



Council Report

Report Number: ED2024-030

Meeting Date: July 23, 2024

Title: **Amendments to the Heritage Delegated Authority By-law**

Description: Proposed amendments to By-law 2019-154 (Heritage Delegated Authority By-law) to address applications related to the installation of utilities and servicing

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

Recommendations:

That Report ED2024-030, **Amendments to the Heritage Delegated Authority By-law**, be received;

That By-law 2019-154 (Heritage Delegated Authority By-law) be amended to update the policies in relation to utilities installation, as outlined in Appendix A of this report; and,

That the necessary amending by-law be brought forward for adoption and execution by the Mayor and Clerk.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Section 33 and Section 42 of the Ontario Heritage Act allow Council to delegate authority for the review and approval of alterations to heritage properties through the issuance of heritage permits to staff. Under the 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. Any types of alterations may be delegated to staff, except for the demolition of property.

In Kawartha Lakes, authority is delegated through By-law 2019-154 to the Director of Development Services or an assigned delegate. In practice, the assigned delegate 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 December 2023 to change the process related to approvals for signage and align the process and service delivery times for properties designated under Part IV of the Act and those located in heritage conservation districts. At present, the vast majority of alterations are delegated to staff, with the exception of the demolition of property. Staff may refer the approval of any application to Council. In practice, this only occurs under the following circumstances:

- If 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 the approval of the application requires an amendment to the property's designation by-law or if there is an associated heritage easement agreement that requires Council approval; or
- If staff believe that the 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 efficient review and approval of applications, and for service delivery that is not reliant on Council's 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 V of the Act are reviewed and approved by staff. The review and approval time for these applications is typically 1 to 4 business days, unless the application is particularly complex or involves the demolition of property. The service delivery and approval timeline for these types of applications

has been well received by applicants. Applications made in relation to properties designated under Part IV of the Act (individual designations) are reviewed by the Municipal Heritage Committee which makes recommendations and provides comments to staff who ultimately approve or deny the application. 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 a month for approval, staff and the Chair of the Committee have typically tried to arrange a special meeting to address permit review and approval, but these special meetings are not always feasible given that the Committee is comprised of volunteers and quorum is required to review an application.

Staff periodically review the Heritage Delegated Authority By-law to find service improvements and enhance the permitting process for heritage property owners. One of the items that staff have recently reviewed is the permitting process for the installation of utilities. These may include green technology, such as charging stations, heat pumps and solar panels, and traditional utilities and infrastructure, such as generators, air conditioning condenser units and septic systems.

Permits for utility installation for properties designated under Part IV of the Act must currently be reviewed by the Municipal Heritage Committee prior to approval. However, these types of alterations typically have little to no impact on the heritage features of the property and the review process largely involves reviewing where the utility is being installed to ensure it has a minimal visual impact on a heritage property and signing off on it for due diligence. For the installation of new septic systems, for example, the purpose of the heritage permitting process serves to sign off on location and to confirm with Building and Septic Division staff that due diligence has been undertaken from a heritage perspective; it would be only under exceptional circumstances that a heritage permit would be denied for this type of work. Similarly, for utilities such as heat pumps or air conditioning condenser units, the purpose of the heritage permitting process is to discuss the location of infrastructure with the property owner to ensure that it has limited visual impact on the heritage features of the property, particularly for large public buildings where the units may be very large and have a substantial visual impact; as with septic installation, it is extremely unlikely that these applications would ever be denied.

Staff are proposing that the Delegated Authority By-law be amended to allow staff to approve utilities installation for Part IV properties without bringing these applications forward to the Municipal Heritage Committee, as would be the case for applications

made related to properties in a heritage conservation district. While the Committee's input remains important for applications that have a specific and substantial impact on heritage attributes of a property, staff believe that a shorter approval process for these types of applications is warranted, given their limited impact on the heritage features of the property, the simplicity of these types of applications, and the fact that some of them may be time sensitive, particularly when they are contingent on the receipt of grant funding.

At its meeting of July 4, 2024, the Kawartha Lakes Municipal Heritage Committee reviewed the proposed amendments to the by-law and passed the following resolution:

KLMHC2024-065

Moved By S. McCormack

Seconded By A. Adare

That Report KLMHC2024-042, **Amendments to the Heritage Delegated Authority By-law**, be received;

That the proposed amendments to By-law 2019-154 (Heritage Delegated Authority By-law) related to utilities installation, as outlined in Appendix A of this report, be endorsed; and

That this recommendation be forwarded to Council for approval.

Carried

This report provides background and rationale for amending the Heritage Delegated Authority, as well as a draft of the proposed amended by-law. This draft is attached to this report as Appendix A and highlights the changes being proposed.

Rationale:

The review of the portion of the by-law that deals with the installation of utilities has primarily come about in relation to increased discussion over the installation of green technology in existing buildings and the expansion of the City's cellular network. Over the past several years, staff have received an increasing number of heritage permit applications and inquiries regarding the installation of green technology on heritage properties. This includes the installation of solar panels, charging stations, and heat pumps as property owners increasingly look to green technology for their various energy needs, particularly with the roll-out of the federal Greener Homes Initiative Grants. Staff have also been receiving increasing numbers of inquiries regarding the installation of cell sites and antennae on buildings in urban areas to increase cell

coverage and handle growing network demands. The preferred location for these sites is typically on churches, many of which are heritage designated.

At present, if an owner of a property that is individually designated wants to install any of the above noted utilities, their application must be reviewed by the Kawartha Lakes Municipal Heritage Committee. The Committee provides comments and a recommendation to staff who ultimately make the decision as to whether or not the application should be approved or denied. Staff are of the belief that the increased time required for the Committee to review these applications is not warranted, given the unlikely nature of these applications being denied and the minimal impact of utilities installation on heritage properties, as discussions surrounding applications of this type primarily centre on where utilities should be located and, in some cases, the use of screening or other methods to limit their visual impact, as opposed to whether or not they should be allowed. Applications where there is a substantial impact on a property's heritage attributes will still be referred to the Committee for review prior to approval.

Although this review was precipitated primarily by the growing interest in green technology, staff have deemed it appropriate to propose that all utility installation be approved at a staff level. While it is important to support property owners looking to install green technologies in their heritage buildings, staff are also of the opinion that the same rules should apply to traditional utility installation to ensure a consistent approach as property owners choose what is the best solution for their properties. The following utilities would be impacted by the proposed changes:

- Septic systems
- Electrical generating equipment including home standby generators, solar panels and small wind turbines
- EV charging stations
- Heating and cooling systems including oil and propane tanks, air-to-air and in-ground heat pumps and air conditioner condenser units
- Cellular infrastructure
- Private or municipal servicing

The impact of the amendments would be to decrease service delivery times and allow staff to approve permits for this type of work within the 1 to 4 business day time frame that is currently in place for properties located in heritage conservation districts. A reduced timeframe for these applications provides better service delivery for applicants and consistency between properties that are designated under Part IV of the Act and located in heritage conservation districts. It also has the potential to assist in property owners applying for and receiving grant dollars which are increasingly available for

green technology in particular, as grant programs often have timeframes for installation and the submission of paperwork to the granting agency.

The amendments required to the by-law are outlined in the attached red-line copy of the consolidated by-law. Staff are proposing the addition of a new section 2.04 to the by-law related specifically to utilities and servicing, the addition of wording to Section 2.01 specific to the delegation of authority regarding utility installation, and administrative amendments including moving wording around solar panels and septic systems to the new Section 2.04, and renumbering throughout the by-law as required.

Other Alternatives Considered:

Council could choose not to amend the existing by-law. However, the proposed amendments are intended to streamline the heritage permit application process for property owners and applicants and the amendments are recommended to support good customer service.

Alignment to Strategic Priorities

The amendments to the Heritage Delegated Authority By-law support the following goals from the Council-adopted Strategic Plan:

- A Healthy Environment
- A Vibrant and Growing Economy
- Good Government

The processing of heritage permit applications is a core function of the heritage planning program offered as part of the City's Economic Development and Business Development programming which has been identified as one of the Vibrant and Growing Economy priority area's action items. The creation of a more simplified application process for the types of alterations discussed in this report supports the goal of Good Government by streamlining by-laws, policies and processes to provide better customer service. The amendment of the by-law to include language around green technology supports the goal of a Healthy Environment by supporting environmental initiatives and sustainability in the community by assisting heritage property owners in making these types of changes to their properties.

The proposed amendments also support the Healthy Environment Plan and the goal to encourage efficiency and resiliency in new and existing buildings by supporting heritage property owners with the installation of green technology into their properties.

Financial/Operation Impacts:

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

Consultations:

Municipal Heritage Committee
Environmental Advisory Committee
Manager, Economic Development

Attachments:

Appendix A – Proposed Amendments to By-law 2019-154 (red-line)



2019-154
Consolidated Deleгат

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