

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2023-XXX**

### **A By-Law to Amend By-Law 2019-154, being a By-Law to Delegate Authority for the Alteration of Heritage Property in the City of Kawartha Lakes**

#### **Recitals**

1. Subsections 33(15) and 33(16) of the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended, provides that a Council of a municipality may pass a by-law delegate the power to consent to alterations to property designated under Part IV of the Act to an employee or official of the municipality after having consulted with its municipal heritage committee.
2. Subsections 42(16) and 42(17) of the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended, provides that a Council of a municipality may pass a by-law to delegate the power to grant permits for the alteration of a property designated under Part V of the Act to an employee or official of the municipality after having consulted with its municipal heritage committee.
3. Section 23(1) of the Municipal Act, 2001, S.O. c.25 as amended, allows Council to delegate its powers and duties.
4. Council wishes to delegate to the Director of Development Services, or the Director's delegate, its powers to approval certain classes of alterations through the issuance of heritage permits.
5. Council has consulted with its Municipal Heritage Committee.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-Law 2021-XXX.**

#### **Section 1.00: Definitions and Interpretation**

- 1.01 **Definitions:** All defined terms in the amending by-law take their meaning from By-law 2019-154 in the City of Kawartha Lakes.
- 1.02 **Interpretation Rules:**
  - (a) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Amendments to By-Law 2019-154**

**2.01 Amendment:** Section 2.01 is amended to read:

**Delegation of Authority:** Council grants the Director of Development Services, or designate, the power to:

- (a) request additional information from an owner as may be required to complete an application for alterations to a designated property under the by-law and the power to determine when said application is complete;
- (b) consent to the alteration of properties designated under Part IV of the Act, in consultation with the Municipal Heritage Committee, through the granting of heritage permits;
- (c) grant heritage permits for the alteration of property situated in a heritage conservation district designated under Part V of the Act;
- (d) grant heritage permits for the installation of or alterations to commercial signage on properties designated under Part IV of the Act or situated in a heritage conservation district designated under Part V of the Act;
- (e) extend the timeline in which alterations proposed in a previously approved heritage permit can be undertaken if the owner is not able to complete the work in the specified timeframe.

**2.02 Amendment:** Section 2.02 is amended to read:

**Classes of Alterations:** The delegated authority in Section 2.01 (b) and (c) is limited to the following alterations to properties designated either individually under Part IV of the Act or situated in a heritage conservation district designated under Part V of the Act and which do not have a significant negative impact on the heritage attributes of the property or district:

- (a) Alterations to or replacement of exterior building elements including, but not limited to, windows, doors, roof finishes, skylights, cladding, cornices, decorative architectural features, porches, verandahs, and storefronts;
- (b) Additions to residential buildings;
- (c) Construction of accessory buildings;
- (d) Construction or modification of agricultural buildings;
- (e) New or increased parking areas;
- (f) Installation or removal of, or alterations to, hard landscaping features including, but not limited to, walkways, driveways, patios, gazebos, fences, gates, ponds, and walls;

- (g) Alterations to landscape features identified in a heritage conservation district plan or designating by-law;
- (h) Removal or replacement of, or alteration to, non-heritage features;
- (i) Installation or removal of, or alteration to, exterior lighting;
- (j) Installation of solar panels;
- (k) Installation of above ground and in-ground swimming pools;
- (l) Installation of septic systems;
- (m) Installation of utilities and associated fixtures;
- (n) Installation of or alterations to accessibility features;
- (o) Erection of temporary structures;
- (p) Any alterations identified in a heritage conservation district plan as being delegated to staff;
- (q) Alterations proposed as part of a municipal financial incentive program;
- (r) Alterations necessary to comply with the Ontario Fire Code;
- (s) Minor revisions to previously approved heritage permits;
- (t) Temporary measures reasonably necessary to deal with an emergency which puts the security or integrity of a building at risk of damage or when the condition of a building or property is a risk to public safety.

2.03 **Amendment:** Section 2.03 is amended to read:

**Part IV Interior Designated Features:** In addition to the alterations identified in Section 2.02 (a) to (t) inclusive, the delegated authority of Section 2.01 extends to designated interior features in applicable properties as designated under Part IV of the Act including:

- a) Alteration to or replacement of interior elements including, but not limited to, windows, doors, ceilings, decorative architectural features, stairs, lighting and interior finishes as identified in the designating by-law;
- b) Removal or replacement of non-heritage features which impact identified heritage attributes.

## **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 21st day of November, 2023.

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Doug Elmslie, Mayor

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Cathie Ritchie, City Clerk