

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ED2017-013

Date: 11 July 2017
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Wards 6, 10 and 12

Subject: Downtown Lindsay and Oak Street Heritage Conservation District Plans

Author Name and Title: Debra Soule, Economic Development Officer Arts, Culture and Heritage

Recommendations:

RESOLVED THAT Report ED2017-013, **Downtown Lindsay and Oak Street Heritage Conservation District Plans**, be received;

THAT the recommendation of Heritage Victoria to adopt the Heritage Conservation District Plans for the Oak Street neighbourhood in Fenelon Falls and for Downtown Lindsay Neighbourhood under Part V, Section 41.1(6) of the Ontario Heritage Act (R.S.O. 1990, c.O.18), be approved;

THAT staff be authorized to proceed with the process to designate the districts under Part V of the Ontario Heritage Act, including preparation and circulation of a Notice of Intention to Designate, and preparation of designating by-laws;

THAT the designating by-laws be presented to Council for its consideration after the notification process has been completed; and

THAT two new municipal heritage committee member categories be introduced on Heritage Victoria to provide the opportunity for one representative member from the Lindsay BIA and one from the Oak Street neighbourhood to provide advice to Council on matters of heritage conservation in the City of Kawartha Lakes.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of August 9, 2016, Council adopted the following resolutions:

CR2016-709

Moved By Councillor Breadner

Seconded By Councillor Dunn

RESOLVED THAT Report ED2016-007, **Downtown Lindsay and Oak Street Fenelon Falls Heritage Conservation District (HCD) Studies**, be received; and

THAT the Downtown Lindsay HCD Study be referred back to staff to provide a report with further information on:

1. The implications to property owners, including restrictions and limitations;
2. Other options available to the municipality to promote heritage districts;
3. An implementation plan including decision units required and public consultation; and
4. The potential future costs to the municipality if the HCD Study is approved.

CARRIED

CR2016-710

Moved By Councillor Elmslie

Seconded By Councillor Strangway

RESOLVED THAT the recommendation of Heritage Victoria to adopt the Oak Street, Fenelon Falls HCD study under Part V, Section 40.3 of the Ontario Heritage Act (R.S.O. 1990 c.O.18) be approved;

THAT the Oak Street, Fenelon Falls Heritage Conservation District (HCD) Study be approved;

THAT staff be authorized to proceed to prepare an amendment to the Village of Fenelon Falls Official Plan to identify heritage conservation districts as an approved heritage planning tool; and

THAT staff be authorized to proceed with the completion of a Heritage Conservation District Plan and By-Law for the Oak Street neighbourhood in Fenelon Falls.

CARRIED

At the Council Meeting of September 20, 2016, Council adopted the following resolution:

CR2016-790

Moved By Councillor Stauble

Seconded By Councillor Martin

RESOLVED THAT Report ED2016-008, **Downtown Lindsay Heritage Conservation District Study**, be received;

THAT the recommendation of Heritage Victoria to adopt the Downtown Lindsay HCD Study under Part V, Section 40.3 of the Ontario Heritage Act (R.S.O. 1990 c.O.18), be approved;

THAT the Downtown Lindsay Heritage Conservation District (HCD) Study be adopted;

THAT the City's Official Plan be amended to identify Heritage Conservation Districts as an approved heritage planning tool; and

THAT staff be authorized to proceed with the completion of Heritage Conservation District Plans and By-Laws for Downtown Lindsay.

On May 2, 2017, Council approved amendments to the City's Official Plan that identified Heritage Conservation Districts as an approved heritage planning tool.

CR2017-401

A by-law to amend the City of Kawartha Lakes Official Plan, the Town of Lindsay Official Plan and the Village of Fenelon Falls Official Plan, respecting all lands within the City of Kawartha Lakes (Culture and Heritage Amendments)

This report addresses these directions.

Rationale:

Heritage Conservation Districts (HCDs) are areas with distinctive character or with historical association that warrant special care and attention in the planning and development process to ensure that cherished characteristics are conserved and enhanced for future generations. This extends beyond the buildings and structures to include the streets, landscapes, and distinctive views and vistas within the area. An HCD Plan provides a clear set of policies and guidelines developed in consultation with district property owners and key stakeholders to manage future change in a district. Heritage Conservation Districts are a recognized and widely-utilized mechanism for the conserving, promoting and marketing heritage areas within a municipality. There is a strong well-proven relationship between HCD designation and cultural tourism and thriving boutique shopping or entertainment districts.

There following benefits are only available to municipalities that designate heritage properties under Part IV or Part V of the OHA:

1/ Ontario's Tourism-Oriented Directional Signing (TODS) program which identifies and markets key tourism attractions throughout the province will only post directional highway signage for heritage areas that are designated HCDs under the Ontario Heritage Act; and

2/ Under Sections 39 and 45 of the Ontario Heritage Act, municipal councils are authorized to pass by-laws providing for a grant or loan to the owner of any property that has been designated by by-law under Part IV (individual property designation) or Part V (heritage conservation districts). Subsection 39 (1) states that: "The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe." Municipalities can also use their grant making powers under the Ontario Heritage Act and the Planning Act to provide grants to owners of designated property for a limited period of time to offset a municipal property tax increase which has resulted from the alteration, repair or renovation of the property.

3/ Designation of a Heritage District attracts investors and developers and lowers investment risk. It demonstrates that the municipality is committed to consistent long term development outcomes, high property standards and the conservation of authentic heritage using the province's enabling legislation.

There are two separate phases that are required to create a HCD: the Study phase; and the Plan phase. During the Study phase, the areas are evaluated to determine whether they qualify as HCDs under the criteria set out in Part V of the Ontario Heritage Act, and boundaries for the areas. The Heritage Conservation District Studies that were undertaken in 2016 confirmed that there is sufficient merit for both the Oak Street neighbourhood in Fenelon Falls and Downtown Lindsay to become Heritage Conservation Districts under Part V of the Ontario Heritage Act.

During the Plan phase the HCD boundary is finalized and guidelines are developed with input from the area's property owners, relevant stakeholders, Advisory Committees, City staff and Heritage Victoria that will guide future change in the district. Following approval of the plans by Council, HCD designation is formalized through a by-law.

Stakeholder Consultation

The HCD Plans for Oak Street in Fenelon Falls and for Downtown Lindsay were created through significant consultation with property owners and key stakeholders in both districts. The following is an overview of the public consultation that was carried out and the decision units for both the Study and Plan Development Phases for the two districts.

Phase One HCD Studies for Downtown Lindsay and Oak Street – Consultation and Decision Units

September 3, 2015 - Heritage Victoria consultation

September 21, 2015 – Oak Street Advisory Committee meeting

September 21, 2015 – Lindsay Advisory Committee meeting

September – October – Interviews held by consultants with key property owners from both study areas

November 26, 2015 - Lindsay BIA meeting presentation

January 28, 2016 – Downtown Lindsay Advisory Committee meeting

January 28, 2016 – Oak Street Advisory Committee

April, 2016 – Draft HCD Studies released for Oak Street and Downtown Lindsay

April 23, 2016 - Downtown Lindsay Open Public Meeting

April 24, 2016 - Oak Street Residents meeting (Draft Study comments)

April 25, 2016 - Downtown Lindsay Advisory Committee (Draft Study comments)

May 11, 2016 - Online Community-wide Survey (Draft Study comments)

July 5, 2016 – Heritage Victoria recommendations on Draft Study

August 9, 2016 – Council adoption of Oak Street HCD Study

August 25, 2016 – Presentation to BIA – update on D. Lindsay HCD Study outcomes

Phase Two HCD Plan Development for Downtown Lindsay and Oak Street - Consultation and Decision Units

August 23, 2016 – Door to door delivery of meeting notices to Oak Street properties for the August 28 HCD Plan Start-Up meeting and guidelines development workshop.

August 28, 2016 – Bray Heritage, Oak St. Advisory committee and residents Start – Up meeting for HCD Plan Phase, workshop on guidelines for future development

September 14, 2016 – Door to door delivery of information notices to all Downtown Lindsay businesses in study area, providing update on HCD Plan Development phase

September 19, 2016 – Tour of Port Perry HCD

September 20, 2016 - Council adoption of Downtown Lindsay HCD Study

October 7, 2016 – mail out to all Downtown Lindsay property owners within the study area, informing Council adoption of the D. Lindsay HCD Study, commencement of Plan Development Phase, inviting comments

October 25, 2016 – HCD Plan Start-up meeting Bray Heritage & Lindsay HCD Advisory Committee

October 25, 2016 – HCD Plan Start-up meeting Bray Heritage & Oak St Advisory Committee

October 25, 2016 - Heritage Victoria / Bray Heritage meeting on HCD Plan Phase

October 27, 2016 – circulated Bray Heritage Powerpoint notes to Oak St. residents

November 1, 2016 – BIA invited to attend November 8 Public Workshop to develop guidelines for Downtown Lindsay

November 8, 2016 – Public Workshop to develop guidelines for Downtown Lindsay

November 24, 2016 – update on Lindsay HCD provided at BIA Board meeting

November 25, 2016 – Downtown Lindsay HCD Advisory Committee meeting

December 2, 2016 – update on Downtown Lindsay HCD Plan provided to Lindsay Downtown Revitalization Committee

December 13, 2016 – Heritage Victoria and Bray Heritage Meeting on boundaries

January 26, 2017 – provided update on Lindsay HCD provided at BIA Board meeting

February 8, 2017 – Planning Advisory Committee meeting on OPAs to enable HCDs to be created in KL

March 14, 2017 – mail out to all Downtown Lindsay property owners within the study area and adjacent properties - circulating information on the first draft of the Lindsay HCD Plan, notifying of public information meeting and inviting comments

March 30, 2017 – provided update on Lindsay HCD at BIA Board meeting and invited all BIA board members to April 13 public meeting

April 6, 2017 – Report to Planning Committee on OPAs enabling HCDs to be created in KL

April 12, 2017 – Downtown Lindsay HCD Advisory Committee meeting on Draft Plan

April 12, 2017 – Heritage Victoria Committee meeting on Draft Plan to request feedback

April 13, 2017 – a) Public information meeting at Olympia presenting draft downtown Lindsay HCD Plan – b) meeting with Downtown Lindsay Councillors to receive comments

May 2, 2017 - final report to Council for OPAs

May 15, 2017 – deadline for comments and feedback received from all stakeholders

Official Plan Amendments

Under Section 41.1 of the Ontario Heritage Act, the Official Plan of a municipality must include provisions for the creation of heritage conservation districts. Based upon a review of the City's current Official Plan, it was determined by the consultants for the HCD projects that the existing language relating to heritage did not support the creation of conservation districts. Amendments that support the creation of districts were completed and adopted by Council in May, 2017.

Financial Incentives

Financial incentive programs are an effective tool that can be utilized by municipalities to encourage investment in the maintenance and improvement of heritage properties by property owners and also support downtown revitalization efforts. Although there are currently no programs at the provincial or federal level offering assistance to heritage property owners, the City should continue to monitor this. In addition, both the Downtown Lindsay and Oak Street HCD Plans recommend that Council consider the following incentive strategies:

- A heritage property tax relief program for improvements to heritage properties in which the province shares in the cost of the program by funding the education portion of the property tax relief, under Section 365.2 of the Municipal Act
- A clear and efficient review process for heritage permit applications, to save property owners time and money
- Façade improvement grants or loans under a CIP
- Full use of the provisions in the Ontario Building Code that allow exceptions for heritage properties

Heritage Victoria and Lindsay BIA Recommendations

At the July 6th, 2017 meeting Heritage Victoria reviewed the HCD Plans for Downtown Lindsay and the Oak Street neighbourhood and passed a resolution endorsing the Plans and recommending their adoption by Council. At the Lindsay BIA Board of Directors meeting of May 25, 2017, the Board passed a resolution and prepared a letter to the City supporting the creation of a Heritage Conservation District in Downtown Lindsay and recommending the adoption of the Downtown Lindsay HCD Plan by Council. The letter of support is attached to this report as Attachment C.

Implementation

Both the Downtown Lindsay and the Oak Street HCD Plans provide detailed guidelines on the implementation process for managing future change and overseeing conservation and development activity in the districts. The district plans clearly identify the types of changes that are desirable and that can be approved through a “heritage permit”. Maintenance work will not require a permit and most types of alterations or improvements will be fast-tracked through delegated City staff approvals. Only major alterations and new development will require recommendations from Heritage Victoria and approval by Council.

It is recommended that two new municipal heritage committee member categories be introduced on Heritage Victoria to provide the opportunity for one representative member from the Lindsay BIA and one from the Oak Street neighbourhood to provide advice to Council on matters of heritage conservation in the City of Kawartha Lakes.

Other Alternatives Considered:

The alternatives to designate Downtown Lindsay and the Oak Street neighbourhood as HCDs under Part V of the Ontario Heritage Act include individual property designation and development guidelines. However, heritage conservation districts are the preferable tool that has proven to be the most effective in the conservation and revitalization of historic areas in Ontario.

Financial/Operation Impacts:

The establishment of two Heritage Conservation Districts will require the creation and installation of signage at the entrances to each district recognizing their historic significance in the City of Kawartha Lakes. The 2017 Heritage Budget includes an allocation estimated at \$5,000 in order to cover these costs.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The HCD Plans for Downtown Lindsay and for the Oak Street neighbourhood in Fenelon Falls contribute to the Council Adopted Strategic Plan:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life

Specifically, the HCD Plans contribute to Goal 2 in the Council Adopted Strategic Plan: An Exceptional Quality of Life; and Action 2.1.1: Strengthen existing cultural and heritage assets.

Consultations:

Heritage Victoria
Lindsay BIA
Downtown Lindsay Advisory Committee
Oak Street Area Advisory Committee
Downtown Lindsay property and business owners
Oak Street neighbourhood residents
The Kawartha Lakes community

Attachments:

Appendix A: Downtown Lindsay HCD Plan



Appendix B: Oak Street HCD Plan



Appendix C: Lindsay BIA Letter of Support



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Department Head: Chris Marshall, Director of Development Services