

The Corporation of the City of Kawartha Lakes
Kawartha Lakes Municipal Heritage Committee Report

Report Number KLMHC2020-12

Meeting Date: August 6, 2020

Title: Heritage By-law Updates

Description: Review of amendments to heritage designation by-laws

Ward Number: 4 and 8

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report KLMHC2020-12, **Heritage By-law Updates**, be received; and

That the proposed by-law amendments be forwarded to Council for adoption.

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, the Description of Heritage Attributes, or legal description of a property 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 the 2005 amendments to the Ontario Heritage Act and the introduction of Ontario Regulation 9/06 which established provincial criteria for the designation of heritage property and, therefore, do not comply with current requirements for designation by-laws under the Act. There are also a number of by-laws prepared after 2005 which do not comply with the requirements of the Act. As a result, they require updating to clarify or correct the statement explaining the property's cultural heritage value or interest and the description of the property's heritage attributes.

Subsection 30.1 (5) requires Council to consult with its Municipal Heritage Committee prior to amending a heritage designation by-law. This report addresses that purpose.

Rationale:

In 2018, the City began to undertake the process of identifying and amending heritage designation by-laws that do not meet the current requirements for designation under Part IV, S.29 of the Ontario Heritage Act. Regulation 9/06, which establishes criteria for designation under the Act, 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 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. These requirements and Ontario Regulation 9/06 were introduced as part of a significant overhaul of the Act in 2005.

Many of the City's older by-laws, particularly those which predate amalgamation, do not adequately identify the reasons for designation or do not specify features to be protected which poses challenges with regard to processing alterations for applications and providing clear direction on conserving the important heritage attributes of a property. By-laws that were passed prior to the 2005 changes to the Act did not have the same requirements at the time they were written and are therefore lacking by current standards. There are also a number of by-laws which were passed after 2005 which do not adequately fulfil the requirements of the Act. Amending the by-laws allows for additional clarity for both staff and the property owners and removes ambiguity in older by-laws with regard to what features are protected and the significance of the property. The updating of older by-laws to conform to the requirements of the Act is recognized as a municipal best practice and becomes particularly important when changes are contemplated to a designated property.

In 2018, Council amended 47 heritage designation by-laws after consultation with property owners and inspections of each property. These by-laws were reviewed by the Municipal Heritage Committee at their meeting of August 10, 2018 and forwarded to Council at that time for approval. There were five properties for which inspections of the properties were made and the by-law amendments approved by the Committee but were not presented to Council.

The owners of these five properties have been contacted and were under the impression that their designation by-laws were being amended in 2018 and that the proposed changes had been presented to Council. The owners have been consulted regarding the proposed amendments to the by-laws and were able to review and provide comment on the new statements of significance and designated heritage attributes identified in the appended draft by-laws, which goes beyond the consultation and notice requirements under the Act. The five by-laws are substantially the same as those reviewed by the Committee in 2018, but the format and some wording has been updated.

The properties for which amendments are currently being proposed are as follows:

- 4249 Highway 7, Omeme (Emily Cemetery Chapel)

- 56 King Street, Woodville
- 121 King Street, Woodville
- 124 King Street, Woodville
- 145 King Street, Woodville

4249 Highway 7 in Omemee was designated by a by-law from the former Township of Emily and is being revised to bring it into compliance with the 2005 changes to the Ontario Heritage Act, including providing a statement of cultural heritage value or interest for the property and more clearly identifying its heritage attributes. The four properties in Woodville were designated in 2010 but require amendments to provide statements of cultural heritage value that accurately reflects the evaluation criteria established by Regulation 9/06.

The proposed amendments and original designating by-laws are appended to this report.

Other Alternatives Considered:

There are no other recommended alternatives.

Financial/Operation Impacts:

There are no financial implications as a result of the recommendations of this report.

Consultations:

N/A

Attachments:

Appendix A – Township of Emily By-law 2000-14 (4249 Highway 7, Omemee)



Township-of-Emily-By
-Law-2000-14.pdf

Appendix B – Proposed Amendments to By-law 2000-14



2020 Bylaw
Amendment 4249 Hig

Appendix C – By-law 2010-091 (145 King Street, Woodville)



2010-091 Heritage
Designation - 145 Kin

Appendix D – Proposed Amendments to By-law 2010-091



2020 Bylaw
Amendment 145 King

Appendix E – By-law 2010-092 (56 King Street, Woodville)



2010-092 Heritage
Designation - 56 King

Appendix F – Proposed Amendments to By-law 2010-092



2020 Bylaw
Amendment 56 King S

Appendix G – By-law 2010-093 (121 King Street, Woodville)



2010-093 Heritage
Designation - 121 King

Appendix H – Proposed Amendments to By-law 2010-093



2020 Bylaw
Amendment 121 King

Appendix I – By-law 2010-094 (124 King Street, Woodville)



2010-094 Heritage
Designation - 124 King

Appendix J – Proposed Amendments to By-law 2010-094



2020 Bylaw
Amendment 124 King

E-Mail: eturner@kawarthalakes.ca

Phone: 705-324-9411 ext. 1366

Department Head: Chris Marshall, Director of Development Services