social and Economic Importance of Heritage Preservation  
Number of Pages: 18

### **Recommendation(s)**

That Council receive Planning report number 2017-08 for information purposes.

### **Reason for report**

To provide Council with an outline of the social and economic importance of heritage preservation and to discuss the adoption of a Heritage Grant for designated properties within the Town of Essex.

### **Background**

Defining an identity contributes to a truly livable community and 'Pride of Place'. A truly livable community is one that makes its residents feel personally connected to it in a meaningful way. Heritage preservation can assist in defining an identity.

Buildings, structures and landscapes from our past help define our identity by serving as reflections of who we are and what we value as a community. They also serve to differentiate us from neighbouring municipalities.

The Town of Essex is comprised of four urban communities – Essex Centre, Harrow, Colchester and McGregor – each with a distinct uniqueness and history, evident in their built environment and cultural landscapes.

### **Colchester**

As one of the oldest settlements in Essex County, Colchester boasts a strong pioneer history. The designated Tofflemire Snider Cemetery along County Road 50 East serves as the final resting place for some of the area's earliest pioneers and their families, many with links to the American Revolution and Civil War.

The home of John Snider, one of the earliest settlers interred at the Tofflemire Snider Cemetery, still exists just west of the Colchester hamlet. The home and farm buildings at the John R. Park Homestead Conservation Area also serve as an excellent example of life during the nineteenth century.

### **Harrow**

Harrow's history is deeply rooted in agriculture, the railroad and a strong sense of community. The Old Mill, located at 44 Sinasac Street, is the most recognizable landmark in Harrow with ties to the Harrow Farmer's Association. Across the street at 314 Queen St, is the house Hiram Walker built as overnight lodging for train operators.

The preservation and restoration of the Black Methodist Episcopal ('BME') Cemetery, located at 25 Walnut Street, was initiated by the community following development pressures and frequent desecrations. The cemetery is the final resting place of several prominent Blacks, including Reverend Noah Canon, who founded several BME churches across Ontario to safeguard African-Canadian religious freedoms. The property was once the site of a church whose congregation consisted of pioneering Black Canadian Community members.

## **Essex Centre**

Essex Centre was born when the Canada Southern Railway laid tracks across the Talbot Trail in 1872. The designated Essex Railway Station at 87 Station Street is testament to that history. In close proximity to the station is the designated Essex House at 78 Fox Street. This private residence once served as a hotel and stopover house for employees of the railroad.

Essex Centre also boasts a collection of unique architecture. Boomtown architecture, an architectural type commonly associated with railway towns, is prevalent throughout the community. Other notable architectural types include Art Deco, Beaux Arts, Queen Anne, Victory Houses and International Style.

## **McGregor**

Like many other small settlements in the area, McGregor sprung up because of the establishment of Canadian Southern Railway's "Amherstburg Branch" and later a sawmill. The St. Clements Roman Catholic Church, however, has served as its spiritual anchor since 1879.

Defining an identity through the retention of built and cultural historical resources also assists in marketing for economic development initiatives. Towns and cities that preserve their heritage see an economic benefit through the attraction and retention of residents, businesses and tourists.

Residents and investors are attracted to buildings with architectural significance and culture; tourists are motivated by historic sites and museums. Twenty percent of heritage buildings have been demolished over the last thirty years, however, the efforts of the Essex Municipal Heritage Committee ('EMHC') and the development of programs like the Heritage Plaque Program are excellent tools to assist in the preservation and promotion of our history.

For the private property owner, however, renovating century old buildings can be costly. To serve as an incentive to preserve built and cultural heritage resources, cities and towns often offer a variety of grants or tax breaks to owners who commit to saving a heritage building.

Under Section 39(1) of the Ontario Heritage Act (2005) ('OHA'), municipalities are authorized to pass bylaws providing for the making of a grant or loan to the owner of a heritage designated property for the purpose of paying the cost of alteration in whole or in part.

## **Comments**

The Town of Essex Heritage Grant Program builds on the community feedback received through the Harrow Community Strategic Plan, the Downtown Essex Centre Streetscape and Silo District Plan and the Design Charrette and Public Open House to guide the preparation of the Colchester Secondary Plan. Through these public consultations, a desire to improve heritage preservation and develop culture and tourism opportunities was identified.

The proposed program would apply to all owners of property designated under the Ontario Heritage Act (Part IV or V), save for those commercial, institutional or industrial properties within the established Community Improvement Plan ('CIP') area, unless the proposal is not eligible under the CIP. Properties in the CIP area are not eligible for the repair or restoration of original roofing as is permitted under the Heritage Grant, for example. Designated properties within the CIP area are eligible for the Façade Improvement Grant, Professional Design Services Grant and Development Permit Fee Grant to assist with heritage restoration, renovation and preservation. The Heritage Grant Program will offer three grants to eligible property owners, as identified in the accompanying Implementation Strategy (Schedule A):

The **Repair or Restoration Grant** will provide 50 percent of the total costs of work up to \$10,000 to conserve, reconstruct, repair or restore significant components of the built and cultural landscape resources. The significant components will be those identified in the Designating Bylaw.

The **Professional Heritage Services Grant** will provide a \$2,000 maximum fee for service for professional heritage services such as an architect, archeologist, engineer or historian.

The **Development Permit Fee Grant** will provide a grant equivalent of the development permit fee or combination of fees charged by the Town for the approved project. Permits

required under Building Code or Planning Act must be utilized in combination with the repair or restoration grant.

The application of the Grant program will be similar to the administration of the CIP. The program will be application based with a required pre-consultation and the submission of two quotes. The application will need to be reviewed by the EMHC and later approved by Council, however, as section 33 of the OHA states that any alteration to a designated property is prohibited unless consent is obtained from Council, who must first consult with the established Heritage Committee.

Following approval of the application, an Acknowledgment Agreement will be signed before works are commenced, due to the sensitivity of the renovation and risks involved. Payment will only be distributed after invoices are received and inspection has been undertaken.

\$25,000 had been allocated for the Heritage Grant Program under the Heritage Committee budget in 2016. \$25,000 has been proposed for the next five years for the operation of the program. Should Council choose to adopt the program, staff will monitor and assess the program and provide an annual report to Council on its performance.

### **Financial Impact**

Potential for future tourism dollars and increased tax base from commercial and residential retention and attraction as a result of heritage preservation.

An annual contribution of \$25,000 for Heritage Grant Program has been requested under Heritage Committee's five year operating budget, should Council choose to adopt the program.

Reviewed By:

Tracey Pillon-Abbs, Chief Administrative Officer – Concurs.

Chris Nepszy, P.Eng., PE Director, Infrastructure and Development – Concurs.

Nelson Silveira, Economic Development Officer - Concurs.

Jeff Watson, Policy Planner – Concurs.

Deputy Mayor Richard Meloche, Chair, Essex Municipal Heritage Committee – Concurs.

## **Schedule A** –Town of Essex Heritage Grant Implementation Strategy

### 1.0 Town of Essex Heritage Grant Program Background and Direction

The Town of Essex Heritage Grant Program builds on the community feedback received through the Harrow Community Strategic Plan, the Downtown Essex Centre Streetscape and Silo District Plan and the Design Charrette and Public Open House to guide the preparation of the Colchester Secondary Plan.

The Harrow Community Strategic Plan, in particular, engaged the general public, business operators, service agencies and other stakeholders in a proactive and positive exercise to establish a vision for Harrow, based on its historical roots and its association with the other urban centres in the Town, its large rural hinterland and the region. A desire to improve heritage preservation and develop culture and tourism opportunities was identified through public consultation.

Under Section 39(1) of the Ontario Heritage Act (2005), municipalities are authorized to pass bylaws providing for the making of a grant or loan to the owner of a heritage designated property for the purpose of paying the cost of alteration in whole or in part. In accordance with the Ontario Heritage Act, an “alteration” means a transformation or change as a result being a restoration, renovation or repair.

### 2.0 Town of Essex Heritage Grant Program Strategy

#### 2.1 Clarifications:

**Acknowledgement Agreement** means that all property owners making application(s) for grants are required to enter into a grant agreement with the Town of Essex. The grant agreement will specify such items as, but not be limited to, the specific purpose and amount of the grant applicable, the duration of the grant, if of the type spread out over time, and, in the event of a default of the agreement, the owner’s obligation to repay through taxes or in such payment acceptable to the Town of Essex, any monies received. The agreement is intended to encapsulate all of the terms and conditions included in the specified grant

guidelines. It may be registered on title and applicable to present and subsequent owners of the property should the property be sold within a stated period of time.

**Consistent with the Goals of the Plan** refers to the overall goals of the Town of Essex Official Plan regarding Cultural Heritage and Archeological Resources.

**Final Inspection and Approval** means that the work as described in the Acknowledgement Agreement has been completed in the manner approved by Council and has received final inspection and formal approval from the Town of Essex.

**Heritage Attributes** 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.

**Preservation** means the action or process of protecting, maintaining and/or stabilizing the existing materials, form, and integrity of a historic place or of an individual component, while protecting its heritage value.

**Property Owner** means the owner of the land and or building, located within the Town of Essex, which is the subject of a grant application within this program. A person having signing authority and lawfully designated by the owner to make a program application on behalf of the property owner will also be deemed to be the property owner for the purposes of this program.

**Rehabilitation** means the action or process of making possible a continuing or compatible contemporary use of a historic place or an individual component, while protecting its heritage value.

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

## 2.2 Program Start Date

For all Grant programs dealing with financial commitments, the program start date is based upon the annual Council approval of budget funding for the plan.

## 2.3 Retroactivity

Program funding is only available after Town of Essex approval of the program(s) and the site specific application. The grant programs or architectural services will not be retroactively applied to works started prior to commencement of the program, unless otherwise authorized by Council.

## 2.4 Allocation Grants and Architectural Services

Grants: Unless otherwise specifically stated, all grants will be paid to the property owner after the application is approved by Town Council and the approved work is successfully completed to the satisfaction of the Town.

## 3.0 Qualification Criteria for All Programs

All owners properties designated under the Ontario Heritage Act (Part IV or V) within the Town of Essex are eligible to apply for funding, subject to meeting the eligibility criteria, and the availability of funding as approved by Council. Owners of designated commercial, industrial or institutional properties within any of the established Community Improvement Plan Project areas are disqualified from applying for a heritage grant, unless the proposal is not eligible under the CIP. For an applicant applying for a grant or architectural design service under the Program, the following criteria must be met to the satisfaction of the Town of Essex.

The following terms and conditions apply to all programs:

### Who Can Apply?

- The applicant must be the registered owner of the property for which the application is being made or an agent authorized by the registered owner

- A property owner who is in arrears of property tax or any other municipal financial obligation cannot participate in a program.
- Any outstanding orders against the subject property must be satisfied prior to the grant application being made or other services rendered under this Program, unless fulfillment of the order is part of the proposed work.

#### Application Process

- Each of the grants outlined are application based with Town of Essex Staff recommending direction to the Town on a site specific basis.
- Only one application can be made for a property under each applicable Program, unless the project is phased in a manner satisfactory to the Town of Essex or the Town determines that a further application is merited.
- A grant program application must be submitted to the Town of Essex prior to the commencement of any works and prior to application for a building permit directly related to program funding, unless otherwise permitted by Council.
- Such program application will include business plans, estimates, contracts and other details as may be required to satisfy the Town with respect to the costs of the project and conformity of the project to the Grant Program.
- As a condition of approval, the Town of Essex may also require the submission of historic photos of the property and professional design and architectural drawings, which satisfy the heritage attributes outlined in the designation bylaw, as well as, impact studies or mitigation criteria
- Where applicable, when a grant is to be given, the owner will submit, for final approval, a copy of all paid invoices for work that is completed. Grants will be made upon successful completion of the approved work and acceptance of all documentation of the costs associated with the work, in accordance with the provisions of the program.
- Proposed work will conform to all municipal policies, standards and procedures of the Town including: the property's designation Bylaw, current applicable Official Plan policies, relevant zoning, design guidelines and development manual policies

- and the necessary planning and development approvals and building permits pursuant to the Ontario Building Code.
- The Town of Essex will require the applicant to provide information on Heritage property grants previously received for the subject property from all sources and the amount of the grants will be taken into account in consideration of an application
  - The total value of all grants and services received from the Town of Essex for a subject property shall not exceed the total value of the project or such other minimum level established in the respective program(s), whichever is less.
  - All property owners participating in any program will be required to enter into an Acknowledgement Agreement with the Town of Essex. The Council of the Town of Essex will be the approval authority for the execution of an agreement. The agreement will be registered on title and will specify the terms of the grant or services.
  - All completed works must comply with the description of the works set out in the related Acknowledgement Agreement.
  - The Town of Essex may undertake an audit of work done and associated costs if it deems it necessary. The cost of the audit will be deducted from the approved grant amount.
  - Unless the Town deems it appropriate to enter into an agreement with a subsequent owner or transferee for continuation of the grant, if a building, erected or improved with the assistance of a program grant or services, is demolished, sold or its ownership transferred prior to the expiry date of the grant or service agreement period stated in the Acknowledgement Agreement, at the discretion of the Town, the grant or services are forfeited and monies will be recovered by the Town either through posting the fees on the property taxes or by the owner paying a lump sum payment to the Town of Essex.
  - The Town may at any time discontinue a program; however, any participants in the program who have an Acknowledgement Agreement executed prior to program discontinuation, will continue to receive grants or services as approved for their

property, in accordance with the provisions of the program and Acknowledgment Agreement.

#### 4.0 Administration

The following general steps will guide Town of Essex staff in review, evaluation and administration of applications:

- Applicants will be required to have a pre-consultation meeting with appropriate Town of Essex staff in order to determine program eligibility, proposed scope of work, project timing and compliance with the designation bylaw registered on the property
- The Town may request that applications be accompanied by one or more of the following supporting documentation:
  - Historical documentation relating to the property (old photographs, newspaper clippings, postcards);
  - Specification of the proposed works, and if requested, any professional design or architectural drawings;
  - Impact studies such as heritage impact assessments;
  - Estimated project construction costs, including a breakdown of said costs.
- Before accepting an application, Town staff will screen the proposal. If the property affected is outside of the Town of Essex or the application does not meet the eligibility criteria, the application will not be accepted. Acceptance of the application by the Town does not imply approval under the Program
- Town staff will perform an initial site visit and inspection of the building or property, if deemed necessary.
- The owner must provide evidence of financial capability to develop the property according to the terms of the program

- If all criteria are met, Town staff will provide a recommendation regarding the execution of an Acknowledgment Agreement to the Municipal Heritage Committee and the Town of Essex Council for consideration
- Once the Town has approved the Program Application request and Acknowledgement Agreement, the Agreement will first be executed by the property owner and then by the Town of Essex
- Preparation for the release of grants will be processed after:
  - The Agreement has been executed and registered on title;
  - Staff have inspected the property and documented the pre-development state and/or completion of the approved works;
  - Staff are satisfied with all reports and documentation submitted;
  - A building permit has been issued, if required for the approved works.
  - The monies or services will be advanced to the property owner on satisfactory completion of the project in accordance with the terms of the program and, if required, proof of payment of all related invoices and a copy of the invoice(s) have been presented to the Town.

#### 4.1 Resource Implications

The allocation of grant and staff resources towards the programs included in the Town of Essex Heritage Grant Program will be at the sole discretion of the Council for the Corporation of the Town of Essex and:

- It is anticipated that the Heritage Grant Program will be implemented over a 5 year time period. Town of Essex Council may elect to extend the implementation period, discontinue or amend the Plan, as it deems appropriate or necessary.
- The Plan and its Implementation Strategy will be reviewed and assessed by Planning Staff annually and may be amended from time to time by Council resolution and/or by-law amendment to the Plan, at Council's discretion
- The Implementation Strategy establishes the details of and obligations under each program available. Please refer to Section 5.0 Program Descriptions

- Council will establish the level of incentives offered and will, as part of its annual budget process, determine if changes in the incentive levels are necessary, desirable or warranted.
- Any substantive changes to the Heritage Grant Program or the introduction of new programs will require Council's approval
- Based on the program package described above, the resource requirements are:
  - Staff and professional resources to administer the program package;
  - Marketing, advertising and other delivery costs for the Plan;
  - Town approval to grant monies under the following programs.

## 5.0 Program Details

A description of each of the Grant programs is provided in this section. The allocation of resources towards all programs and to each program under the Town of Essex Heritage Grant Program will be entirely at the discretion of Council for the Town of Essex.

A property owner may make an application for a grant(s) or services under one or more programs, subject to eligibility. Only one application can be made for a property under any program, unless development is phased in a manner acceptable to Council. The Owner must make application in writing to the Town and meet all of the information requirements set out in the application package or as required by the Town.

All property owners participating in any program will be required to enter into an Acknowledgement Agreement with the Town of Essex. The Planning Department with the Town of Essex will be the approval authority for the execution of an Agreement. The Agreement will specify the terms of the grant and services and set out a description of the works approved. Depending on the program, the program will be registered on title. All completed works must comply with the description of the works set out in the related agreement and the terms and conditions therein.

## 5.1 Program Groups

Exclusively for heritage designated property within the Town of Essex, an eligible property owner has access to one or more of the following three financial incentive programs:

- Professional Heritage Services Grant Program
- Development Permit Fee Grant Program
- Repair or Restoration Grant Program

## 5.2 Program Descriptions

### 5.2.1 Professional Heritage Services Grant program

The Professional Heritage Services Grant Program is intended to provide financial incentive in the form of a grant to help offset the cost of professional heritage services required or encouraged by the Town.

The Town may provide a grant for the services of an archeologist, architect, engineer, historian, landscape architect, or similar professional to heritage property owners for preservation and conservation advice, advice on reuse, the preparation of an appropriate preservation strategy; the preparation of a Heritage Impact Assessment; advice on approaches for repairing or restoring heritage elements and services for material analysis.

The professional service provided must be consistent with the property's designation Bylaw and be utilized in combination with any component of the Repair or Restoration Grant Program.

#### Program Specific Provisions:

- Grants will only be made on behalf of property owners undertaking work consistent with the property's designation Bylaw
- This program offers reimbursement for professional heritage services to a maximum fee for service of \$2,000 per property for the services outlined above or any professional heritage service the Town may deem necessary for the works proposed

- The property owner must sign an acknowledgment agreement form at the time the grant is approved

### 5.2.2 Development Permit Fee Grant

The Development Permit Fee Grant Program provides a grant to heritage property owners undertaking works that require approval under the Planning Act or the Building Code Act or both. The grant must be utilized in combination with any component of the Repair or Restoration Grant Program. This program applies to Planning Act applications or construction permits to which fees, hereby referred to as development permit fees, apply.

Program Specific Provisions:

- Eligible development permits are applications for any one or more of: a Minor Variance; a Demolition Permit; a Building Permit; a Sign permit and any other application the Town may deem necessary
- The property owner will receive the grant equivalent of the development permit fee or combination of fees charged by the Town for the approved project
- The grant payment is normally made to the property owner within 30 working days following final inspection and approval of the completed works

### 5.2.3 Repair or Restoration Grant Program

The Repair or Restoration Grant Program offers assistance to designated heritage property owners who are undertaking improvements to conserve, reconstruct, repair or restore significant components of built and cultural landscape resources.

Program Specific Provisions:

Eligible works include:

- The Conservation of existing architectural elements which are significant to the cultural heritage value of the property, such as doors, windows, bargeboard, siding, original roofing and any other attributes described in the designation bylaw; the reconstruction of architectural elements which still exist but are beyond repair; the repair of exterior surfaces including but not limited to the scraping, preparation and repainting of shutters, doors, windows and door trim, cornice trim, frieze board and eaves; the restoration of architectural elements which have been lost but for which there exists documentation to reproduce those elements as per the original, including materials.
- Architectural elements should be reconstructed to approximate the same shape, form and material as the original, if possible.
- Evidence for type of restoration and materials proposed must be based on property-specific historical evidence, not based on the examination of or comparison with other properties or building restorations.
- The costs of analysis of original materials may be considered to be an eligible cost.
- The grant amount is 50 percent of the total cost of the approved works to a maximum grant of \$10,000.
- The grant payment is normally made to the property owner within 30 working days and following final inspection and approval of the completed works.

## 6.0 Monitoring and Assessment

The Town will conduct periodic reviews of the programs being implemented under the Town of Essex Heritage Grant Program and, on an annual basis, determine their effectiveness and whether modifications to a program should be made. It is anticipated that the program will be implemented over a five year time period. Town of Essex Council may elect to extend the implementation period as it deems appropriate or necessary.

Planning staff for the Town of Essex will monitor the Heritage Grant programs and report to Council on an annual basis with a recommendation on the future level of funding to ensure funding sources are considered with each annual budget.

Planning Staff will maintain a database to include the following:

- Number of approved applications and completed works for the year;
- The program utilized for each application;
- The amount of grant money provided for each program;
- The financial implications to the Town and budget for the above;
- Recommendations for the next years' budget requirements

A Planning staff report will provide an annual recommendation on the merits of continuation, expansion or cessation of the plan and its programs. Significant changes proposed by staff or Council to the Grant will require an amendment by bylaw approved by Council.

Administrative, technical changes and minor adjustments can be made without amendment.