



THE CORPORATION OF THE CITY OF WATERLOO

BY-LAW NO. 2014 –

BY-LAW TO DELEGATE COUNCIL'S AUTHORITY TO CONSENT TO/GRANT PERMITS FOR THE ALTERATION OF DESIGNATED HERITAGE PROPERTIES TO THE DIRECTOR OF GROWTH MANAGEMENT OR HIS/HER DESIGNATE

WHEREAS section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act, 2001;

AND WHEREAS section 11 (3) 5 of the Municipal Act, 2001 provides that a municipality may pass by-laws within the following sphere of jurisdiction: culture, parks, recreation and heritage;

AND WHEREAS section 8(1) of the Municipal Act, 2001 provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS section 23.1 of the Municipal Act, 2001 provides that sections 9 and 11 of the Municipal Act, 2001 authorize a municipality to delegate its powers under the Municipal Act, 2001 or any Act, subject to certain limitations;

AND WHEREAS approval from the Council of The Corporation of the City of Waterloo is required for the alteration of properties designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended, or for properties located in heritage conservation districts designated under Part V of the Ontario Heritage Act;

AND WHEREAS sections 33 and 42 of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended, provide that Council may delegate its authority to consent to alterations to property designated under Part IV and to grant permits for the alteration of property located in a heritage conservation district designated under Part V to an employee or official of the municipality;

AND WHEREAS pursuant to sections 33(15) and 42(16) of the Ontario Heritage Act, the Council of The Corporation of the City of Waterloo has consulted with its municipal heritage committee respecting the delegation contained within this by-law

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

1. For the purpose of this By-Law:
 - (a) **“Alteration”** means a change in any manner, including restoration, renovation, repair, erection or disturbance;
 - (b) **“Application”** means a heritage permit application to obtain consent for an alteration to a heritage property;
 - (c) **“City”** means the Corporation of the City of Waterloo;
 - (d) **“Committee”** means the Municipal Heritage Committee for the City of Waterloo;
 - (e) **“Compliant”** means conforming to the City’s heritage policies, guidelines, and agreements, including any relevant Heritage Conservation District Plans, conservation easements agreements, designation by-laws, and Urban Design Guidelines, as well as accepted conservation standards and practices, including, but not limited to, Parks Canada’s *Standards and Guidelines for the Conservation of Historic Places in Canada*, the Ontario Ministry of Tourism, Culture and Sport’s *Eight Guiding Principles in the Conservation of Historic Properties*, and the *Ontario Heritage Tool Kit*.
 - (f) **“Council”** means the municipal Council of the City of Waterloo;
 - (g) **“Heritage Property”** means real property, including all buildings and structures thereon, designated under Part IV or Part V of the Ontario Heritage Act or for which there is a conservation easement agreement between the City and the property owner;
 - (h) **“Director”** means the Director of Growth Management or his/her designate;
 - (i) **“Emergency Repair”** means an alteration to a heritage property or building required to avoid imminent structural, health, safety or security issues. These types of alterations may include more significant interventions in terms of size, scope or location than those identified as minor.
 - (j) **“Minor”** means of low potential impact because of its type, location, size, or scope;
 - (k) **“Owner”** means the person registered on title in the proper land registry office as owner of the property; and
 - (l) **“Permit”** means written consent for the alteration of a heritage property.

2. Council delegates to the Director all of the power that Council has respecting the granting of consents and approvals for alterations to heritage properties, including the power to grant approval for alterations to heritage properties with terms and conditions. This delegation of authority is granted in relation to the following types of alterations:

(a) Alterations that, *prima facie*, are both minor and compliant, including but not limited to:

- (i) repointing of masonry;
- (ii) repair restoration or replication of doors and windows and their surrounds;
- (iii) repair, restoration or replication of dormers, cresting, cupolas, cornices, brackets, columns, balustrades, soffit and fascia, or chimneys;
- (iv) repair, restoration or replication of porch ceiling, floor, spindles, railings or steps;
- (v) repair or restoration of decorative wood, metal, stone or brick;
- (vi) replacement of eavestroughs and downspouts;
- (vii) replacement of roofing material where there is little or no change in colour, materials or design;
- (viii) replacement of vinyl siding with new vinyl siding or wood siding;
- (ix) replacement of vinyl windows with new vinyl windows or wood windows within the existing openings;
- (x) removal of signage, or alterations to signage that do not significantly change its existing location, dimensions and building coverage.

(b) Emergency repairs, including but not limited to:

- (i) internal structural repairs that will affect the exterior façade
- (ii) significant masonry repairs to load bearing exterior walls
- (iii) structural repairs to porches, balconies or fire escapes
- (iv) temporary measures to stabilize or secure a heritage property

3. An owner wishing to alter a heritage property shall submit an application for a permit in writing to the Director on a form prescribed by the Director and shall supply any of the following information that is requested by the Director.
4. The Director shall consult with the Committee Chair or designate before approving an application for a permit for alterations that are both minor and compliant.
5. The Director shall, where possible, consult with the Committee Chair or designate before issuing a permit for an emergency repair. Where consultation is not feasible due to the nature of the emergency, the Director will notify the Committee Chair of the approved permit.

6. Notwithstanding any other provisions of this by-law, Council shall retain decision making power for applications for a permit in the following cases:
- (a) the Director or Committee Chair or designate do not consider the alterations to be minor and compliant;
 - (b) The Director or Committee Chair or designate do not recommend approval of the alteration;
 - (c) the Director and Committee Chair or designate are not in agreement about the terms and conditions for approval;
 - (d) the alteration involves significant new construction;
 - (e) the alteration involves demolition or removal of a structure;
 - (f) the alteration requires site plan approval;
 - (g) the alteration requires the submission of additional heritage studies, such as a Heritage Impact Assessment or a Conservation Plan
7. This by-law shall come into force and effect on the date of its final passing.

Enacted this _____ day of _____, 2014.

Approval	Date	Print Name	Initials
IPPW			
Legal			
Finance			

Brenda Halloran, Mayor

Olga Smith, City Clerk