



Heritage Conservation District Strategy

Kawartha Lakes



November 2023

Heritage conservation districts (HCDs) are an important tool within Ontario's heritage planning framework. HCDs and the tools available under Part V of the Ontario Heritage Act are an important part of the land use planning framework and enable municipalities to conserve, protect and enhance areas with cultural heritage value which include multiple properties, resources and features. The conservation of these areas help preserve the unique places and spaces which define our communities in both urban and rural areas. Kawartha Lakes has a diverse range of heritage resources which are valued by its residents and visitors and many of these are best protected through heritage conservation district designation.

Kawartha Lakes designated its first two heritage conservation districts in 2017: Downtown Lindsay and Oak Street in Fenelon Falls. These areas were identified and recommended for designation through the 2012 Heritage Master Plan. The Heritage Master Plan identified the creation of HCDs as an important step towards increasing and supporting built heritage preservation in Kawartha Lakes. A continued focus on how best to use the tools under Part V of the Ontario Heritage Act will further enhance heritage preservation across the City and their strategic employment will assist in the creation of a heritage-focussed planning framework for historic downtowns, neighbourhoods, villages, and rural landscapes.

The intent of this document is to provide a strategic framework for the identification, evaluation and designation of heritage conservation districts in Kawartha Lakes. Areas with the potential for district designation exist in both urban and rural settings within the City and this framework will assist in ensuring that these areas which are important to residents are preserved. This strategy will ensure that the City's approach to district designation in both the short and long term is fair, consistent and transparent as it seeks to preserve heritage resources alongside encouraging new growth and development.

This strategy will:

- Outline the legislative and policy framework for district designation in Ontario and Kawartha Lakes
- Establish goals for heritage conservation district designation in Kawartha Lakes
- Identify processes for nominating areas for heritage conservation district study
- Provide direction for prioritizing areas for evaluation and designation
- Outline provincial criteria used for heritage conservation district evaluation
- Provide direction on the amendment and repeal of heritage conservation district plans
- Provide direction on community participation and engagement in the creation of new heritage conservation districts

Why Designate Districts?

The first heritage conservation district in Ontario was created in 1980 and, since then, districts have been designated across the province to protect a wide range of diverse heritage landscapes in both urban and rural areas. These districts help preserve a sense of place and contribute to the uniqueness of our historic communities and represent a wide array of different types of cultural heritage landscapes comprised of diverse cultural heritage resources.

The goal of district designation is to protect and enhance unique and important heritage landscapes within a community. These may include residential neighbourhoods, commercial downtowns, industrial complexes, rural villages, or agricultural landscapes. Designation is not intended to freeze a place in time but rather to provide a place-specific planning framework to guide growth and development through a heritage lens. The adoption of an HCD plan through a designation by-law ensures that any future changes to an area are sensitive and compatible with its historic character and support and enhance the built fabric of an existing community. By preserving and supporting this local areas, HCD plans aim to enhance local vitality and sense of place, support growth and provide attractive areas for residents, businesses and visitors to enjoy and invest in.

Kawartha Lakes is a city made of up many diverse historic communities with their own stories and identities. District designation is a tool the City can use to help recognize and support its communities and their distinctive histories and identities. It recognizes that historic areas have unique needs to protect their important sense of place and creates a planning framework that allows the City to recognize and protect its varied and colourful heritage while planning for smart and sustainable growth.

Legislative and Policy Framework

Heritage conservation district designation is guided by legislation and policy at the provincial and municipal levels. Municipalities in Ontario are required to identify, conserve and plan for their cultural heritage resources and the creation of heritage conservation districts is an important tool within the municipal toolbox for fulfilling this policy objective. The primary pieces of policy and legislation supporting heritage conservation districts and their use as a planning tool within the Ontario and Kawartha Lakes contexts are outlined below.

Ontario Heritage Act

The Ontario Heritage Act is the guiding document for heritage preservation in Ontario. Part V of the Act enables municipalities to designate areas as heritage conservation districts and provides the legislative framework and requirements

for doing so. The Act requires that, in order for municipalities to designate an area as a heritage conservation district, the municipality must undertake the following:

- A heritage conservation district study which includes:
 - An analysis of the character and appearance of the area
 - Recommendations for geographic boundaries for a future district
 - Recommendations regarding objectives of the designation and content of the HCD plan
 - An overview of current municipality policy and any changes that might be required to the Official Plan or other by-laws to facilitate district designation
- A heritage conservation district plan which includes:
 - A statement of objectives to be achieved through the designation
 - A statement of cultural heritage value for the district
 - A description of the heritage attributes of the district
 - Policies, guidelines and procedures for achieving the plan objectives and managing change within the district
 - A description of the types of alterations an owner of a property within the district may carry out without the need to obtain a heritage permit
- A statutory public meeting during the plan development phase
- The passage of a designating by-law registered on title for the properties within the boundaries of the district

The Act allow outlines the process for appeals to the district designation, the process and requirements for undertaking alterations or demolition within a heritage conservation district and the ability to pass an interim control by-law during district development.

Criteria for the evaluation of heritage conservation districts were established in 2022 and are outlined through Section 3 of Ontario Regulation 9/06.

Provincial Policy Statement (2020)

Section 2.6 of the Provincial Policy Statement (PPS) addresses the management of cultural heritage resources as part of the land use planning process. While the PPS does not speak directly to heritage conservation districts and their creation, it requires that municipalities protect and conserve significant heritage resources as part of their broader approach to land use planning and ensure that new development does not negatively impact those resources. Under the PPS, significant heritage resources include cultural heritage landscapes which are defined as “a defined geographic area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.”

The PPS allows a range of different methods for recognizing and protecting cultural heritage landscapes, including through the Ontario Heritage Act. The designation of districts under Part V of the Act is the most common methods of protecting landscapes in Ontario as district designation takes into account the wide range of elements which provide heritage value to a landscape as identified in the PPS. The designation of districts assists municipalities in applying the PPS policies through the identification, evaluation and protection of a certain type of cultural heritage landscape.

Growth Plan for the Greater Golden Horseshoe (2019)

Section 4.2.7 of the Growth Plan for the Greater Golden Horseshoe addresses the conservation of cultural heritage resources as part of the land use planning processes. Its definition of cultural heritage resources includes cultural heritage landscapes and defines them in the same terms as the PPS. Like the PPS, the Growth Plan does not speak specifically to district designation, but supports it through the direction to conserve these resources through the Ontario Heritage Act and other planning mechanisms.

The Growth Plan also specifically directs municipalities to preserve cultural heritage resources to foster a sense of place and to benefit communities. The development of heritage conservation studies and plans supports this goal by identifying and conserving a sense of place in historic areas and benefitting communities through the development of local planning tools to assist in supporting and maintaining what makes an area unique and desirable.

City of Kawartha Lakes Official Plan (2012)

The Ontario Heritage Act requires that a municipality's Official Plan include language to support the designation of districts prior to the designation of any districts under Part V of the Act. The City's Official Plan was amended in 2017 by Official Plan Amendment 26 to include enabling language for district designation and is now supportive of the creation of new districts throughout Kawartha Lakes. The policies related to district designation within the City are contained in Section 10.6 of the Official Plan.

These policies direct the City to follow the process outlined in the Ontario Heritage Act for the preparation of heritage conservation district studies and plans and enable Council to designate, by by-law, any area within the City as a heritage conservation district. The policies also note a number of areas which are suitable candidates for further study and may warrant district designation in future. These areas are:

- Fenelon Falls (Oak Street)
- Fenelon Falls (Downtown)
- Lindsay (Downtown)
- Bobcaygeon (Downtown)
- Omemee (Main Street Area)
- Woodville (Main Street Area)

- Kinmount (Main Street Area)
- Sturgeon Point

This is not a definitive list of areas within the City that have the potential for heritage conservation district designation and is intended as a jumping off point for further identification and review of candidate areas. This section of the Official Plan also contains general policies related to heritage protection within the municipality and directs the City to conserve and enhance its cultural heritage resources through the various tools available through the Ontario Heritage Act and other land use planning legislation.

Goals for District Designation

The diversity of Kawartha Lakes with its urban, hamlet and rural areas makes the designation of heritage conservation districts challenging as the types of cultural heritage landscapes within the area require different types of planning mechanisms to appropriately preserve the tangible and intangible heritage attributes that define a place. Goal setting for district designation, as a result, must respond to the City's large size and diverse landscapes in order to address the needs of different communities and areas.

In general, the goal of designating an area as a heritage conservation district is to manage change within a defined geographic area to ensure that its key heritage attributes that define its history and character – architectural, historical and contextual – are preserved while allowing for sensitive development and growth. HCDs are not museums and should be treated as living landscapes with distinct identities and specific planning needs to respond to their historic value. District designation needs to respond to both the need to preserve and the need to grow and goal setting regarding ultimate objectives for these areas needs to address both concerns.

Kawartha Lakes has three different types of areas where districts may be designated: urban, hamlet, and rural. Each area presents different types of cultural heritage landscapes which require distinct goals and approaches. High level goals for district designation in general as well as for each area type have been identified which respond to the unique historic development and contemporary needs of these different landscape types.

General Goals

- Support and enhance downtowns, main streets and business areas
- Preserve unique residential fabric and different housing types across the City
- Identify and protect areas which support and represent the distinct culture and heritage of Kawartha Lakes

Urban Goals

- Identify distinct residential neighbourhoods and commercial areas with shared histories, architectural styles and/or development patterns
- Preserve historic neighbourhoods and commercial areas separately with individual plans
- Provide appropriate infill and new development policies which support and enhance distinct urban neighbourhoods and commercial areas

Hamlet Goals

- Maintain core hamlet character which may include commercial, institutional and residential properties
- Preserve hamlets as singular districts with a comprehensive plan
- Ensure that new development in hamlet areas supports the historic areas as the core and centre of the settlement

Rural Goals

- Identify key local rural themes, such as agriculture and tourism, where preservation of groups of properties may be warranted
- Strategically employ district designation to protect and enhance rural landscapes
- Direct new development away from intact historic rural landscapes

Individual heritage conservation districts will also include unique objectives for designation which are informed by the cultural heritage value of the area, as is required by the Ontario Heritage Act.

Identification

Areas which have the potential for designation as future districts may be nominated by Council, the Municipal Heritage Committee, staff, members of the public, community organizations, or other interested local groups. The identification of these areas may come through a variety of means, whether that be through the interest of a local residents group or planning and heritage studies undertaken by the municipality.

Nominations submitted by members of the public, community groups and others who are not municipal staff or Council must be accompanied by the following:

- Rationale for investigating the area for potential district designation
- Preliminary research undertaken by the nominator
- Proposed boundaries for a future HCD study

Nominators should also demonstrate to the City the level of support from local residents and property owners. For those areas nominated by local residents, it is preferable if the request is accompanied by a petition or a formal request supported by a community organization that indicates there is support from

local residents, businesses or property owners. Petitions must be prepared using the City's electronic or hardcopy petition templates and in accordance with the City's current petition procedures. The development of an HCD is more successful when local residents and property owners are supportive of and active in the designation process.

Prior to the presentation of a potential area to Council to initiate an HCD study, preliminary research will first be undertaken by staff who will present a report to the Municipal Heritage Committee for review, comments and recommendations regarding the suitability of the area for district study. The recommendation regarding the initiation of a study to assess the area for potential district designation will then be presented to Council for consideration. Nomination of an area for study as a district does not guarantee its future designation.

Areas nominated for consideration by Council, the Municipal Heritage Committee and staff will undergo the same steps as those nominated by community members or groups prior to a study being undertaken to ensure that Council has appropriate background information when decided whether to initiate a study.

Prioritization for Designation

Kawartha Lakes contains many areas where designation of the area is desirable from a planning perspective and in order to preserve areas which are important to local communities. However, the diversity and size of the municipality makes it challenging to prioritize areas for designation as different areas have cultural heritage value and local significance for different reasons. The City has limited resources to undertake district designation and prioritizing certain areas to evaluate and protect will allow resources to be allocated effectively.

The first districts in Kawartha Lakes – Downtown Lindsay and Oak Street in Fenelon Falls – were designated in 2017. Official Plan Amendment 26, which was adopted by By-law 2017-098 in 2017, contains wording regarding choosing additional areas for heritage district designation and a list of potential areas. However, the identification of these areas was not informed using comprehensive data or a prioritization framework and additional areas within the City may have equal or greater merit as candidates for district designation.

The majority of heritage conservation district studies will come out of the City's comprehensive and ongoing heritage inventory and from community requests, although there are some areas which have already been identified as having the potential for district designation through older studies and community requests. Similarly, there are concentrations of properties listed on the Heritage Register prior to the enactment of Bill 23, the More Homes Built

Faster Act (2022), where the most appropriate conservation method is now the designation of these properties together as a group. When considering how to prioritize areas for study, Council and the Municipal Heritage Committee should consider the following:

- Availability of data regarding the area through the heritage inventory or other resources
- Level of community support
- Representation of different types of cultural heritage landscapes and geographic locations within the municipality
- Uniqueness of cultural heritage resources
- Alignment with the City's identified goals for district designation
- Known or anticipated development pressures
- Concentrations of properties listed prior to 2022
- Available staff resources and funding

The intent of these criteria to ensure that areas are being prioritized for study and potential designation in such a way to make best use of City resources and staff time, as well as to ensure that all eligible areas of the municipality receive equal consideration for district designation.

Staff will develop and maintain a list of priority areas for district designation. This list will be updated as new areas are identified for study and will be presented to Council from time to time for information. The list will be used to identify which areas of the City should be considered next for potential study and staff will make recommendations to Council and the Municipal Heritage Committee based on the identified priority areas. The areas identified on the priority list for district designation are not guaranteed for future designation as the list is intended to inform and guide decision making as opposed to set definitive targets for designation.

Criteria for Evaluation

The designation of individual properties in Ontario is governed by Section 3 of Ontario Regulation 9/06 which sets criteria for the evaluation of property to determine cultural heritage value. Prior to 2022, there were no equivalent prescribed criteria for designating heritage conservation districts. New criteria for evaluating heritage conservation districts were developed and prescribed in the Act through Ontario Regulation 9/06 by Bill 23, the More Homes Built Faster Act (2022), which aimed to make the evaluation process for heritage conservation districts consistent across Ontario. Like the criteria for evaluating properties for designation individually, the criteria for heritage conservation district designation take in account architectural, historical and contextual factors to provide a holistic view of the cultural heritage value of the proposed district.

In order to be eligible for designation under Part V of the Act as a heritage conservation district, Ontario Regulation 9/06 stipulates that at least 25% of the properties in the proposed district must meet at least two of the following criteria:

- The properties have design value or physical value because they are rare, unique, representative or early examples of a style, type, expression, material or construction method.
- The properties have design value or physical value because they display a high degree of craftsmanship or artistic merit.
- The properties have design value or physical value because they demonstrate a high degree of technical or scientific achievement.
- The properties have historical value or associative value because they have a direct association with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- The properties have historical value or associative value because they yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
- The properties have historical value or associative value because they demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- The properties have contextual value because they define, maintain or support the character of the district.
- The properties have contextual value because they are physically, functionally, visually or historically linked to each other.
- The properties have contextual value because they are defined by, planned around or are themselves a landmark.

While only two of the above nine criteria must be satisfied in order for the area to be eligible for designation, it is likely that most districts designated in Kawartha Lakes will fulfil more than one of these criteria as they will have a high degree of cultural heritage value and significance to the local community.

Amendment and Repeal of Heritage Conservation District Plans

Prior to 2022, there was no mechanism within the Ontario Heritage Act to amend or repeal a heritage conservation district plan through its associated by-law. The ability to amend or repeal a heritage conservation district plan was introduced to the Act through Bill 23 to allow for HCD plans to respond to changing circumstances within their respective districts and to enable local municipalities to revise and revisit district designations over time.

The amendment or repeal of an HCD plan will be a rare occurrence in Kawartha Lakes but may be considered should it be warranted. Staff will review the City's HCD plans at 5-year intervals to ensure they are in keeping with current best practices in heritage conservation and accurately reflect the cultural heritage value and attributes of an area. After review, staff will report

out to the Kawartha Lakes Municipal Heritage Committee and, if amendment or repeal is warranted, to Council.

Amendments or repeals of HCD plans may be contemplated under the following circumstances:

- Substantial changes to the cultural heritage value of the district through factors such as new development or natural disasters
- Identification of new information which significantly contributes or alters the cultural heritage value of the district
- Correction of errors in heritage conservation district plans or by-laws
- Administrative updates to heritage conservation district plans or by-laws

The processes to amend or repeal an HCD plan or by-law will follow the direction prescribed in Section 41.1 of the Ontario Heritage Act and through regulation.

Community Participation and Engagement

The statutory requirement for community participation in the designation of a new HCD under the Ontario Heritage Act is limited to one public meeting during the development of a heritage conservation district plan. However, it is widely understood that community participation and engagement are key to the development and implementation of a successful heritage conservation district. As such, community outreach is imperative from the early stages of district development.

Ideally, community involvement will occur prior to the initiation of a study by Council through the nomination of an area for study by the community itself. While this is not always the way that potential areas for district designation will be identified, it presents an important opportunity for the City to engage with its residents about district designation and the priorities of the community for their own neighbourhoods and downtowns. For areas which have been identified by means other than through community request, such as through the heritage inventory or other studies, staff will work with local community members to gauge levels of support and to keep the community informed as to the process and implications of district study and designation.

Both study and plan components of a district designation will include, but are not limited to, the following aspects of community engagement:

- Public meetings throughout both the study and plan phases
- A community advisory group formed to provide more detailed feedback on the study and plan processes
- Digital engagement through Jump In
- Direct mail to property owners

Engagement tools may include surveys, discussion boards, and mapping exercises, and will be tailored to the nature of the area being studied for designation. These tools will be advertised and communicated to property owners in the area so that they can participate and provide feedback as the district development process is undertaken.

A community advisory group will be formed to participate in HCD study and plan development unless it does not make sense for the proposed area, such as if the area only includes a few properties. The intent of the community advisory group is to gather more detailed feedback from engaged community members who are interested in participating more closely in the district development process by providing background information and advice and communicating the views of local residents. The community advisory group will adopt a terms of reference which will guide their work. This group will not be a formal Committee of Council or Task Force, but will rather be a citizen's group participating in the study process.

The study and plan development will also include direct engagement with stakeholders other than private property owners. These may include, but is not limited to, local organizations which operate within or adjacent to the proposed district, churches, the public and separate school boards, cemetery boards, Kawartha Conservation, other levels of government, and governmental agencies, such as Parks Canada, as appropriate. The district development will also engage directly with First Nations, Metis and other Indigenous communities, as directed by the City's First Nations Consultation Policy (CP2022-007), and formal consultation will be undertaken, should any First Nations or other Indigenous communities deem it necessary.

Relevant Legislation and Policy

Ontario Heritage Act, R.S.O. 1990, s.O.18

Planning Act, R.S.O. 1990, c.P.13

Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33

Environmental Assessment Act, R.S.O. 1990, c.E.18

Provincial Policy Statement, 2020

Growth Plan for the Greater Golden Horseshoe, 2019

City of Kawartha Lakes Official Plan, 2012, including Official Plan Amendment 26, 2017

Heritage Master Plan, 2012

Council Policy CP2021-040 (Heritage Applications Policy)

Council Policy CP2022-007 (First Nations Consultation Policy)