The Corporation of the City of Kawartha Lakes

Council Report

Report Number ED2018-009

Date: June 19, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Amendments to Non-Compliant Heritage Designation By-Laws

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

Recommendation(s):

That Report ED2018-009, **Amendments to Non-Compliant Heritage Designation By-Laws**, be received;

That staff be authorized to proceed with the process to repeal and replace the heritage designation by-laws that do not comply with the current requirements of the Ontario Heritage Act, according to Section 30 1(2) to (10) of the Act, and to prepare updated heritage by-laws; and

That the updated designating by-laws be presented to Council for its consideration after the notification process has been completed.

Department Head:

Financial/Legal/HR/Other:

Chief Administrative Officer:

Background:

Section 30.1 (2) to (10) of the Ontario Heritage Act permits municipalities to make amendments to by-laws to clarify or correct the Statement of Cultural Heritage Value or Interest or the Description of Heritage Attributes and to revise the language of the by-law to make it consistent with the current requirements of the Act or its Regulations. Many of the heritage designation by-laws in Kawartha Lakes were prepared prior to 2005 amendments to the Ontario Heritage Act and Ontario Regulation 9/06. As a result, they require updating to clarify or correct the statement explaining the property's cultural heritage value and / or interest or the description of the property's heritage attributes.

This report addresses that direction.

Rationale:

Within the City's Heritage Register, fifty seven designation by-laws have been identified that do not meet the current requirements of Part IV, S. 29 of the Ontario Heritage Act. Regulation 9.06 states that in order to be designated, a property must meet one or more of the following criteria:

1. The property has design or physical value if:
    i. It is a rare, unique, representative or early example of a style, type, expression, material or construction method;
    ii. It has a high degree of craftsmanship or artistic merit; or
    iii. It demonstrates a high degree of technical or scientific achievement.

2. The property has historical or associative value if:
    i. It has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
    ii. It yields, or has potential to yield, information that contributes to an understanding of a community of culture; or
    iii. It reflects the work or ideas of an architect, artist, building, designer or theorist who is significant to a community.

3. The property has contextual value if,
    i. It is important in defining, maintaining or supporting the character of an area;
    ii. It is physically, functionally, visually or historically linked to its surrounding; or
    iii. It is a landmark.

Further, Part IV, S. 29 of the Ontario Heritage Act also requires that a designation by-law contains a description of the heritage attributes of the property that must be retained to conserve its cultural heritage value or interest. The identification of heritage attributes to be protected should be a selective process and only contain the principal features that reflect the core heritage value of the property.

The heritage by-laws that have been selected for amendment do not adequately identify the reasons for designation or do not specify the features to be protected. Many simply identify the 'exterior' of the property which effectively prohibits any alteration to the property whatsoever. This poses significant challenges when applications for Alterations to Heritage Properties are submitted to the Municipal Heritage Committee.

The by-law amendment process will include consultation with all property owners and inspections of each property to clarify the rationale for amendment and to ensure that property owners contribute to the identification of specific features that are protected in the revised by-law.

Other Alternatives Considered:

No other alternatives are recommended.

Financial/Operation Impacts:

There are no financial implications associated with this report.

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

Heritage Designation contributes 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:

Economic Development Manager

Director of Development Services

Attachments:

Appendix A:

201806 Heritage
bylaws to be amende

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