



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 28, 2016

FROM: Planning Services Department

16-600

DATE: November 7, 2016

SUBJECT: **New By-law 2016-121 - Amendment to By-law 2011-115**

LOCATION: Town wide

WARD: Town wide

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RECOMMENDATION:

That By-law 2016-121, a by-law to amend By-law 2011-115, being a by-law to delegate the power to consent/grant heritage permits for the alteration of designated heritage properties, be passed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- In 2011, after consultation with the Heritage Oakville Committee, Council passed By-law 2011-115 to delegate the power to consent/grant heritage permits for the alteration of designated heritage properties.
- In accordance with the Procedure: Alterations to Designated Heritage Properties document associated with By-law 2011-115, a review of the By-law must be completed five years from its approval.
- This five-year review has been completed and has resulted in several proposed changes to By-law 2015-115 which are reflected in amending By-law 2016-121.

BACKGROUND:

In 2011, Heritage Planning staff developed By-law 2011-115, a by-law to delegate the power to consent to and grant heritage permits for the alteration of designated properties. This By-law, and the accompanying Procedure: Alterations to Designated Heritage Properties document, was approved by Council in December 2011. The By-law was passed in order to improve customer service by allowing Town staff to consent to and grant heritage permits on Council's behalf. The By-law is attached as Appendix A.

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The procedure document requires that a review of the document be completed five years from its approval date. Heritage Planning staff undertook this review and organized a working group made up of members of the Heritage Oakville Committee. Staff, along with the working group, completed a review of both By-law 2011-115 and the procedure document and made recommended revisions to both documents.

The revision to the procedure document was reviewed by the Administrative Services Committee on November 7, 2016 and was approved by Council on November 14, 2016. The final step is to pass By-law 2016-121, a by-law to amend By-law 2011-115, in order to capture these recommended revisions to the original Delegation By-law. The purpose of this report is to provide Council with background information on these revisions and to recommend that By-law 2016-121 be passed.

Subsequent to the Town's adoption of its heritage delegation process, the Ministry of Tourism, Culture and Sport provided an opinion on the delegation process. The Ministry is of the opinion that, as per subsection 33. (15) of the OHA, once a council has delegated by by-law its power to consent to alterations to municipal staff, the municipality still remains subject to subsection 33. (4) of the OHA which requires consultation with the municipal heritage committee. According to the Ministry's interpretation of the OHA, this only applies to properties individually designated under Part IV of the OHA.

Staff note that Heritage Oakville was not only intimately involved with the development of Delegation By-law 2011-115, but the Committee and its Working Group also worked closely with staff on its five-year review. The Committee itself has been one of the strongest advocates of the delegation process. According to the Ministry, each municipality is encouraged to seek their own legal advice regarding these provisions in the OHA. In consultation with Legal staff, to address the issue raised by the Ministry, staff have proposed an amendment to the current delegation procedure to require the Director of Planning to circulate Heritage Oakville on all Part IV delegated permit applications prior to processing in accordance with the delegation procedure.

COMMENT/OPTIONS:

There are several proposed revisions to Delegation By-law 2011-115. The first is the addition of an action that can be delegated to staff, described in section 1.d) of the By-law. This action is the extension of the 90-day timeline in which Council must make a decision on heritage permits. If both the applicant and staff agree, the timeline can be extended by an appropriate amount of time that allows the work to be completed without compromising the project.

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In section 2 of the By-law, there are numerous minor wording changes and additions. Primarily, staff have made the revisions to ensure consistency, such as using the wording “addition/removal/replacement” consistently.

Section 2.h) of the By-law has been expanded to include alterations to single-storey wings, in addition to single-storey accessory buildings. Many small single-storey wings are more contemporary additions that are not considered to be a significant portion of the building and staff have therefore added these structures to this section of the By-law. As with all items covered in the By-law, changes can only be delegated if they do not have a significant negative impact on any heritage features. Therefore, if the one-storey rear wing or accessory structure was considered to be heritage, changes to the structure would require a full heritage permit. There has also been a clarification in this section that the total footprint of 15 square metres includes all open porches and spaces within that footprint.

Section 2.i) is a new item in the By-law and allows staff to process minor heritage permits for the severance of property, provided that the application does not result in the creation of a new lot or development. For example, if owners are looking to add a small piece of land to their residential property, and the consent does not result in the construction of a new dwelling, this could be delegated to staff for approval.

Finally, section 2.j) has been revised to clarify that staff can approve minor revisions to previously approved heritage permits, as long as these types of changes are included elsewhere in the Delegation By-law.

Other than the above specific revisions, Heritage Planning staff are not proposing any major updates to the delegation process. Over the past five years, the system has been extremely successful and has greatly improved customer service by reducing the heritage permit application process for minor works from potentially two months to a few days. The expedition of this process has therefore significantly reduced the wait time for the applicant.

Additionally, the process dramatically reduces the amount of time spent by staff, Heritage Oakville and Council in the preparation, processing and review of reports for minor changes and allows staff to focus on other heritage activities. This streamlining has also had a positive impact on the public perception of heritage planning and the heritage permit application review process in general.

Staff therefore recommends that By-law 2016-121 be passed in order to continue effective customer service and to better manage and protect Oakville’s significant heritage resources.

CONSIDERATIONS:

(A) PUBLIC

None

(B) FINANCIAL

None

(C) IMPACT ON OTHER DEPARTMENTS & USERS

A separate report will be presented to the Administrative Services Committee.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- continuously improve our programs and services
- provide outstanding service to our residents and businesses
- be accountable in everything we do
- enhance our cultural environment
- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

This report generally complies with the sustainability objectives of Livable Oakville.

Appendix A – Delegation By-law 2011-115

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