

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

Report Number KLMHC2020-16

Meeting Date: September 10, 2020

Title: Heritage Conservation District Permitting Process

Description: An overview of the permitting process for properties located in heritage conservation districts and permits to date in 2020

Ward Number: All

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

Recommendation(s):

That Report KLMHC2020-16, Heritage Conservation District Permitting Process, be received.

Background:

At their meeting of July 9, 2020, the Municipal Heritage Committee discussed the current process for receiving and approving permits for alterations to properties located within heritage conservation districts. The Committee asked for an update and overview of the current process.

This report addresses that direction.

Rationale:

The approval of heritage permit applications for minor changes to properties located in heritage conservation districts (HCDs) are delegated to staff for approval. This means that certain changes that owners might wish to make can be reviewed and approved by staff.

By-law 2019-154 is the City's delegated authority by-law for alterations to heritage properties and allows for heritage permits to be approved for certain types without property owners having to go to Council. Delegated authority by-laws are enabled by subsection 33(15) of the Ontario Heritage Act and authority may be delegated to an employee or official of the municipality. The by-law outlines which types of changes are delegated to staff and includes a wide range of minor changes to designated properties. As required by the Act, the Municipal Heritage Committee reviewed and approved this by-law at its meeting of October 3, 2019. The by-law was passed by Council at its meeting of November 19, 2019. The by-law is attached as Appendix A. This delegation of authority was also built into the heritage conservation district plans for both Oak Street and Downtown Lindsay, which were designated in 2017. The chart that was included with both of these plans outlining which changes require a permit and the approval authority is attached as Appendix B.

The primary reason for the creation of a delegated authority by-law is to allow for quicker processing of straightforward permit applications, which make up the vast majority of applications received by any municipality. By delegating authority to staff to process permits for heritage conservation district properties, permits applications can be approved quickly and efficiently and maintain a high customer service standard. Staff aim to process most permit applications within three to five business days, provided the application is complete and the proposed work complies with the HCD plan. In general, the most frequent types of permit applications received for properties located in heritage conservation districts are for minor alterations such as the installation of commercial signage, projects intended to restore and repair heritage features of a property, and hard landscaping. Staff also request heritage permit applications for any work to heritage properties which are receiving municipal grants to ensure that projects being funded by the City comply with heritage conservation standards. This includes projects which would not normally require permits such as painting and

repointing masonry. Most permit applications received are either compliant with the district guidelines or require only minor changes to bring them into compliance. Staff work with applicants to make changes to their proposal so that they conform with the heritage conservation district guidelines.

Development Services staff have developed a Standard Operating Procedure (SOP) for processing alteration applications for heritage properties including those located in HCDs. This SOP was created in 2019 and is intended to ensure that all designated properties receive appropriate heritage approvals before receiving a building or sign permit for any work they would like to undertake. Currently, the SOP is working well internally and there are good lines of communication between Planning, Building and Economic Development staff processing these types of minor permits. Most permit applications of this type only involve Building and Economic Development staff as applications which require planning approvals are brought forward to the Committee for review.

Practically speaking, most applications are received by Building staff without the requisite heritage permit application. This is generally because the owners or applicants are unfamiliar with the heritage permitting process. Building staff screen applications for those located in heritage conservation districts as part of their due diligence to ensure applicable law has been met under the Building Code and those applications which have not received heritage approvals are directed to Economic Development to complete the heritage permit application process. Once the heritage permit has been issued, the applicant may then be issued with their building or sign permit from Building staff, provided that the proposed work conforms to the Building Code and any other relevant City policies or by-laws. There are open lines of internal communication between staff to ensure that heritage properties receive the appropriate approvals.

As of August 2020, staff have received 7 applications for alterations to properties located in heritage conservation districts in 2020. All of these applications have been for commercial signs in the Downtown Lindsay HCD and the majority have conformed to both the Sign By-law and the guidelines associated with the HCD plan on their first submission. On average, the turnaround time for a heritage permit application from submission to approval has been two to three business days. From recent inquiries received by staff, it is anticipated that 3 or 4 more permit applications will be received for district properties in 2020. There have been fewer permit applications than in previous years, likely due to the uncertainty created by the COVID-19 pandemic, particularly for small businesses located in the Downtown Lindsay HCD. It is anticipated that, in future, the volume of permit applications for these types of properties will increase, particularly if all or part of the Old Mill HCD study area is eventually designated as a HCD.

Changes which are not delegated to staff are: new construction; the demolition or partial demolition of a building; the relocation of a structure; major additions visible from the street; and any applications made which also have associated

Planning Act applications. This is to ensure that the Committee provides input on major changes happening with designated districts. The ultimate decision making body for these types of applications is Council.

There are different processes in place for properties designated individually under Part IV of the Act. The City's delegated authority by-law delegates the approval of these types of permits to staff in consultation with the Municipal Heritage Committee. The Committee reviews all applications for individually designated properties and makes recommendations regarding whether or not a permit application should be approved. There are significantly fewer applications for these types of properties and the types of work much more individualized due to the unique designation by-laws for each property.

Decision-Making Process

Decisions on applications are guided by the relevant [Heritage Conservation District Plans](#), the [City of Kawartha Lakes Sign By-law \(By-law 2009-067, as amended\)](#) as applicable, and the [Standards and Guidelines for the Conservation of Historic Places in Canada](#). Ideally, alterations to heritage properties will be minimal in their intervention and preserve or enhance important heritage attributes of an individual property or heritage conservation district. Alteration in Downtown Lindsay are also guided by the [Downtown Lindsay Streetscape and Façade Guidelines](#), which were adopted as part of the designation of the HCD. The above noted documents are linked to the City's website where they can be accessed for information.

Staff have the ability to refer any application to the Municipal Heritage Committee and Council for review. The policies outlined in the HCD plans stipulate this will occur when staff would refuse an application based on its submission. Practically, this would also occur for a large scale project which may not fulfil one of the above noted criteria for review, but is of a sufficient scale that additional input is warranted. Most applications can easily be approved because they fulfil the requisite criteria and are positive additions to designated properties.

Should an owner make a change to a heritage property which is not approved through a heritage permit, the owner can be made to remove the work, the City can remove the work at the owner's expense, or the owner can be charged under the Ontario Heritage Act. Generally, the preferred first step would be a dialogue with the owner to come to an amenable solution, prior to more aggressive measures being pursued immediately.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are no financial impacts resulting from the recommendations of this report.

Consultations:

N/A

Attachments:

Appendix A – By-law 2019-154 Delegate Authority for the Alteration of Heritage Properties



2019-154 Delegate
Authority for the Alter

Appendix B – Heritage Conservation District Permitting Chart



HCD Alterations
Chart.pdf

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