

The Corporation of the City of Kawartha Lakes

By-Law 2024-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 2024-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 installation of or alterations to commercial signage on properties designated under Part IV of the Act or situated in a heritage conservation district under Part V of the Act;
- (e) grant heritage permits for the installation of utilities and servicing to properties designated under Part IV of the Act or situated in a heritage conservation district designated under Part V of the Act;
- (f) 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 above ground and in-ground swimming pools;
- (k) Installation of or alterations to accessibility features;
- (l) Erection of temporary structures;
- (m) Any alterations identified in a heritage conservation district plan as being delegated to staff;
- (n) Alterations proposed as part of a municipal financial incentive program;
- (o) Alterations necessary to comply with the Ontario Fire Code;
- (p) Minor revisions to previously approved heritage permits;
- (q) 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 2.04, Utilities and Servicing, is added to the by-law and subsequent sections renumbered:

Utilities and Servicing: The delegated authority in Section 2.01 (e) 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) Installation of and alterations to septic systems;
- b) Installation of small electrical generating equipment including but not limited to home standby generators, solar panels and small wind turbines;
- c) Installation of EV charging stations;
- d) Installation of heating and cooling systems including but not limited to: oil and propane tanks; heat pumps (air-to-air and in-ground); and air conditioner condenser units;
- e) Installation of cellular infrastructure;
- f) Installation of private or municipal servicing and associated structures including but not limited to: water, sewer, and hydro.

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 27th day of August, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk