

APPENDIX A

**First and Second Street Heritage
Conservation District Update**

Heritage Assessment Report

February 2015

Project Consultants:

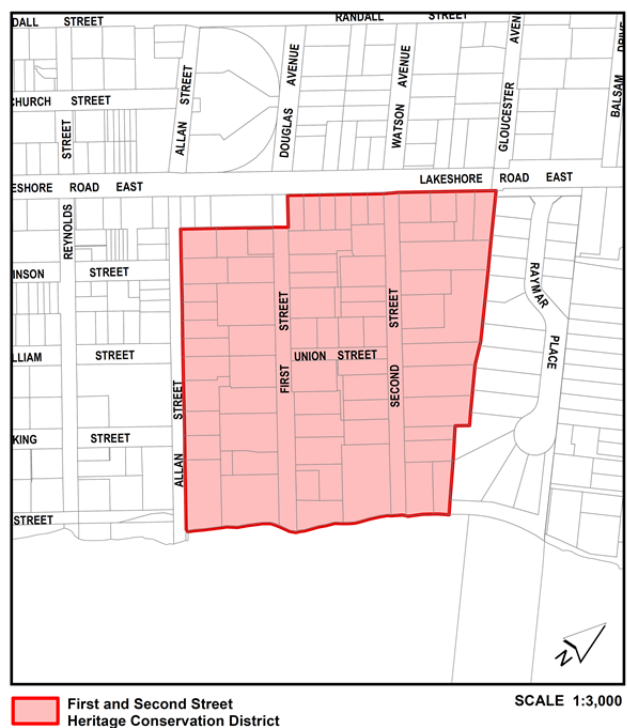
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EXECUTIVE SUMMARY

The consultant team was retained by the Town of Oakville in 2014 to undertake the completion of an updated Heritage Conservation District Study and Plan for the existing First and Second Street Heritage Conservation District (HCD). The Heritage Assessment Report has been prepared by both Town staff with assistance from the consultant team.

Heritage Assessment Report

This study is the first part of a two-part process that comprises the First and Second Street Heritage Conservation District Update. This first part encompasses the heritage assessment component that describes and evaluates the cultural heritage value of the First and Second Street HCD. The District contains 66 properties and is generally bounded by Lakeshore Road (north), the rear lot lines of properties along the east side of Second Street (east), Lake Ontario (south), and Allan Street (west). The boundaries are shown below:



This report examines a number of aspects of the existing district, including: historical growth and development of the area; the built and architectural character of the neighbourhood; streetscape and landscape attributes; land use character; objectives of the continued district designation and the content of the updated Heritage Conservation District Plan; and potential changes that may be required to the Town of Oakville's Livable Oakville Plan and to any municipal by-laws.

First and Second Street Heritage Conservation District Plan and Guidelines

The second part of the First and Second Street Heritage Conservation District Update process will be the updated First and Second Street Heritage Conservation District Plan and Guidelines which will provide the basis for the careful management and protection of the area's heritage character including its buildings, spaces, and landscape features. The work prepared in this heritage assessment report will assist in the preparation of the second phase of the project.

This heritage assessment report has identified some potential initiatives that will be pursued in the Heritage Conservation District Plan document. Recommended content for the Plan and recommended changes to municipal planning mechanisms and by-laws are included in sections 3.0 and 4.0 of this report. All initiatives will be subject to further public discussion and input from property owners.

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1.0 INTRODUCTION

1.1 Background

On May 7, 1987, Council passed By-law 1987-108 to define an area to be examined for future designation as a heritage conservation district (see Figure 1.1). This area, which contained the same boundaries as the final approved district, was presented and reviewed during three public meetings. During these meetings, the rationale, work program, and draft policies for the potential district were discussed. On February 18, 1988, Council passed By-law 1988-189, a by-law designating the First and Second Street area as a Heritage Conservation District (HCD) under Part V of the *Ontario Heritage Act*. By-law 1988-189 was approved by the Ontario Municipal Board on April 19, 1989.

The District is a residential area that includes 66 properties as shown in Figure 1.1 below. Of the 66 properties, 65 contain buildings or structures and one parcel is open space owned by the Town.

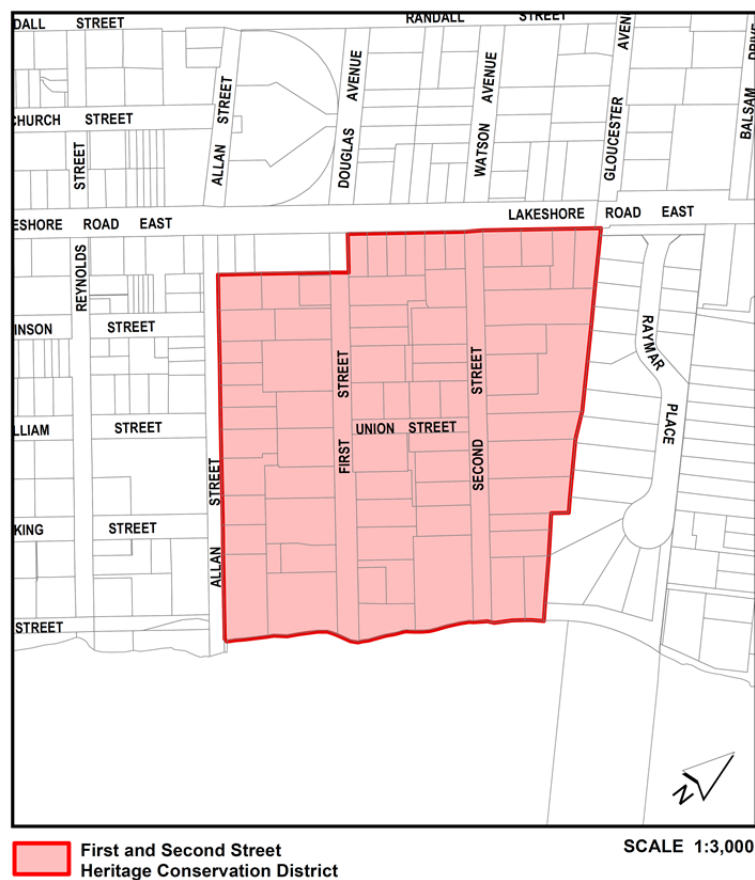


Figure 1.1: Boundaries of existing First and Second Street Heritage Conservation District

In 1991, the First and Second Street Heritage Conservation District Plan for the new district was completed. This document, which provides guidelines on alterations to properties within the District, has been in use by the Town since 1991. Since the First and Second Street HCD was established, there have been numerous changes to heritage legislation and guidelines, including a significant update to the *Ontario Heritage Act* in 2005. In order to ensure the First and Second Street Heritage Conservation District complies with current heritage practices, an update to the District Plan document is required.

1.2 Provisions of the *Ontario Heritage Act* and provincial guidance

The *Ontario Heritage Act* is the key provincial legislation that enables municipalities to conserve, protect, and manage heritage properties and areas. There are two parts to the *Act* that concern cultural heritage: Part IV enables a municipality to designate individual properties that are of cultural heritage value or interest and Part V enables a municipality to designate groups or areas of properties that demonstrate cultural heritage value. The Town of Oakville has designated 140 properties under Part IV and four heritage conservation districts under Part V containing 418 properties (Old Oakville – 117, First and Second Street – 66, Trafalgar Road – 171, Downtown - 64).

Part V of the *Ontario Heritage Act* enables a municipality to designate by by-law all or any part of a municipality as a heritage conservation district. Prior to designating a district, it has become conventional practice to study an area in order to identify the cultural heritage values and character of a prospective district. Sometimes this is formally undertaken by defining an area by by-law.

Guidance on what constitutes a heritage conservation district is provided by a number of sources. The Ontario Ministry of Tourism, Culture and Sport in its published guidelines (*Heritage Conservation Districts, A Guide to District Designation Under the Ontario Heritage Act*) note that a heritage conservation district:

“...may comprise an area with a group or complex of buildings, or a larger area with many buildings and properties. It may also comprise an entire municipality with a concentration of heritage resources with special character or historical association that distinguishes it from its surroundings.”

Designating a heritage conservation district is clearly concerned with identifying groups of heritage properties that together with other distinguishing features or attributes form a distinctive place worthy of informed protection and management. The Ontario Ministry of Tourism, Culture and Sport has also noted in its published guidelines (*Heritage Conservation Districts: A Guide to District Designation under the Ontario Heritage Act*) that a heritage conservation district typically displays a number of characteristics:

“A concentration of heritage buildings, sites, structures; designed landscapes, natural landscapes that are linked by aesthetic, historical and socio-cultural contexts or use.

A framework of structured elements including major natural features such as topography, land form, landscapes, water courses and built form such as pathways and street patterns, landmarks, nodes or intersections, approaches and edges.

A sense of visual coherence through the use of such elements as building scale, mass, height, material, proportion, colour, etc. that convey a distinct sense of time or place.

A distinctiveness which enables districts to be recognized and distinguishable from their surroundings or from neighbouring areas.”

The Town of Oakville’s Official Plan requires that cultural heritage resources, including heritage conservation district, be protected and conserved in accordance with applicable legislation and recognized heritage protocols. Accordingly, any recommendation concerning the prospective

delineation and designation of a district is best considered in the context of the provincial advice noted above.

The specific purpose of the heritage assessment report is discussed further in Section 1.3.

1.3 Purpose of this study

This study is the first part of a two-part process that comprises the First and Second Street Heritage Conservation District Update. This first part describes the historic background of the area and documents the heritage resources within the existing district.

The scope of the Heritage Conservation District Study was guided both by the Town of Oakville's terms of reference for this study as well as the requirements of the *Ontario Heritage Act*, notably subsection 40.2 which prescribes that a study shall:

- a) examine the character and appearance of the area that is the subject of the study, including buildings, structures and other property features of the area, to determine if the area should be preserved as a heritage conservation district;
- b) examine and make recommendations as to the geographic boundaries of the area to be designated;
- c) consider and make recommendations as to the objectives of the designation and the content of the heritage conservation district plan required under section 41.1; and
- d) make recommendations as to any changes that will be required to the municipality's official plan and to any municipal by-laws, including any zoning by-laws.

Accordingly, the Heritage Conservation District Study report specifically examines the following aspects of the prospective district:

- historical growth and development of the District (Section 2),
- the built and architectural character of the District (Section 2),
- streetscape and landscape attributes (Section 2),
- land use character (Section 2),
- objectives of the designation and the content of the Heritage Conservation District Plan (Section 3), and
- potential changes that will be required to the Town of Oakville's Official Plan and to any municipal by-laws (Section 4).

The second part of the First and Second Street Heritage Conservation District Update will be the new version of the First and Second Street Heritage Conservation District Plan and Guidelines which will

provide the basis for the careful management and protection of the area's heritage character including its buildings, spaces, and landscape features.

1.4 Sources

Ontario. *Ontario Heritage Act*, RSO 1990, c O. 18

Ontario. Ministry of Tourism and Culture, *Heritage Conservation Districts, A Guide to District Designation under the Ontario Heritage Act*, (Published as part of the Ontario Heritage Tool Kit), 2006.

Town of Oakville. First and Second Street Heritage Conservation District Plan, 1991.

Town of Oakville. Downtown Oakville Heritage Conservation District Study, 2012.

2.0 CHARACTER AND APPEARANCE OF THE DISTRICT

2.1 Introduction

This section of the First and Second Street Heritage Conservation District Study examines the character and appearance of the District as required by the *Ontario Heritage Act*. The various report sections that follow contain summaries and conclusions from more detailed survey work or analysis, including the Property Inventory (see **Appendix A**) and Streetscape Inventory (**Appendix B**).

The research has focused on four main components: historical settlement and context; built heritage character; streetscape and landscape survey; and policy review. The research was performed through a combination of site visits, research, and review of existing documents. Related to the historic settlement and built heritage character, information from the Town of Oakville was reviewed, as well as various historic maps, historic background, photos, and architectural information. Various Regional and Town policies were consulted when completing the policy review exercise.

2.2 The physiographic context

The First and Second Street Heritage Conservation District is located directly east of downtown Oakville south of Lakeshore Road. The District is bounded by Allan Street on the west, Lakeshore Road East on the north, the rear lot line of properties on the east side of Second Street on the east, and Lake Ontario on the south.

All of the area to the south of the Queen Elizabeth Way within the Town of Oakville comprises a gently sloping but otherwise flat terrain that has been referred to as the Iroquois Plain. This feature is the remnant lake bed of the former Lake Iroquois the precursor to present day Lake Ontario. The former lake was created by the retreating melt waters of the last glacier, approximately 10,000 years ago, and its former shoreline is most clearly evident, as a raised embankment, just to the north of the Queen Elizabeth Way. The Plain comprises areas of clay till, red shales and sandy soils, with the sandy soils prevalent in the area from Aldershot to Humber Bay.



Figure 2.1: The table land of the Iroquois Plain and the bridging points over Sixteen Mile Creek with the predominant east-west orientation of the downtown area and the surrounding residential areas.

The well-drained sandy soils and favourable number of frost-free days encouraged both pre-contact First Nations or aboriginal settlement as well as later Euro-Canadian settlement and a variety of related horticulture activities. The Lakeshore fruit and vegetable district in Oakville thrived with its popular local market for hardier fruit such as apple, pears and bush fruits as opposed to the soft, tender fruits in the Niagara Peninsula.

Drainage of the northern shore of Lake Ontario between Hamilton Harbour and the Bay of Quinte is characterized by many short rivers, with the Oakville area being sourced from the Niagara Escarpment. The soft shales comprising the underlying rock to the sandy soils are easily eroded and account for the steep sided, narrow valleys that characterize Sixteen Mile and Bronte Creeks. Notable harbours have been formed at the mouth of both these rivers now that they are drowned at their mouths.

The physiographic characteristics of the Iroquois Plain allowed for relatively easy construction of roads paralleling the lake shore with only the deeply incised river valleys proving to be challenging bridging points over the past 150 years. With Lake Ontario to the south and Sixteen Mile Creek to the west and north providing clearly definable limits to early settlement with their steep valley sides, this table land provided a key settlement site.

2.3 Historical settlement and context

The following section briefly summarizes the key themes and historical activity that have contributed to the development of Oakville and the area now known as the First and Second Street Heritage Conservation District.

2.3.1 Origins

The Euro-Canadian settlement of Oakville was founded in 1827 by Colonel William Chisholm. Chisholm purchased 960 acres of land at public auction previously reserved by the Crown for the Mississauga. The land was advantageously situated at the mouth of Sixteen Mile Creek (or Oakville Creek) on the north shore of Lake Ontario, midway between York (current day Toronto) and the head-of-the lake at Hamilton. These 960 acres became the site for a lakeport with an abundant backwood supplying it with white pine and grain. By the 1830s, many frame and brick buildings replaced the wilderness while roads were constructed connecting the backwood settlements with Oakville.

Chisholm had a plan prepared for a new town and produced a full colour promotional map of Oakville in 1835 to attract settlers. The town laid out by Chisholm consisted of a grid of streets with two blocks, Market Block and George's Square, set aside for public use. The streets were named after Chisholm family members and friends, including prominent early settlers and influential Members of the Government of Upper Canada.



Figure 2.2: Extract from Plan of Oakville, Township of Trafalgar, Upper Canada, 1835, showing the orderly street grid broken by Sixteen Mile Creek. The First and Second Street HCD is located where the orchard is shown in the bottom right-hand corner.

In 1834, William Chisholm received part of the Prince Regent's Land Bounty, Lot 12, 4th Concession, for his volunteer services in the War of 1812. The First and Second Street HCD area is part of this original land grant. The area remained undeveloped until the 1850s.

During the expansion years, 1828-1860, Lakeshore Road was constructed and the promising development of the railway spurred the population growth. With the expansion of business and the promising development of the railway, new residential surveys were developed.

In 1855, William Francis Romain, a prominent grain merchant, purchased a portion of Chisholm's War of 1812 land grant. Romain acquired the strip of land bordering Allan Street between the lakeshore and Colborne Street (now Lakeshore Road). Maintaining the two lots adjacent to the lake for himself, Romain surveyed the remaining parcel into residential lots. This was the first survey of its kind in the Town of Oakville.

A second survey, known as the Smith Survey, was established directly to the east of the Romain Survey by Thompson Smith, a wealthy lumber merchant. Smith moved into the house which stands at the corner of Second Street and Colborne Street (410 Lakeshore Road East). The Smith Survey included three new streets, with First Street and Second Street running north-south between Colborne Street and the lakeshore and Union Street running east-west connecting the other two streets.

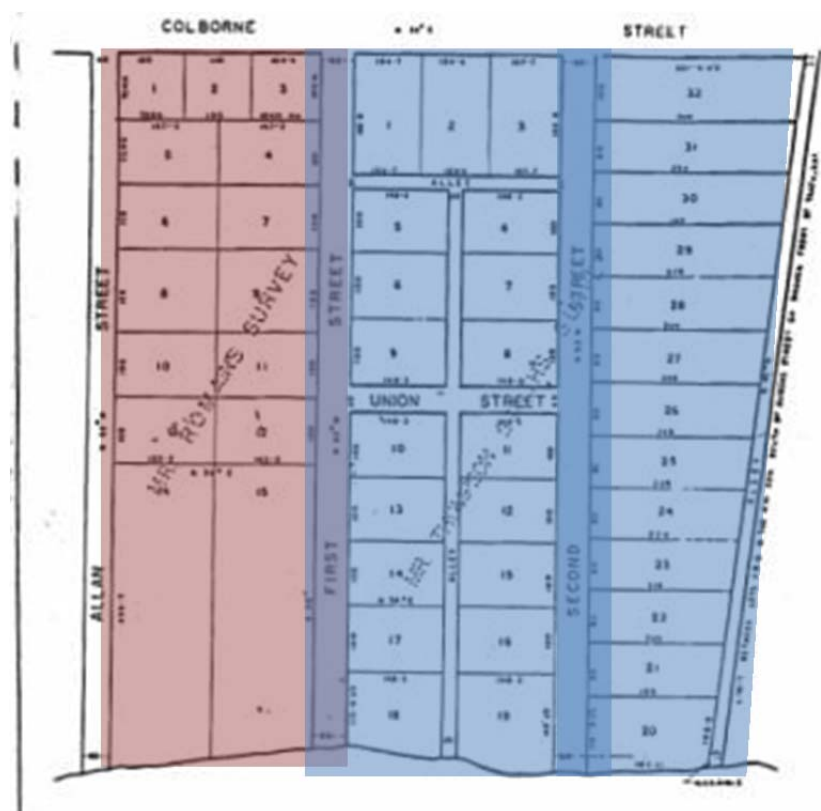


Figure 2.3: Romain-Smith Survey. The Romain Survey (red) was laid out in 1855 by W.F. Romain. The Smith Survey (blue) was laid out shortly after by Thompson Smith.

2.3.2 1850s to 1900

Many of the earliest buildings in Oakville were frame construction with horizontal weatherboard cladding, typically 1 ½ or 2 storeys divided into two or three bays with an end-gable roof above. Quite a number of these simple frame buildings have survived but many were re-clad in stucco and expanded over the last two centuries.

Prosperity in the 1850s resulted in the construction of many new brick buildings in the town. In 1857, the village was incorporated as a town with a population of approximately 2,000. The building boom of the 1850s was short-lived due to economic depression in the 1860s, after which the town did not grow substantially until after 1900. High land costs in the town led to the new Great Western Railway (1855) being constructed north of the town. This location outside of the town, in addition to a decline in harbour activities due to competition from the railway, contributed to this stagnation. The residential development in the Romain-Smith areas also experienced a slow growth period during this time.

By the end of the nineteenth century, with the decline of the port and surrounding industries, Oakville had become primarily a quiet residential community and a summer resort area. The character of Oakville at the turn of the century is documented in a publication called *Beautiful Oakville* published in 1898. Photographs illustrate the town's many picturesque qualities and amenities, including the fine homes located on leafy residential streets like those in the First and Second Street Heritage Conservation District.

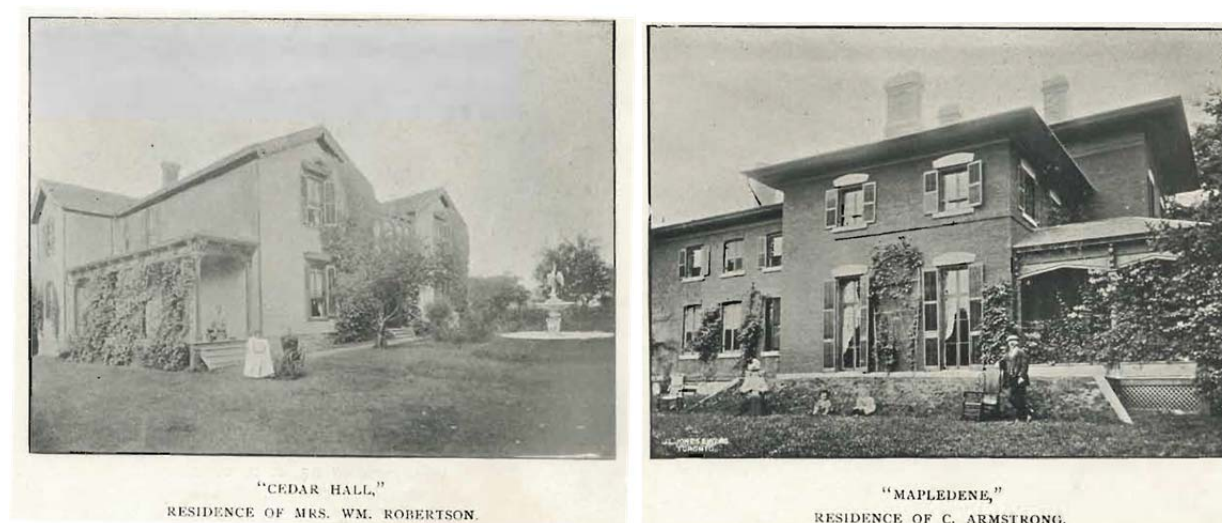


Figure 2.4: Photographs of 31 First Street (left) and 72 First Street (right), published in the 1897 publication *Beautiful Oakville*.

2.3.3 1900 to the 1950s

In the first decades of the twentieth century, the Town Council undertook improvements to attract new industries. These improvements included the installation of electric power, water and sewage systems, and a telephone network. New concrete sidewalks were laid, and electric street lights installed in the downtown. In 1906, a new bridge called the Anderson Bridge was constructed over the Sixteen Mile Creek at Randall Street. The bridge carried the tracks of the electric radial railway which provided hourly service from Hamilton to Oakville. In 1915, Colborne Street was paved as part of the all-concrete route from Toronto to Hamilton, complete with a new concrete bowstring truss span over the Sixteen Mile Creek.

These improvements in Oakville and elsewhere led to the rapid increase in the use of the automobile as a means of travel. In the early 20th century, Oakville became a popular summer resort with numerous Toronto residents establishing summer cottages by the lake. Many cottagers decided to permanently reside in the town, contributing further to the development of residential areas like the First and Second Street HCD. The downtown commercial area also expanded during this time to support the increase in population.

In the post-war period, Oakville experienced a second building boom. This development was supported by the 1930s construction of the Queen Elizabeth Highway, a four lane highway between Toronto and Hamilton. Post-war developments tended to be much larger in scale than the building stock of the 19th and early 20th centuries. Buildings constructed in this period included large bank buildings, commercial buildings, office towers, and new residential blocks. While these types of developments did not occur within the First and Second Street HCD, there are examples directly to the north of the District along Lakeshore Road.

2.3.4 1950s to today

The large-scale developments of the post-war period have continued up to today and the town has expanded well past its plan designed by William Chisholm. However, in the First and Second Street HCD,

the neighbourhood has retained its low-density residential character. Development in these streets has been limited to the severance of properties, infilling, and the replacement of existing homes. Most of the historic homes of the 19th and early 20th centuries remain, with some contemporary homes built among them.

In recent years, the contemporary homes constructed in the last half of the 20th century have been demolished and replaced with new homes since they are not all required to be retained in accordance with the District Guidelines. In most cases, the new homes are considered to be more compatible with the historic neighbourhood than their post-war counterparts.

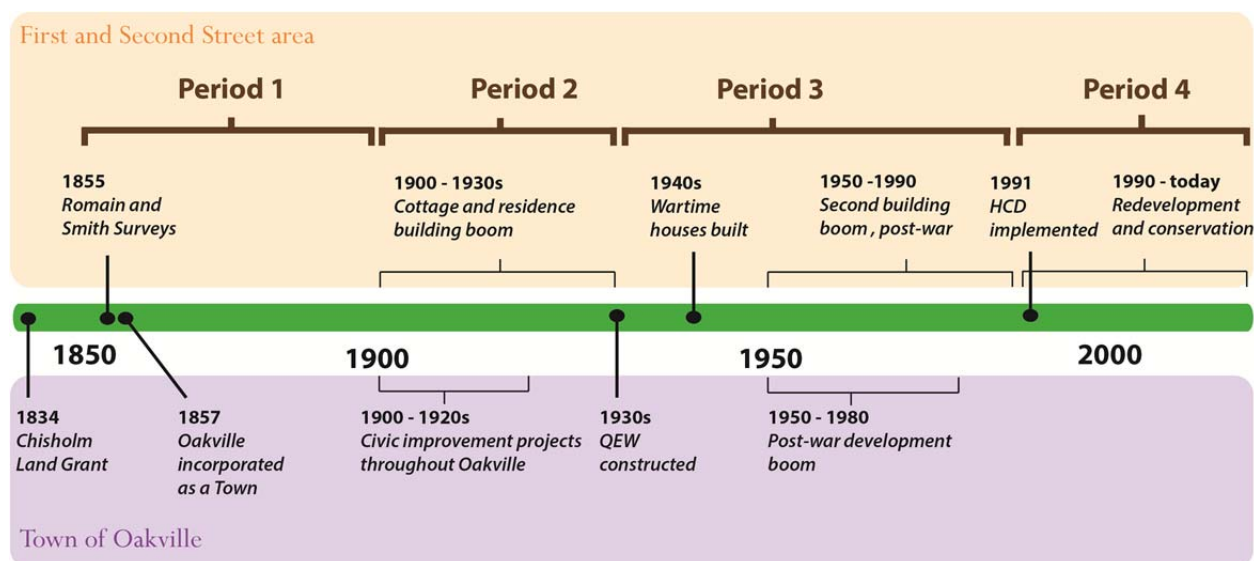


Figure 2.5: Chronological timeline of historical events and phases, as discussed throughout Section 2.3.

2.3.5 Conclusions

The growth and transformation of Oakville from wilderness to its current urban landscape over three centuries is accounted for by a variety of historical themes or strands of human activity that when woven together provide a richly patterned cultural heritage resource. The periods of economic growth and stagnation shaped the way in which the town's residential areas grew. These booms and busts are clearly visible in the lot development and varied architectural styles in the First and Second Street HCD.

2.4 Built heritage character

The First and Second Street Heritage Conservation District characterizes several phases of residential development. The earliest development (Early Settlement and Survey Period) occurred in the area from 1850-1900. From 1900-1940, a second phase of development (Cottage and Residential Growth Period) took place when new cottagers and residents from Toronto began constructing infill houses in areas like First and Second Street. Several business and political members of the community resided in the District area during this phase. From the mid-20th century until the 1980s (Densification Period), additional infilling took place, with large and medium-sized properties being severed for new lots. In recent decades (Heritage Conservation and Redevelopment Period), very few severances have taken place and most construction has been new houses replacing existing ones.

While other historic surveys in Oakville experienced most of its growth within a few decades, such as Tuxedo Park or Brantwood, the Romain-Smith survey developed from several estate lots to what is now a unique and architecturally-eclectic stable residential neighbourhood. The District exhibits several architectural styles, ranging from 19th century Georgian to early 20th century Edwardian to contemporary homes. The slow development of the area is visible in the 1910 Fire Insurance Plan below which shows many empty lots and open spaces. This sparse development reflects the larger estate and agricultural land use configurations.



Figure 2.7: Fire Insurance Plan, 1910. Much of the area remained undeveloped by 1910.

2.4.1. Building stock condition and integrity

As part of the heritage assessment report, an overview of the building stock condition contained within the District was undertaken to ascertain any patterns of alterations, deterioration or maintenance issues related to both building type and component construction materials. This review will assist in providing conservation and design guidelines anticipated to be prepared as part of the Heritage Conservation District plan and guidelines.

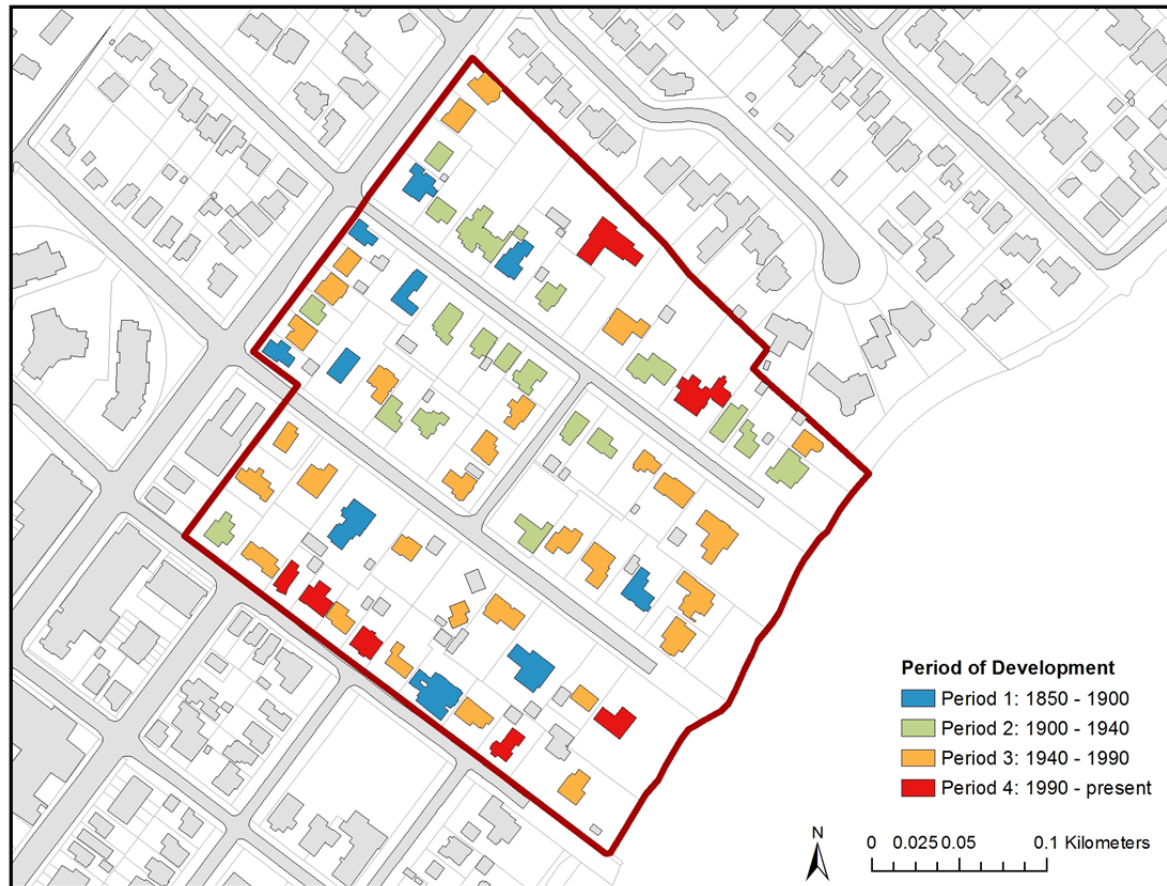


Figure 2.6: Map showing the historic period of construction of main structure on each property within the District.

2.4.2 Building design and construction

Period 1 – Surveys and Estate Development (1850-1900)

The District is characterized by single detached dwellings. Lot sizes and set-backs are somewhat varied due to the incremental development of the area. A number of large lots remain along the lakefront and on the east side of Second Street.

The earliest extant buildings in the District date from c. 1850. Prominent early houses in the District, such as the W.F. Romain House (40-42 First Street), the W.E. Hagaman residence (72 First Street) and the Captain William Wilson residence (390 Lakeshore Road East) are located in the west half of the District and are substantial brick dwellings. These homes were built on large lots by wealthy local merchants and elites. They typically had stables and outbuildings associated with them which have not survived, with the exception of the gardener's cottage associated with the Romain House which was incorporated into a later dwelling located at 47 Allan Street.



Figure 2.8: Romain House, constructed 1855 (left), and Captain William Wilson Residence constructed c.1860 (right).

Prior to 1900 there were also a number of small one to one-and-a-half storey frame houses scattered throughout the District on various sized lots. Some of these houses were later covered with stucco or clad with brick. Many have been significantly altered and/or incorporated into larger structures so that their original form is no longer legible.



Figure 2.9: 93 Second Street, where the original Georgian structure built in the 1860s is now incorporated as the rear portion of a 20th century house with Tudor Revival influences.

Period 2: Cottage and Residential Building Boom (1900-1940)

In the early 20th century a second significant building phase occurred in the area. This new development occurred primarily along Second Street and the east side of First Street. Buildings from this period are typically wood construction. Popular architectural styles from this period include Tudor Revival for large homes and Arts and Crafts for small cottages. There are a few examples of brick Edwardian four-square style houses built by local builders that have Queen Anne features such as large porches and decorative

window treatments such as dormers, bays and oriels. These houses are typically two to two-and-a-half storeys tall.



Figure 2.10: 56 Second Street, constructed in 1914 in an Edwardian four-square style (left), and 85 Second Street, constructed c.1900 in a Tudor Revival style (right).

Period 3: Densification Period (1940-1990)

Significant post-war development has occurred along Allan Street, Lakeshore Road East and Union Street. Most of the lots at the south end of First Street and Second Street have been redeveloped in recent decades. In keeping with the “Victory Housing” boom that was prevalent during WWII and in the early post-war period, a number of Minimal Traditional style houses were constructed in the neighbourhood. These 1 to 1 ½ storey wood frame homes are characterized by their small footprint, side gabled roofs, and simplified Classical proportions and details. Larger 20th century Vernacular style homes followed on empty or subdivided lots, or replacing earlier buildings. These houses reflected the suburban housing construction trends of the time in their highly simplified Georgian Revival detailing and proportions, as well as the integration of larger garages into their structure.



Figure 2.11: 64 First Street, wood frame house constructed in 1940 in a Minimal Traditional style.



Figure 2.12: 37 First Street, constructed in 1983 in a 20th century Vernacular style (left) and 428 Lakeshore Road East, constructed in 1984 in a 20th century Vernacular style with Georgian Revival influences (right).

Period 4: Conservation and Redevelopment (1991-present)

Since the introduction of the HCD, most new construction in the neighbourhood has involved either the demolition of existing homes or significant additions to them. New buildings have tended towards a New Traditional style, which draws closely on several past stylistic influences including Georgian Revival, French Eclectic Revival and Shingle. This New Traditional style reflects a more conservative and faithful attempt to recreate and update historic styles by directly referencing their proportions, massing, materials and detailing. These designs provide an important link back to significant buildings of the first and second periods of development and reinforce the overall heritage character of the area. Additions have been more eclectic in style; some have had little impact on the public view of the original home, while others have significantly altered them.



Figure 2.13: 59 Allan Street, constructed in 2002 in a New Traditional style with Georgian Revival influences (left) and 35 Second Street, constructed in 1905 with a substantial post-1989 addition (porch, dormer and rear wing) in a 20th century Vernacular style (right).

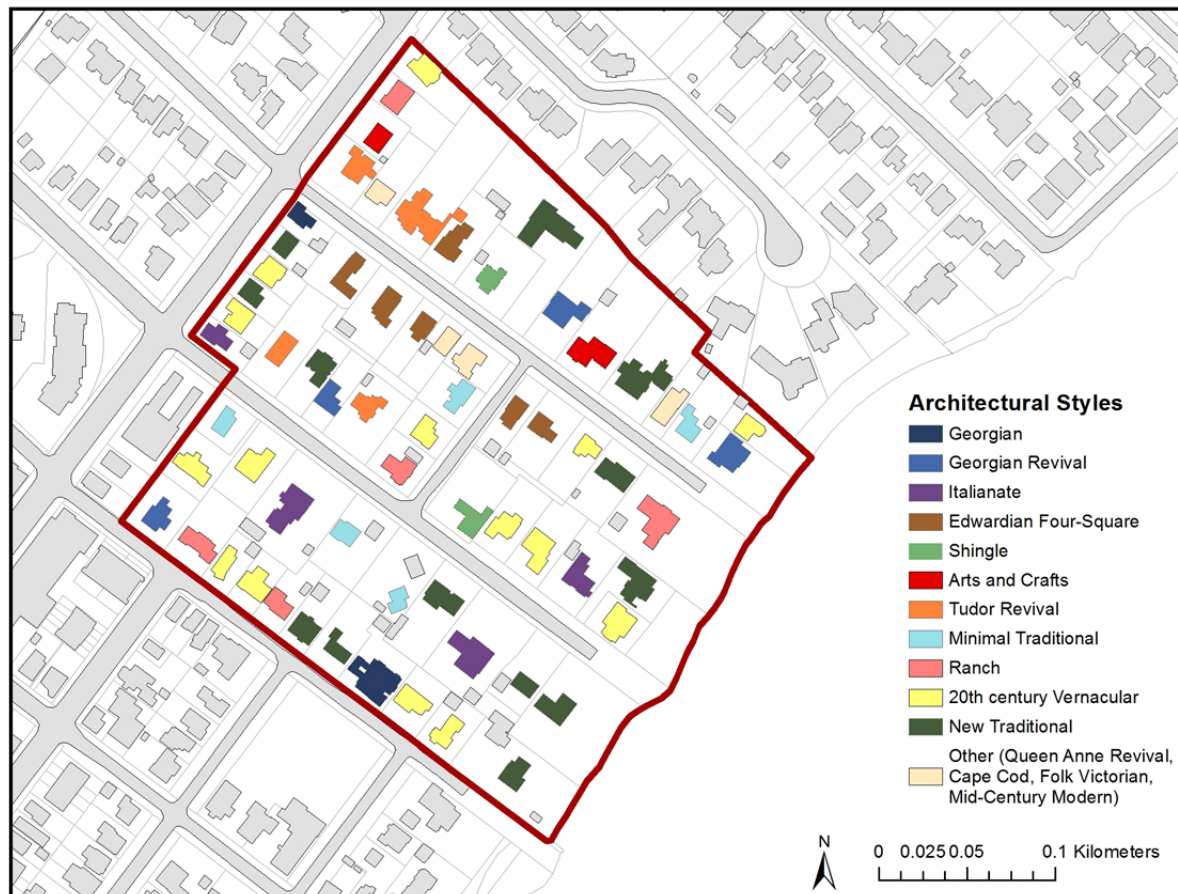


Figure 2.14: Map showing the range of historic and contemporary architectural styles found in the District today.

2.4.3 Overall structural and maintenance condition

From the public realm, the overall structural condition of the building stock within the District is good. For the most part, the residences are well cared for and maintained properly. Very few buildings display signs of lack of maintenance, such as peeling paint, broken shutters, etc. None of the buildings show any obvious signs of structural damage due to a lack of maintenance. Additionally, numerous homes in the District were constructed in the last two decades and are therefore in very good condition.

One property at 89 Second Street is currently vacant and is in fair condition. However, the building has been boarded up to prevent further deterioration and can still be restored and rehabilitated in the future.

2.4.4 Alterations to properties

The properties within the District continually maintain high property values that have helped to generate numerous renovation projects and new construction in the area. Many property owners have constructed new additions to the existing heritage homes to expand their living space. In most cases,

this has led to the restoration of the heritage portion of the home, resulting in major renovation and restoration projects.

Smaller renovation projects in recent years have included the reconstruction of porches, the addition of dormers, and the replacement of non-heritage windows, doors, and cladding. In addition to building renovations, property owners regularly update their landscaping, including changes to driveways, pathways, fencing, pools, and other structural landscape elements.

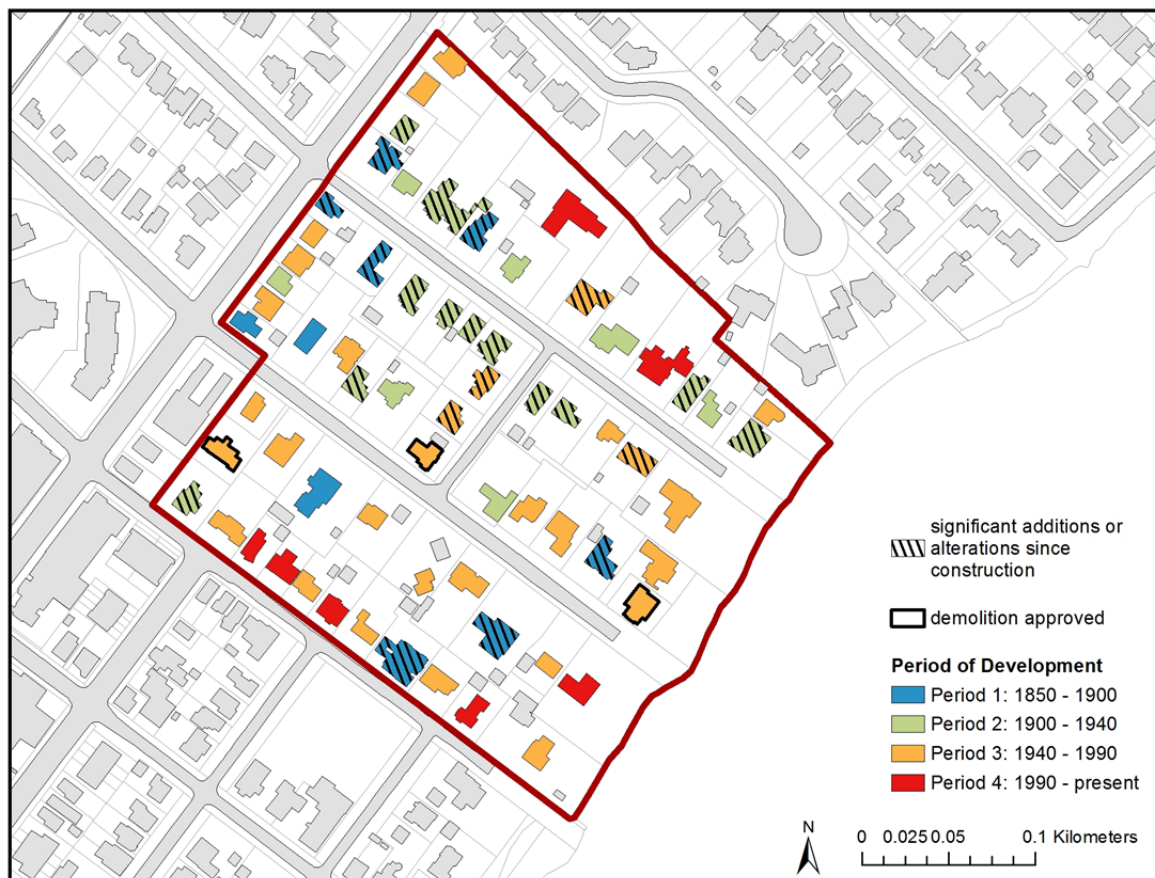


Figure 2.15: Map showing structures that have had significant additions or alterations as well as those that have been approved for demolition and redevelopment.

2.4.5 Conclusion

As noted, the built heritage character of the District consists of a range of building types and ages. These buildings provide a context for the historical development and construction of the building stock within the District. Many buildings have undergone modifications over the years in order to provide more living space or simply to update the look. In general, the building stock is in good condition, which is a reflection of the level of maintenance undertaken as well as the vitality of this residential neighbourhood.

2.5 Landscape context and character

2.5.1 Introduction

The landscape context and visual character of the District is the result of many combined elements: topography, soils, microclimate, and two centuries of human intervention in creating a new cultural environment distinct and separate from the natural environment. This section of the study examines this context and character, and presents the results of the landscape inventory and assessment.

This evaluation assisted in determining the contribution of open spaces, vegetation, and “hard” landscaping to the overall heritage character of the area. These elements include street trees, building setbacks, building heights, parking, views, pedestrian trails and public access to the lake. Combined, these elements create a distinctive character that complements the existing variety of the building stock in the District.

2.5.2 Landscape character of the District

The designed urban streetscape of the residential blocks within the District consists of development patterns from throughout the 20th century. The area contains modern amenities, such as paved roads and concrete curbs, but retains a more historic “small town” feel with its limited amount of sidewalks, mature vegetation, and varied building setbacks.

Lakeshore Road is a major traffic route and its character is therefore somewhat different from other streets in the District. With the exception of the north end of Allan Street, streets in the District have a dense canopy of mature deciduous and coniferous trees. Houses are set back and surrounded by lawns and gardens. Fences and walls are not typical of the area and many of the lawns extend down to the road. First and Second Street are not through streets and end at the Lake with no turn around area for vehicles. Many areas do not have sidewalks. Union Street has no sidewalks and there are no sidewalks at the south end of First and Second Street.



Figure 2.16: Second Street, looking south, note sidewalk termination on west sidewalk (left).

Allan, First and Second Streets terminate in naturalized areas that provide public access to the waterfront and views of Lake Ontario. The portion at the end of Allan Street is named Dingle Park. Areas at the end of First and Second Street are called promenades and have an unpaved pedestrian track to the water. The First Street Promenade extends a short distance along the waterfront to the east. There are currently no linkages between these public spaces.



Figure 2.17: First Street Promenade (left), Dingle Park at the foot of Allen Street (right).

2.5.3 Conclusion

The District maintains a strong pedestrian character. The street configuration provides local access to the neighbourhood. The north-west streets (Allan, First & Second) terminate at Lake Ontario and provide opportunities to access views of the lake. The mature tree canopy and large lots provide a pleasant and scenic environment. The lack of sidewalks and curbs along many of the streetscapes is a distinctive feature of the area.

2.6 Land use character and policy review

2.6.1 Introduction

The special character of a conservation district derives largely from the heritage attributes of the physical environment: buildings, structures, surrounding spaces, and distinctive plantings such as tree lines and tree canopies. The designation of a heritage conservation district is intended to assist in the protection and conservation of these features and their attributes by maintaining heritage elements free from any adverse physical changes, and ensuring that new development complements the existing heritage resources within the area.

The control of physical change to properties, buildings, and structures within a heritage conservation district falls under the purview of the *Ontario Heritage Act*. The use of lands and property, the configuration and placement of buildings on lots, and a variety of other provisions relating to physical

development generally, is governed by a number of provisions under the *Planning Act*, such as Official Plans, Zoning By-laws, and Site Plan Control.

Policies and procedures affecting the use of lands and the siting of buildings and structures have direct and indirect bearing on the appearance and character of a heritage conservation district. For instance, planning initiatives encouraging new development either in or around a prospective heritage conservation district may well be in conflict with desired objectives for conserving and maintaining the special character of the District. Policies that permit or encourage offices, restaurants, or other commercial uses in an area of distinctive residences will have repercussions on the physical fabric of these structures and their surroundings.

Fire escapes, signage, required car parking spaces, venting and air conditioning systems, and increased commercial traffic all have the capacity to impinge upon and detract from the special qualities of heritage buildings and the spaces around them.

Accordingly, a number of planning policies and control mechanisms are examined in this section, including the Town of Oakville Official Plan (*Livable Oakville*) and Zoning By-law, to ensure that there is no conflict with conservation initiatives, as well as to identify opportunities to encourage sound heritage conservation district planning by advocating complementary changes to planning policies and guidelines. This section also includes information about other planning mechanisms applicable within the District.

2.6.2 District land uses

The First and Second Street HCD has been a low-density residential neighbourhood since the 19th century and Town policies support this continued use in the future. The residences in the neighbourhood are all single detached homes between 1 and 2 ½ storeys in height with varying setbacks. There are no duplexes, semi-detached dwellings, or any medium or high density buildings within the District.

Within the District, there are also three Town-owned park spaces. These are located along the Lake Ontario shoreline at the end of Allan Street, First Street, and Second Street. The parks occupy small pieces of land and are used mostly by local residents.



Figure 2.18 Map showing the range of building heights currently within in the District.

2.6.3 District policy review

Municipal planning policies typically set the context for the broader pattern of development in any community, and are usually implemented by an array of more specific initiatives under the *Planning Act* and *Municipal Act*, such as zoning by-laws, site plan control, and property standards by-laws. The following subsections identify *key* policies and tools, and examine either potential for conflict with heritage conservation management or opportunities for change. Other municipal policies and guidelines, such as management and master plan documents relating to capital and other physical improvements, will be more specifically reviewed as part of the Heritage Conservation District Plan.

2.6.3.1 Halton Region Official Plan

The Halton Region Official Plan provides general land use guidance for the lands within its boundaries, and includes policies relevant to growth and development in the Town of Oakville. Halton Region concluded a review of their Official Plan, and the new policies were adopted by Regional Council in December 2009. The Official Plan modifications were reviewed and approved by the Ministry of Municipal Affairs and Housing but the decision was appealed to the Ontario Municipal Board (OMB).

The majority of the policies were approved by the OMB in February 2013; the outstanding appeals do not impact the First and Second Street HCD area.

The current Halton Region Official Plan was approved in 2006, and remains in effect until the new Regional Official Plan is granted final approval. The District is predominantly designated as Urban Area in the Regional Official Plan. This designation permits a very broad range of uses, with the detailed land use provisions being left to the local municipalities.

Map 3 of the Regional Official Plan identifies the various classifications of regional roads, and notes that Lakeshore Road is identified as a Minor Arterial road. Map 4 shows the right-of-way widths for the regional roads, but there are no specific widths given for Lakeshore Road. Section 165 of the Regional Official Plan contains policies related to cultural heritage resources, and provides some overall policy guidance. Objectives contained in this section are focused on promoting awareness and appreciation of Halton's heritage, and also promoting and facilitating public and private stewardship of Halton's heritage. The policy directions contained in this section generally encourage the study and preservation of historic buildings and structures, and speak to incorporating buildings or structures in development proposals.

2.6.3.2 Town of Oakville Official Plan (*Livable Oakville*)

The Town of Oakville recently concluded a process to create a new Official Plan, and the current guiding document (*Livable Oakville*) came into force in May 2011. *Livable Oakville* was initially adopted by Council in June 2009, and approved by Halton Region in November 2009. The *Livable Oakville* Plan provides overall policy guidance related to land use decisions within the Town of Oakville. The entire First and Second Street HCD is designated Low Density Residential on the Land Use Plan (Schedule G) in the document. An update to the *Livable Oakville* Plan will be undertaken in 2015.

Policies regarding Low Density Residential land use are contained within Part D of *Livable Oakville*. This land use designation "may permit a range of low density housing types including detached dwellings, semi-detached dwellings and duplexes." In terms of density, this land use designation permits up to 29 dwelling units per site hectare.

Section 11 of *Livable Oakville* provides general objectives for all residential areas which speak to maintaining, protecting, and enhancing the character of existing residential neighbourhoods. The objectives also underline the importance of providing an appropriate mix of housing types throughout the town.

Section 11.1.8 notes that intensification can occur within stable residential communities, such as the First and Second Street HCD, if the proposed development is compatible with the surrounding neighbourhood and meets all other applicable policies of *Livable Oakville*.

Section 11.1.9 of *Livable Oakville* provides criteria by which any new development within a stable residential community shall be evaluated in order to ensure that the existing neighbourhood character is maintained and protected. These criteria speak to factors such as: building design, building location, land use, lotting patterns, roads and municipal infrastructure, parking, street network and traffic circulation, impact on adjacent properties, conservation of heritage features, access to local amenities, and utilities. Any new development must meet these criteria in order to be considered appropriate for the site.

Section 5 of *Livable Oakville* contains policies related to cultural heritage. The overall objectives of this section provide for the safeguarding and protection of heritage resources through the use of available tools, as well as the promotion of cultural heritage initiatives. It is further noted that *“The Town will use the power and tools provided by legislation, policies, and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, and the Municipal Act in implementing and enforcing the cultural heritage policies of the Town.”*

Section 5.2 sets out the various actions that the Town will undertake to protect and conserve cultural heritage resources, and matters such as: maintaining a register of cultural heritage resources; designating cultural heritage resources; establishing heritage conservation districts and adopting heritage conservation district plans; establishing guidelines for the management of resources; and designating cultural heritage landscapes are noted.

Section 5.3 addresses a number of ways in which the Town will encourage the conservation of heritage resources. It is noted that the character of heritage conservation districts shall be preserved, maintained and enhanced through the careful consideration of plans for change within the District, and that the Heritage Conservation District Plan would guide the review of development proposals. Adjacent properties to those designated under the *Ontario Heritage Act* are also addressed, and it is noted that a heritage impact analysis may be required where development is proposed adjacent to or in the immediate vicinity of properties designated individually or as part of a district. Other policies of interest within Section 5.3 include direction to conserve and enhance the scenic character of Lakeshore Road (5.3.8), and direction to develop a set of criteria for determining trees of cultural heritage value (5.3.10).

2.6.3.3 Town of Oakville Zoning By-law

Currently, there are two zoning by-laws in effect in the Town of Oakville: 1984-063 and 2014-014. Between 2011 and 2014, Town staff undertook the inZone project to create the Town’s new 2014 Zoning By-law. The new by-law was designed to update the 1984 by-law and to implement the policies of the *Livable Oakville Plan* into the Town’s zoning by-law. The 2014 Zoning By-law was adopted by Town Council in February 2014 and is currently under appeal. Therefore, both by-laws are still in effect.

As part of this zoning by-law review, and in anticipation of the First and Second Street HCD District Plan and Guidelines being updated, a review of the 1984 zoning regulations within the District was

undertaken. The primary concern was the three separate zoning frameworks within the District which resulted in parts of the District having different zoning regulations than others. The goal was to apply a consistent zoning framework to the entire district, and the challenge was to determine which existing regulations worked and which did not.

As part of the public consultation process for the project, a meeting was held by staff on December 11, 2013 with owners of property in the First and Second Street HCD. The focus of the meeting was to discuss the changes to the zoning frameworks, but it also allowed for an informal introduction of this District Plan and Guidelines update project to the relevant stakeholders. Additionally, information gleaned from the zoning discussions contributed to a better understanding of issues and challenges within the District that relate to heritage.

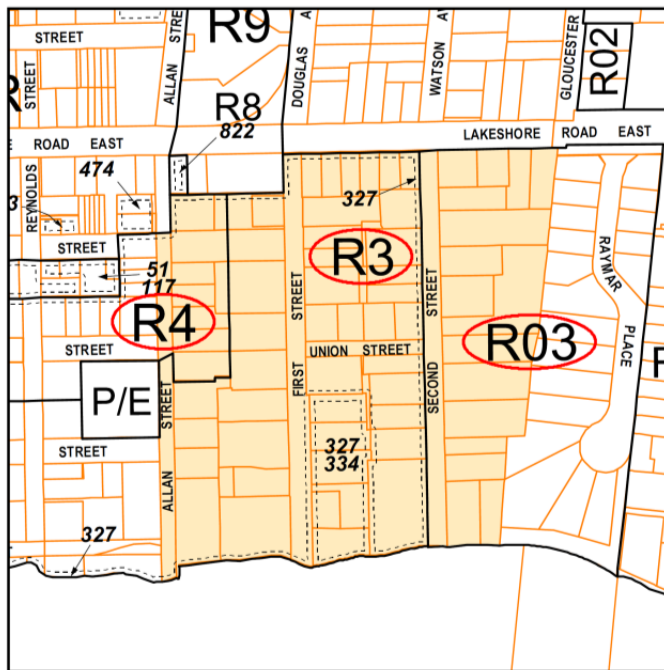
The zoning review for this District resulted in a Special Provision 12 in the new zoning by-law. The differences between the 1984 Zoning By-law and the 2014 Zoning By-law are described in more detail below.

Under both zoning by-laws, the First and Second Street HCD is zoned for low-density residential purposes. In each case, only detached dwellings are permitted in these areas. The maximum height, number of storeys, lot coverage, and floor area, as described in the chart below, were designed to maintain the existing low-density residential character of the neighbourhood.

In the 2014 Zoning By-law, there is one open space (O1) zone at the bottom of First Street along the Lake Ontario shoreline. This zone permits community centres, emergency service facilities, marinas, conservation use, public parks, and stormwater management facilities. In this case, the lot zoned as O1 is a small public park that was created from a residential severance of the land directly to the north of the park. There are no plans to use this park for any other purpose than its current use as an open space.

1984 Zoning By-law

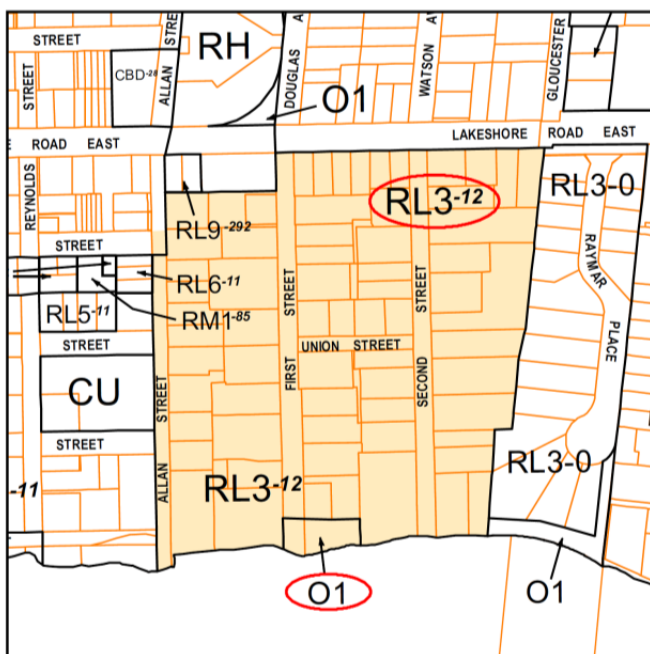
Includes three parent zones: R03, R3, and R4 zones, all of which have a special provision (327) applied to them. Additionally, there is a special provision (334) applied to six lots in an estate subdivision.



Zoning By-Law 1984-63

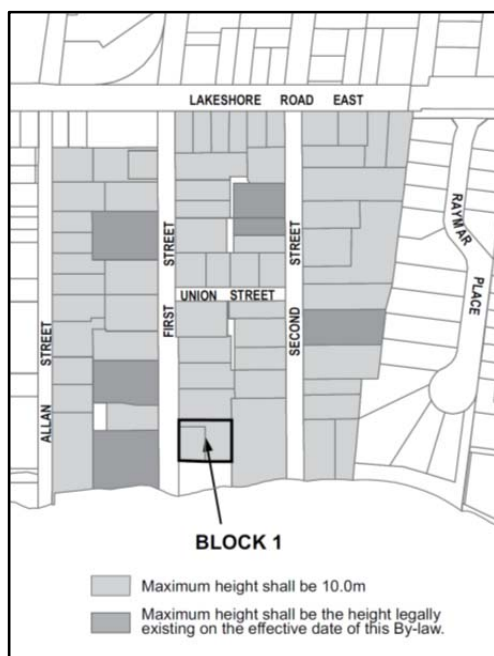
2014 Zoning By-law

Includes two parent zones: RL3, which includes special provision 12, and O1 for two lots of open space along the waterfront.



Zoning By-Law 2014-014

Special Provision 12:



The principal differences between these two by-laws are provided below in a chart format:

	Old By-law – R4 with SP327	Old By-law – R3 with SP327	Old By-law – R03	New By-law
Maximum height	10.5 to midpoint of roof	10.5 to midpoint of roof	9.0 to top of ridge	10.0m to top of ridge (or legally existing for 5 properties)
Maximum number of storeys	N/A	N/A	2	2
Maximum lot coverage	25%	25%	35%	25% (or 30% for 6 properties and legally existing for 6 properties)
Maximum floor area	22% for 1 storey 26% for 1 ½ storey 30% for 2 storeys+	22% for 1 storey 26% for 1 ½ storey 30% for 2 storeys+	N/A	N/A

2.6.3.3.1 Heritage Conservation District Plan guidance

The development of the 2014 Zoning By-law allowed for a comprehensive review of the zoning framework within the First and Second Street HCD and resulted in several changes being made to the old zoning regulations in the 2014 by-law. The updated zoning regulations allow for future low-density residential development within the District that is in keeping with the character of the area. However, it is important that the study team further reviews these zoning regulations as part of the Heritage Conservation District Plan and makes recommendations, if any, to assist with maintaining the character of the District.

As there are a variety of alternatives and not necessarily any single correct answer, this will be more fully discussed and informed by community consultation as part of the Heritage Conservation District Plan and Guideline Update project.

2.6.3.4 Site Plan Control

In some heritage conservation districts, it has become a standard practice to use Site Plan Control provisions authorized under the *Planning Act* to complement the development review mechanisms of the *Ontario Heritage Act*.

In some municipalities, any property designated under the provisions of the *Ontario Heritage Act* is subject to Site Plan Control pursuant to Section 41 of the *Planning Act*. Development which involves new construction or making alterations or additions to an existing building or structure to allow a substantial increase in size or usability requires the approval of municipal Council (unless authority has been delegated).

Site Plan Control allows the municipality to require facilities or improvements to the subject site and, in particular, address matters such as landscaping and some architectural details (such as elevations) in the review of the proposed development of a property.

Whereas the provisions of the *Ontario Heritage Act* are concerned primarily with the details of changes to properties as a means to conserve the character of the property, Site Plan Control seeks to ensure that an acceptable standard of site amenity and maintenance is achieved. Site Plan Control and heritage conservation district permits have considerable potential to complement each other, although procedures and differing time spans for processing applications may be considered cumbersome.

The entire Town of Oakville is designated as a Site Plan Control area under By-law 2005-062. Classes of development identified as requiring Site Plan Approval include the following:

- All medium and high density residential development, including a residential building containing 25 units or more;

- All development in residential zones comprising 24 dwellings or less that occurs on: a lot where site plan approval was required as a condition of another approval, a lot created by consent, a lot zoned R01 – R10;
- All non-residential development in residential zones;
- All development in commercial zones including residential development in a C3R or other commercial-residential zone;
- All development on properties within 50 m of the Lake Ontario shoreline;
- All development within Community Improvement Areas;
- All development in employment or industrial zones; and
- All development in open space, public use, agricultural, or parkway belt zones.

Accordingly, several properties within the District are already subject to Site Plan Control, given that they are within 50m of the Lake Ontario shoreline. The heritage conservation district plan will describe appropriate procedures for ensuring that approval procedures under Site Plan Control and the *Ontario Heritage Act* proceed expeditiously.

2.6.3.5 Property Standards By-law

The Town of Oakville has a Property Standards By-law (2007-100), which provides general direction related to property maintenance. The By-law addresses various matters, such as structural adequacy, foundations, walls, columns, beams, floors, roof slabs, balconies, roofs, stairs, heating and ventilation, and mechanical aspects. Standards are also included for yards, lighting, fences, and vacant properties.

There is a separate section dealing with heritage properties designated under Part IV or Part V of the *Ontario Heritage Act*. The focus of these standards is protecting the heritage attributes of buildings, maintaining the property in a manner to ensure protection of the heritage attributes, and ensuring that a permit is obtained prior to required work being undertaken. There are also sections regarding the repair of properties, replacement of heritage attributes, clearing properties, and vacant properties.

2.6.3.6 Potential development issues

The First and Second Street Heritage Conservation District is characterized by a low-density residential land use, lower lot coverages, and historically modest sized homes. However, in recent years, there have been numerous requests and applications within the District and in similar nearby neighbourhoods to construct large homes and additions that are considered by some to be out of character with the neighbourhood. While zoning regulations and existing heritage guidelines do not allow for ‘monster homes’, there have been new homes and additions completed in recent years which are considered by some residents to be too large and overwhelming for the heritage district.

This has been challenge since there are property owners, interested purchasers, architects, and builders who believe the existing regulations are not permissive enough. In these cases, there is a desire to build larger homes or construct substantial additions to smaller heritage homes. The updated District Plan

and Guidelines will need to clarify how the massing and footprint of a building should be designed to ensure the building is compatible with the District and existing structures, all while considering the existing zoning regulations and balancing residents' expectations.

In recent years, property owners and architects have been pushing for more contemporary designs in new additions and new buildings. While these designs certainly fulfill the requirement to have the new be distinguishable from the old, they may not be entirely appropriate for the heritage district. There has also been a desire to install more contemporary materials such as composite board instead of wood and aluminum clad wood windows instead of solid wood windows. The challenge will be to provide guidelines in the new District Plan which allow for new architecture and materials which reflect current design and building trends while ensuring compatibility with surrounding heritage structures.

Considering these potential development issues, the District Plan and Guidelines will need to provide guidance on details such as building height, lot coverage, massing, setbacks, and construction materials to help ensure that any proposed development is compatible with the surrounding area.

Development adjacent to a heritage conservation district can be as important as development within a district. Adjacent lands may be of interest for future heritage designation, and unsympathetic development of lands adjacent to a district could affect the character of the District itself. Height, building type, use, and the protection of public views and vistas are important potential considerations.

It is important for development adjacent to heritage conservation districts to be sympathetic to the District itself, and one way to ensure this is to prepare a heritage impact assessment that describes the development, area potentially impacted, description of effects, and any necessary mitigation. This can be thought of as similar to the way in which environmental features are assessed as part of development proposals. The Town of Oakville provides some guidance in this respect in *Livable Oakville*. The District Plan will examine this aspect further and may make appropriate recommendations to refine existing policies that guide the preparation of heritage impact assessments as well the requirements of the Provincial Policy Statement 2014.

2.6.3.7 "Adjacency" under the Provincial Policy Statement, 2014

Regarding the matter of "adjacency" as it pertains to potential effects on the development of property adjacent to a heritage conservation district, the Province has refined policy guidance for land use planning and development matters in the *Provincial Policy Statement, 2014* (under Subsection 2.6, *Cultural Heritage and Archaeology*). The Provincial Policy Statement (PPS), prepared pursuant to Section 3 of the *Planning Act* and in particular the provincial interest in cultural heritage identified in Subsection 2 (d) of the *Planning Act* includes the following provision:

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.

A number of supporting definitions accompany the PPS that assist in the interpretation of these cultural heritage management policies, listed alphabetically as follows:

Adjacent lands: means...

b) for the purposes of policy 2.6.3, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

Heritage attributes: 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 (including significant views or vistas to or from a protected heritage property).

Protected heritage property: means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

The PPS direction contained in 2.6.3 can be summarized as requiring the following activities to be undertaken:

- An **evaluation** of the proposed *development* or site alteration that affects *protected heritage property* on *adjacent lands*;
- A **demonstration** that the *heritage attributes* of the *protected heritage property* will be conserved as part of the proposed *development* and site alteration; and,
- A commitment to **mitigative measures and/or alternative development** approaches in order to conserve the *heritage attributes* of the *protected heritage property* affected by the adjacent *development* or *site alteration*.

Policy 5.3.4(b) in *Livable Oakville, Town Of Oakville, Official Plan, 2009*, also requires a heritage impact analysis where development is proposed "adjacent to, or in the immediate vicinity of, the boundaries of a Heritage Conservation District."

2.6.3.8 Heritage Conservation District Plan guidance

In order to ensure that there is no conflict between planning and development objectives and the pursuit of sound heritage conservation and management, the Heritage Conservation District Plan will identify appropriate changes to the Town of Oakville policies and by-laws, as well as outline any new

measures to be pursued. These potential policy revisions are outlined in further detail in Section 4 of this study.

2.7 Heritage conservation and financial incentives

The Town of Oakville began a three-year pilot Heritage Grant Program in 2014 for both Part IV and Part V designated properties. Up to \$80,000 in total is available in funding each year. Grants can cover up to half of the cost of eligible conservation work to a maximum of \$15,000 and must be matched by a contribution from the property owner.

Any conservation work, which directly and appropriately preserves, restores and/or enhances specific heritage attributes, is deemed eligible for a heritage grant. All work must be executed in such a manner as to not detract from or diminish the cultural heritage value of the property or district. Work within the town's heritage conservation districts must always be consistent with the applicable heritage conservation district plan.

The authority to provide financial incentives to heritage resource conservation is established under both the *Ontario Heritage Act* and the *Municipal Act*. Sections 39 and 45 of the *Ontario Heritage Act* provide that municipalities may establish by-laws to make grants or loans to owners of designated heritage properties and Section 365.2 of the *Municipal Act* makes provisions for enabling municipal tax rebates to such properties.

The 2014 program was considered to be very successful with all the total \$80,000 allotted for conservation projects. Numerous applications which were eligible for grant money received no funding because of the amount of interest in the program. Considering the success of this program, efforts will be made to extend the program beyond the three-year pilot timeframe and to procure additional funding. No other financial incentive programs are being considered for heritage properties at this time.

2.8 Delineation of the District

When the First and Second Street HCD was established in 1987, its boundaries were chosen based primarily on the original Romain-Smith surveys. This survey was bounded by Allan Street, Lakeshore Road, the current rear lot lines of the properties on the east side of Second Street, and the shore of Lake Ontario.

When the final District Plan was adopted for the HCD, the three properties on the south side of Lakeshore Road between Allan Street and First Street were excluded. The largest of these three properties contains a 6-storey 1960s apartment tower. Across the street, on the north side of Lakeshore Road, is an 8-storey 1960s apartment tower. By 1987, this section of the original Romain-Smith surveys no longer retained the low-density residential character found in the rest of the survey and was therefore excluded from the new District.

The land directly to the west of the District is designated under Part V of the Ontario Heritage Act through the Old Oakville Heritage Conservation District. To the east of the First and Second Street HCD is a contemporary subdivision with no heritage value other than the remnants of the Raymar Estate along the lakeshore. For these reasons, there was no recommendation to expand beyond the boundaries of the Romain-Smith surveys.

2.8.1 Continued support for the existing delineation

As part of this update to the existing First and Second Street HCD, a review and assessment of the existing boundaries has been completed. The Ontario Ministry of Tourism, Culture and Sport has noted in its published guidelines *Heritage Conservation Districts: A Guide to District Designation Under the Ontario Heritage Act* that a heritage conservation district typically displays a number of characteristics. These characteristics help to delineate the appropriate boundaries for a heritage conservation district to ensure there is rationale for designating the area as a district.

These characteristics are provided below in italics, along with a description of how the existing district boundaries contains each of these qualities of a successful district.

A concentration of heritage buildings, sites, structures; designed landscapes, natural landscapes that are linked by aesthetic, historical and socio-cultural contexts or use.

The HCD contained, and still contains, a concentration of heritage buildings that remain in their original locations and retain many of their original features. These structures represent an array of architectural styles and eras but are all linked by their historical contribution to the development of the Romain-Smith Survey as a residential neighbourhood.

A framework of structured elements including major natural features such as topography, land form, landscapes, water courses and built form such as pathways and street patterns, landmarks, nodes or intersections, approaches and edges.

The grid framework of the Romain-Smith Surveys is a major heritage component of the existing district. The area is defined by its three north-south streets and by Lakeshore Road and Lake Ontario which are connected by these streets. Many of the original lots have been severed or expanded, but the general layouts of the original surveys are still clearly identifiable. The shore of Lake Ontario provides a southern edge to the District and also acts as a significant landmark, contributing to the area's character.

A sense of visual coherence through the use of such elements as building scale, mass, height, material, proportion, colour, etc. that convey a distinct sense of time or place.

The district contains buildings with a wide range of architectural styles from the 19th and 20th centuries. Many materials and architectural features are therefore visible within the

neighbourhood. However, there is an overall visual coherence in terms of the residential character of the area, use of traditional building materials and the general massing and proportion of the buildings. The Romain Estate at 40-42 First Street remains an exception as a large estate house with a more grand appearance.

A distinctiveness which enables districts to be recognised and distinguishable from their surroundings or from neighbouring areas.”

The First and Second Street HCD contains a good concentration of historic homes and is the oldest subdivision east of downtown, south of Lakeshore Road. Beyond this district to the east is a contemporary late 20th century subdivision with modern, large homes. The distinctive heritage homes, grid system of streets, relationship to the lake and mature vegetation all contribute to the unique historic character of the neighbourhood.

The existing district boundary appropriately contains a majority of properties of cultural heritage value that provide a rationale for the continued designation of this area as a heritage conservation district under Part V of the *Ontario Heritage Act*.

Inevitably, the District contains a number of properties and features that do not readily fall into the category of “cultural heritage” and are of more recent origins. Most, if not all designated heritage conservation districts in Ontario, contain contemporary buildings and spaces and it is not unusual to find these features co-existing with cultural heritage resources. Appropriate guidelines in the Heritage Conservation District Plan will address the management of these more recent structures and spaces, especially with respect to the demolition and alteration of these features.

2.8.2 Part IV properties within the HCD

In addition to the 66 properties in the District, there is one property at 40-42 First Street which is located within the District, but is not currently designated as part of the District. This is because the property had already been designated individually under Part IV of the *Ontario Heritage Act* prior to the District designation. At the time of the District designation, the *Ontario Heritage Act* did not provide for properties being designated under both Part IV and Part V of the *Act*. The property at 40-42 First Street was therefore excluded from the District, despite its important contribution to the area.

Section 41.(2) of the *Ontario Heritage Act* now allows for properties to be designated under both Part IV and Part V of the *Act*. It is therefore recommended that the property at 40-42 First Street be included in the updated First and Second Street Heritage Conservation District.

2.8.3 Conclusion

In reviewing the existing First and Second Street HCD, maintaining the existing boundaries of the District is supported. The existing district strongly meets the rationale for being a heritage conservation district under the *Ontario Heritage Act* and there is no reason to expand or minimize the existing boundaries. However, it is recommended that the Part IV property at 40-42 First Street be included in the Part V designation of the District in the future.

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3.0 RECOMMENDED OBJECTIVES OF UPDATE AND PLAN CONTENT

3.1 Introduction

Section 1 of this report noted that the scope of the Heritage Conservation District Assessment Study was guided both by the Town of Oakville's terms of reference for this study as well as the requirements of the *Ontario Heritage Act*, notably subsection 40(2) which prescribes that a study will contain a number of components and shall:

(c) Consider and make recommendations as to the objectives of the designation and the content of the heritage conservation district plan required under section 41.1;

As prescribed in the *Ontario Heritage Act*, the planning and management of a heritage conservation district involves two stages: the preparation of a study followed by preparation of a plan. The key aim of the heritage assessment study is to detail the heritage character and attributes of an area and provide a rationale for designating, or in the case of the First and Second Street HCD, maintaining the place as a heritage conservation district.

While proceeding with the District Plan can only be directed by Town Council as advised by staff, it is important that in keeping with the requirement noted above that some idea of what the District Plan may contain be explored here. The District Plan is intended to provide the basis for the sensitive conservation, management and protection of the District's identified heritage features, notably its nineteenth century and twentieth century buildings and streetscapes. The Plan will provide a series of tailored guidelines for change within both the public and private realms of the Heritage Conservation District.

The District Plan is also intended to provide guidance on a variety of other matters including changes to planning, development and policy matters as well as other municipal activities such as financial incentives, public works and related streetscape improvements.

At the core of designating any district is the implicit assumption that much of the conservation implementation related to managing physical change within the area will be undertaken in reviewing and making decisions about heritage permit applications under Part V of the *Ontario Heritage Act*. It is important that all potential participants in the decision-making process be aware of all those who will be using the Heritage Conservation District Plan. The District Plan should be used and consulted by the following people, agencies and authorities:

- Property owners;
- Town Council;
- Heritage Oakville;
- Municipal staff; and
- Local utilities.

Given the various diverse interests and values that may exist within the Heritage Conservation District, it is important to recognize in a formal statement of intent the assumptions and objectives that are to be sought in conserving, protecting and managing the Heritage Conservation District. These are contained in the following sections and will form the part of the Heritage Conservation District Plan.

3.2 Statement of Intent

Within the First and Second Street Heritage Conservation District, it is the intent of Council to guide and manage physical change and development within the District by:

- Adopting the updated First and Second Street Heritage Conservation District Plan and Guidelines;
- Making decisions about heritage permit applications for alterations, demolitions and new construction under Part V of the *Ontario Heritage Act* according to the updated First and Second Street Heritage Conservation District Plan and Guidelines;
- Initiating appropriate public works, improvements and financial incentives to conserve and enhance the character of the First and Second Street Heritage Conservation District within the financial capabilities of the Town of Oakville; and
- Complementing these actions by making appropriate amendments to Official Plan policies, the Town's zoning By-law and other relevant by-laws.

3.2.1 Heritage interests, property owner interests and community interests

Council recognizes that within the First and Second Street Heritage Conservation District there are a number of diverse interests. In certain instances these interests may be complementary to each other; inevitably others may be in direct conflict.

Accordingly, Town Council:

- Seeks to ensure that any potential conflict amongst the community and individual interests is at best avoided or minimized at every opportunity.

3.2.2 First and Second Street HCD heritage character

Council recognizes that:

- The First and Second Street Heritage Conservation District comprises a distinctive assemblage of heritage buildings and streetscapes that have resulted from over a century and a half of many natural, social, economic and physical changes;
- The unique heritage character of the First and Second Street Heritage Conservation District and its diverse streetscapes are to be conserved and protected in the process of future change;
- Change in the future is expected within the First and Second Street Heritage Conservation District, yet it must be carefully managed in a manner that does not adversely affect the distinctive heritage character of the District; and,
- Any proposed change within the District shall be considered within a number of Council-approved conservation, design, landscaping and planning guidelines and with consideration of the individual merits of the proposed change.

3.2.3 Town of Oakville conservation management approach

Council recognizes that:

- District designation under Part V of the *Ontario Heritage Act*, does not seek to stop or halt change or seek the restoration of the District to a former past historical state, but simply establishes a mechanism for the municipal review and determination of heritage permit applications for changes to properties, both public and private within the District.
- District designation under Part V of the *Ontario Heritage Act* does not compel, nor does Council seek to compel, the restoration of heritage properties within the District.

3.2.4 Custodial responsibility

Council recognizes that:

- Owners of heritage property are considered to be the prime custodians of the First and Second Street Heritage Conservation District.

3.2.5 Alteration of properties

Council recognizes that:

- Property owners may wish to add on to buildings and structures, alter building and landscapes or otherwise change their property to accommodate required working or living space and new facilities and Council may permit such work provided it is in conformity with the applicable guidelines contained in the District Plan.

3.2.6 Restoration of heritage properties

Council recognizes that:

- Property owners may wish to restore heritage properties and Council may encourage such work by making financial assistance available for eligible work and ensuring conformity with the applicable guidelines in the District Plan.

3.2.7 Fair and equitable consideration

Council will undertake to ensure that:

- All residents and property owners within the First and Second Street Heritage Conservation District shall be afforded fair and equitable consideration in the determination of heritage permit applications within the District.

3.3 Objectives of proposed designation for the First and Second Street Heritage Conservation District

In designating the First and Second Street Heritage Conservation District, a number of key objectives are sought as follows:

- To maintain and conserve the vibrant heritage character of Allan Street, First Street, Union Street, and Second Street.
- To protect and enhance heritage property in both the public and private realm including existing residential buildings and secondary structures, views of Lake Ontario, and streetscapes.
- To avoid the loss or removal of heritage buildings, structures, and landscape fabric and encourage only those changes that are undertaken in a manner that if such alterations were removed in the future, the essential form and integrity of the heritage property, materials, and fabric would remain unimpaired.
- To encourage property owners to continuously make repairs and undertake maintenance of property in order to conserve the overall character and appearance of the District.

- To support the continuing care, conservation, and maintenance of heritage properties wherever appropriate by providing guidance on sound conservation practice and directing owners to available funding sources for eligible work.
- To encourage the maintenance and protection of the public realm of the District, as well as avoiding or minimizing adverse effects of public undertakings.
- To manage trees, tree lines and grass boulevards that contribute to the cultural heritage value of the District.
- To prevent the establishment of those land uses and associated built forms and features which would be out of keeping with or have detrimental effects upon the residential character of the District.
- To avoid the demolition of existing heritage buildings or structures and their replacement with incompatible new development.
- To permit new development and infill only when such change complements the prevailing low-density residential character of District and its existing heritage buildings and streetscapes.
- To encourage public realm improvements within the road corridors that respect the historical attributes and residential character of the streets.
- To promote appropriate signage, such as gateway signage along Lakeshore Road or additional street sign markers, that promotes the District while respecting its heritage character.

3.4 First and Second Street Heritage Conservation District Plan content

It is expected that the updated First and Second Street Heritage Conservation District Plan and Guidelines will contain a number of provisions that satisfy the requirements of Subsection 41.1(5) of the *Ontario Heritage Act*, including the following:

- A statement of the objectives to be achieved in maintaining the area as a heritage conservation district.
- A statement explaining the cultural heritage value or interest of the Heritage Conservation District.
- A description of the heritage attributes of the Heritage Conservation District and of properties in the District.
- Categorization of properties according to whether they are 'contributing' (having heritage value) or 'non-contributing' (having no or very limited heritage value). Alternative categorization of properties may be more appropriate.
- Design guidelines for alterations and additions to buildings and structures which are considered to have heritage value.
- Design guidelines for alterations and additions to buildings and structures which are considered to have no or limited heritage value.
- Guidelines on new construction as infill development.
- Guidelines on demolition and removal of buildings and structures.

- Landscape conservation guidelines for both public and private property.
- Guidelines for streetscape improvements within the District.
- Recommended changes to municipal planning and administrative procedures.
- Up-to-date information on current federal and provincial legislation and Town of Oakville processes and policies as they relate to the District.
- Descriptions of alterations or classes of alterations that can be carried out without obtaining a heritage permit under section 42 of the *Ontario Heritage Act*.

4.0 RECOMMENDED CHANGES TO MUNICIPAL PLANNING MECHANISMS AND BY-LAWS

4.1 Background

The successful maintenance and protection of a designated heritage conservation district relies in part on ensuring that local planning policies, by-laws and initiatives complement, support or provide an appropriate framework for realistic and achievable conservation measures anticipated by the District Plan.

The Official Plan and zoning by-laws, reviewed earlier in this study, are generally supportive of the protection and conservation of the overall character of the District and its heritage attributes. Accordingly, no major land use changes or new directions are being sought as a result of this study.

There are a number of other matters that assist in ensuring ease of administration and help in reducing potential delays in processing of heritage permit applications, most notably a heritage permit application form for consistent and traceable record keeping as well as provisions for delegated approval of permits to municipal staff.

4.2 Heritage permit application form and approvals

The efficient administration of a heritage conservation district relies on both clear guidelines as well as a complementary system of processing heritage permit applications for alterations to property, the erection of buildings and structures and the demolition or removals of buildings and structures. Section 42(1) of the *Ontario Heritage Act* requires that none of the foregoing may be undertaken “unless the owner obtains a permit from the municipality to do so”.

Section 42(3) also requires that where Council receives such an application, a notice of receipt shall be served on the applicant. Notice of receipt essentially starts the formal maximum 90 day review process during which a decision must be made by Council. Only with a sound process of administration can permit applications be appropriately tracked and processed from submission to decision.

Additionally, section 8(2)(a) of the Ontario *Building Code Act* provides that the chief building official of a municipality shall issue a building permit under the *Act* unless

“the proposed building, construction or demolition will contravene this Act, the building code or any other applicable law”

Ontario Regulation 350/06 under the *Building Code Act* contains a series of provisions respecting the definition of applicable law and Subsection 1.4.1.3(1) (xix) states that for the purposes of Section 8 of the *Act*, applicable law means,

“Section 42 of the Ontario Heritage Act with respect to the permit given by the council of a municipality for the erection, alteration or demolition of a building,”

This reinforces the concept of a heritage permit under the *Ontario Heritage Act* being distinct and separate from that of a building permit under the *Building Code Act*.

4.2.1 Heritage Conservation District Plan guidance

The Town of Oakville has a well-established system of heritage permit administration both under Parts IV and V of the *Ontario Heritage Act* and no major changes are recommended at this time. Minor changes to process may be provided in the District Plan focusing on any potential enhancements that could lessen processing time or allow for ease of co-ordination with other municipal processes such as tree preservation by-laws, sign by-laws, and Site Plan Control administration, as referenced in Section 2.

4.3 Delegated approval authority for alterations

Section 42(16) of the *Ontario Heritage Act* provides for the delegation of Council’s authority to grant permits for the alteration of property in a designated heritage conservation district to an employee or official of the municipality. The Town of Oakville has enacted such a by-law. The granting of permit approvals for alterations by Town staff is considered to be a means of expeditiously processing permits and substantially reducing staff reports to Council for decision-making. It must be noted that delegation of approvals does not extend to the construction of new buildings or structures or the demolition of buildings and structures.

Experience to date suggests that delegation is working well, speeding up processing times for staff, lessening the requirement for time consuming staff report writing, and providing better and more efficient delivery to the Town’s customers. No changes are recommended at this time.

4.4 Heritage property standards

It was noted in Section 2 of this study that the Town of Oakville has adopted a property standards by-law to regulate the maintenance of property. Section 45.1(1) of the *Ontario Heritage Act* provides that

the municipality may by by-law make additional provisions for the maintenance of the heritage attributes of property in a designated heritage conservation district. Where a property does not comply with the standard, the Town can require the property to be repaired and maintained to meet the standard.

It is good practice for any municipality to provide itself with appropriate tools to manage the sensitive attributes of heritage properties. The Town has enhanced its property standards by-law to address heritage properties. Given the sound condition and generally good repair of properties within the District, the requirement to vigorously enforce such a by-law appears not to be pressing. No changes are recommended at this time.

4.5 *Ontario Heritage Act* Part IV designations, heritage conservation easement agreements and other measures

Sections 2 and 3 of this study have provided a sound rationale for maintaining the District's designation under Part V of the *Ontario Heritage Act*. The continued designation of 40-42 First Street under Part IV of the *Act* is also supported. No additional protective heritage mechanisms or regulations are warranted or recommended for this specific area at this time

Aside from continued district and individual designations under Parts IV and V of the *Ontario Heritage Act*, heritage conservation easement agreements may also be negotiated on these properties on a case-by-case basis with individual property owners.

It is also reasonable in certain instances to use those provisions under the *Planning Act* to negotiate protection or conservation measures under plans of subdivision or condominium, zoning by-law amendments, site plan approvals, and consents. Conditions that are reasonable, relevant, necessary, and equitable may be used in land division and the creation of new lots. Zoning by-law amendment provisions, or variations thereof, may stipulate retention of properties or uses within specified heritage buildings as of the date of passing of the by-law and retention of buildings, structures and features may also be specified in site plans. Authority is typically derived from Section 2(d) of the *Planning Act* (identifying a provincial interest in heritage conservation) and related provincial policy statements.

The Town is aware of these provisions and may use these tools as appropriate.

The appendices to this document can be found online at: <http://www.oakville.ca/business/first-second-street-heritage-conservation-plan.html> or in hard copy by request to Susan Schappert, Heritage Planner at 905-845-6601 ex. 3870.