

## **The Corporation of the City of Peterborough**

### **By-Law Number 19-XXX**

#### **Being a by-law to delegate the power to consent/grant heritage permits for the alteration of designated heritage properties**

##### **Recitals**

- A. Pursuant to subsection 33(15) and 33(16) of the **Ontario Heritage Act**, R.S.O. 1990, c. 0.18, as amended (the “Act”), the council of a municipality may, by by-law, delegate the power to consent to alterations to property designated under Part IV to an employee or official of the municipality after having consulted with its municipal heritage committee.
- B. Pursuant to subsection 42(16) and 42(17) of the Act, the council of a municipality may, by by-law, delegate the power to grant permits for the alteration of property situated in a heritage conservation district designated under Part V to an employee or official of the municipality after having consulted with its municipal heritage committee.
- C. The Council of the Corporation of the City of Peterborough has deemed it advisable to delegate by by-law certain powers to an appointed officer of the City identified by position occupied.
- D. The Council of the Corporation of the City of Peterborough has consulted with its municipal heritage committee.

Therefore, the Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

##### **Definitions:**

- 1. In this By-law:
  - a. “the Act” means the **Ontario Heritage Act**, R.S.O. 1990, c. O.18, as amended;
  - b. “alter” means to change in any manner and includes to restore, renovate, repair, erect, or disturb; and “alteration” and “altering” have corresponding meanings;
  - c. “City” means The Corporation of the City of Peterborough;
  - d. “Council” means the elected Council of the Corporation of the City of Peterborough;
  - e. “Designated Property” means a property located in the City of Peterborough that is designated as a heritage property either individually under Part IV of the Act or part of a Heritage Conservation District under Part V of the Act;
  - f. “the PACAC” means the Peterborough Architectural Conservation Advisory Committee, the City’s municipal heritage committee which makes recommendations to Council on heritage matters and is established under subsection 28 of the Act;
  - g. “Heritage Conservation District” means a heritage conservation district designated under Part V of the Act;

- h. “Heritage Conservation District Plan” means a plan adopted by Council to provide direction on the preservation of the heritage character and defining elements of a Heritage Conservation District;
- i. “Heritage Permit” means a permit issued by the Heritage Preservation Office pursuant to this By-law allowing an Owner to take certain actions with regard to such Owner’s property as stated thereon;
- j. “Owner(s)” means the owner, from time to time, of a heritage property, and includes a corporation and partnership and the heirs, executors, administrators, and other legal representatives of a person to whom the context can apply according to the law;
- k. “Minor Heritage Permit” is a heritage permit granted required for a property in a Heritage Conservation District for small changes to a property that will generally have a positive or neutral impact on the cultural heritage value of the District as outlined in that District’s Heritage Conservation District Plan;
- l. “Heritage Resources Coordinator” means the Heritage Resources Coordinator for the City of Peterborough, or his or her designate as appointed by the Heritage Resources Coordinator;
- m. “Information” means any information requested by the Heritage Resources Coordinator with regard to an application to alter a heritage property and including, but not limited to, plans, reports, historical documentation, and photographs.

### **Delegation of Authority**

- 2. Council delegates to the Heritage Resources Coordinator the power to:
  - a. to request additional information from an Owner as may be required to complete an application for a heritage permit under the By-law and the power to determine when the said application is complete;
  - b. consent to the alteration of properties designated under Part IV of the Act, through the granting of heritage permits;
  - c. grant heritage permits for the alteration of properties situated in a heritage conservation district designated under Part V of the Act; and
  - d. extend the timeline in which alterations proposed in a previously approved heritage permit can be undertaken if the applicant is not able to complete the work within the timeframe specified on the heritage permit.
- 3. The delegated authority in Section 2(b) and (c) is limited to the following alterations to properties either designated individually under the Act or situated in a heritage conservation district that 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, solar panels, cladding, cornices, decorative architectural features, porches, and verandahs;
  - b. Additions to residential buildings;
  - c. New garages or secondary structures;
  - d. New or increased parking areas;

- e. Installation or removal of, or alterations to, hard landscaping features including, but not limited to, walkways, driveways, patios, gazebos, fences, gates, and walls;
- f. Removal or replacement of, or alteration to, non-heritage features;
- g. Installation or removal of, or alterations to, exterior lighting;
- h. Minor revisions to previously approved heritage permits; and
- i. Temporary measures reasonably necessary to deal with an emergency which puts the security or integrity of a building or structure at risk of damage.

#### **Part IV Designated Interior Features**

- 4. In addition to the alterations identified in Section 3, the delegated authority in Section 2 (a) to (d) inclusive extends to designated interior features in applicable properties as designated under Part IV of the Act.
- 5. Delegated authority regarding the alteration of interior features as identified in Section 4 is limited to the following alterations that do not have a significant negative impact on the heritage attributes of a property including:
  - a. Alteration or replacement of interior elements including, but not limited to, windows, doors, ceilings, decorative architectural features, stairs, lighting, and interior finishes;
  - b. Removal or replacement of, or alteration to, non-heritage features;
  - c. Installation, alteration, or removal of signage and/or interpretive material;
  - d. Minor revisions to previously approved heritage permits;
  - e. Temporary measures reasonably necessary to deal with an emergency which put the security or integrity of a building or structure at risk of damage.

#### **Heritage Conservation Districts**

- 6. In addition to the alterations identified in Section 3, the delegated authority in Section 2 (a) to (d) inclusive extends to any alterations identified in a Heritage Conservation District Plan as requiring a Minor Heritage Permit.

#### **Reference to Council**

- 7. Notwithstanding Section 2 of this By-law, the Heritage Resources Coordinator may refer any alteration application to the PACAC and Council. In such cases, Council shall retain all powers and authority under the Act.

#### **Exercise of Authority**

- 8. In exercising the delegated authority in Section 2(b) to (d) inclusive, the Heritage Resources Coordinator may:
  - a. Grant a heritage permit for an application to alter a Designated Property;
  - b. Grant a heritage permit for an application to alter a Designated Property with terms and/or conditions.

**Council Retains Ultimate Authority**

9. Notwithstanding any provision of this By-law to the contrary, Council may, after notifying the Heritage Resources Coordinator, exercise any authority that is delegated to the Heritage Resources Coordinator.

**Validity**

10. In the event that the provisions of this By-law are deemed invalid or void, in whole or in part, by any court or competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
11. This By-law shall come into force and effect on the day it received third reading.

By-law read a first, second, and third time this \_\_\_\_\_ date of \_\_\_\_\_, 2019.

(Sgd.) Diane Therrien, Mayor

(Sgd.) John Kennedy, City Clerk