



Committee of the Whole Report

Report Number: ED2023-049
Meeting Date: November 7, 2023
Title: **Amendment to the Heritage Delegated Authority By-law (By-law 2019-154)**
Description: Proposed amendments to By-law 2019-154 to Delegate Authority for the Alteration of Heritage Property
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report ED2023-011, **Amendments to the Heritage Applications Policy**, be received;

That By-law 2019-154 be amended to update the policies in relation to signage, as outlined in Appendix A of this report;

That the necessary amending by-laws be brought forward for adoption; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Section 33 and Section 42 of the Ontario Heritage Act allows Council to delegate authority for the review and approval of alterations to heritage properties through the issuance of heritage permits to staff. Under the Ontario Heritage Act, Council is the approval authority for all applications to alter a heritage property, unless a by-law delegating authority has been passed by Council. Authority may be delegated to an officer of the municipality and the by-law must outline the types and classes of alterations that are delegated.

In Kawartha Lakes, authority is delegated through By-law 2019-154 to the Director of Development Services, or an assigned designate who is the Economic Development Officer – Heritage Planning. This by-law is amended from time to time to reflect changes made to the Ontario Heritage Act and provincial heritage policy or to provide better service delivery. The by-law was last amended in April 2023 to reflect a number of definition changes made to the Act through Bill 23, the More Homes Built Faster Act (2023). At present, the authority for the vast majority of alterations are delegated to staff, with the exception of those which include the demolition of property. Staff may refer the approval of any application to Council. In practice, this only occurs when an application is associated with a Planning Act application that is also being approved by Council, if the approval of the application requires amendments to City policy or by-laws such as the Sign By-law, if there is an associated heritage easement agreement that requires Council approval, or if staff believe that a heritage application should be denied. Applications coming before Council are very rare. The intent of delegating most applications to staff for approval is to promote quick review and approval of applications and efficient service delivery that is not reliant on the Council meeting schedule.

Under the current by-law, all applications made in relation to properties that are located in a heritage conservation district designated under Part IV of the Act are reviewed and approved by staff. The review and approval time for these applications is typically 1 to 4 business days. The service delivery and approval timeline for these types of applications has been well received by applicants. Applications made in relation to properties designated individually under Part IV of the Act are reviewed by the Municipal Heritage Committee prior to approval by staff. The review and approval time for these types of applications can be up to 30 days as the Municipal Heritage Committee only meets once a month; the approval time for applications for properties of this type is dependant on when an application is received in relation to the date of the next committee meeting.

In instances where an applicant may be waiting up to a month for approval, staff and the Chair have typically tried to arrange a special meeting to address permit review and approval, but these are not always feasible given that the Committee is comprised of volunteers and quorum is required.

The number of heritage permit applications varies year to year based on the number and types of projects being undertaken by the owners and occupants of heritage properties. In 2021, the City received 18 heritage permit applications, of which 14 were related to properties located in heritage conservation districts, while in 2022, the City received 23 heritage permit applications of which 11 were for properties located in heritage conservation districts. The majority of applications received by the City are for the installation of commercial signage. Most of these applications are located in the Downtown Lindsay Heritage Conservation District and are reviewed and approved by staff within 1 to 4 business days. The City also receives applications for new signage for individually designated properties which are reviewed by the Municipal Heritage Committee prior to approval.

At present, there is a discrepancy with regard to how applications for commercial signage are reviewed and approved, as those which are located in heritage conservation districts are reviewed and approved by staff while those which are located on properties that are designated individually are reviewed by the Municipal Heritage Committee prior to approval. This creates unequal service delivery and processing times for applications which are generally in compliance with City signage guidelines for heritage properties when submitted and can usually be approved quickly and without conditions. Similarly, the installation of signage often requires a much quicker turn around for the applicant, as opposed to other types of alteration applications that are being received which generally are larger projects with longer project delivery schedules where the applicant has usually been in contact with staff prior to submission to discuss project development, permitting and approval.

Staff are proposing that the by-law be amended to delegate authority for the approval of all signage applications to staff. The amendment would bring the application timelines for Part IV and Part V designated properties into alignment for the most commonly received type of application. More complex applications, such as those which might require an amendment to the City's Sign By-law through a site specific exemption, could still be reviewed by the Municipal Heritage Committee or Council, if required as the by-law still allows for the referral of applications to the Committee and

Council for review and Council retains authority to approve or deny applications. A tracked changes version of the consolidated by-law showing the proposed amendments is attached as Appendix A of this report. The amendments propose specific wording delegating authority for the approval of heritage permit applications related to signage for properties designated under both Parts IV and V of the Act to the Director of Development Services, or assigned designate. The proposed amendments would apply to all signage, not just applications related to commercial buildings, but the primary beneficiaries of the amendment would be commercial property owners and businesses from whom the majority of signage applications are received. This report addresses the proposed amendments.

At its meeting of October 5, 2023, the Kawartha Lakes Municipal Heritage Committee reviewed the proposed amendments to the by-law and passed the following resolution:

KLMHC2023-120

Moved By J. Hartman

Seconded By Councillor Ashmore

That Report KLMHC2023-070, **Amendment to the Heritage Delegated Authority By-law**, be received;

That the proposed amendments to By-law 2019-154 to update the policies in relation to commercial signage, as outlined in Appendix A of this report be endorsed; and

That this recommendation be brought forward to Council for approval.

Carried

Rationale:

With the amendments to the Ontario Heritage Act through Bill 23 in relation to listed properties on the City's Heritage Register, the City is designating substantially more properties under Part IV of the Act than it has in the past. In March 2023, staff presented an overview of the Bill 23 heritage impacts to Council and outlined a strategy for prioritizing the City's listed properties for designation as the City's capacity to designate properties under Part IV of the Act is limited by staffing and resources. This strategy identified a number of categories of properties as designation priorities, including commercial properties. The majority of the City's historic commercial

properties are not currently designated and a significant number are listed on the Register. Although staff have identified a number of areas within the City that are suitable for potential designation as heritage conservation districts, it is anticipated that most of the listed properties will be designated individually. The designation of heritage conservation districts is substantially more time consuming and complex and requires more resources than the designation of individual properties; at this time, the individual designation of commercial properties is more realistic given the staffing resources available in the City's heritage planning program. A number of commercial properties have already been brought forward for individual designation and additional properties will be brought forward through Q4 2023 and 2024. As a result, staff are anticipating that there will be a substantial increase in the number of individually designated commercial properties through the Bill 23 designation process.

With this increase in designated commercial properties, staff are also anticipating that there will be an increase in the number of heritage permit applications received for new commercial signage, particularly in downtown areas where commercial properties change their signage on a fairly regular basis, either through updated branding or through tenant turnover. The intention of the amendment is to ensure the process for newly designated commercial properties is the same as for properties that are already designated, most of which fall within the Downtown Lindsay Heritage Conservation District and are, therefore, subject to shorter processing times. Most of the historic commercial properties which are listed on the Register and have been or are anticipated to be designated individually are located in downtown Fenelon Falls, Bobcaygeon, Omemee, Coboconk and Woodville and the by-law, as currently written, creates a disparity between the processing of commercial signage applications in these five communities and in downtown Lindsay. This amendment would increase efficiency of service delivery, create equality in application review between different Kawartha Lakes communities, and serve to mitigate the impact of designation on listed commercial properties by significantly shortening approval timelines.

Other Alternatives Considered:

Council could choose to receive the report for information and not amend the by-law. However, this is not recommended by staff as it does not address the gaps in service delivery identified in this report.

Alignment to Strategic Priorities

The proposed amendments align with the strategic priority of Good Government by promoting service improvements and streamlining processes. The proposed amendments update an existing by-law related to the processing of heritage permit applications to ensure consistent service delivery between Part IV and Part V designated commercial properties and increase efficiency in permit processing. The periodic amendment of this by-law is intended to ensure continuous improvement in service delivery in the City's heritage planning program.

Financial/Operation Impacts:

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

Consultations:

Municipal Heritage Committee
Manager, Economic Development

Attachments:

Appendix A – Heritage Delegated Authority By-law (Consolidation) Proposed Amendments



2019-154
Consolidated Delegation

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Department Head: Richard Holy, Director of Development Services