

TOWNSHIP OF KING

DATE: June 25th, 2012
TO: Committee of the Whole
FROM: Planning Department
SUBJECT: Planning Report Number P-2012-49
RE: Alteration Guidelines to Heritage Properties

1. RECOMMENDATIONS

The Planning Department respectfully submits the following recommendations:

- A. That the Planning Report P-2012-49 be received as information;
- B. That Council approve the list of works outlined within this Report and attached as Appendix A that identify which activities will require a Heritage Permit for alterations to designated properties;
- C. That Council approve the list of activities outlined within this Report attached as Appendix B that are identified as Maintenance, and thus will not require permission from the Township;
- D. That Council approve the application process as proposed within this Report;
- E. That Council directs Staff to prepare a by-law for adoption to delegate certain approvals to Staff within the parameters outlined within this Report; and
- F. That Staff prepare appropriate information packages for public distribution and posting on the Township website with respect to the Heritage Permit for Alteration to Designated Properties.

2. PURPOSE

The purpose of this report is a follow up to Planning Report P-2012-20 that proposed that in order to better monitor change in existing designated properties and provide clear and consistent assistance to current and future heritage property owners in King Township, a

Heritage Permit Process be developed, as well as a set of guidelines for heritage property owners.

3. **BACKGROUND**

Under the Ontario Heritage Act, once a property is designated by by-law under Part IV, Section 29, no owner shall alter the property or permit the alteration of the property, if the alteration is likely to affect the property's heritage attributes (OHA, Part IV, Section 33) unless the owner applies to the council of the municipality in which the property is located and receives Council's consent in writing approving the alteration. For many municipalities in Ontario this has translated into a heritage property alteration permit process (i.e. "heritage permit") where an application is reviewed by staff and the heritage advisory committee before being approved or denied by Council.

In many Ontario municipalities, Council has taken this process and streamlined it into an application process which allows for specific duties to be delegated to municipal staff who ensure that the application meets the requirements for a complete application, serves the notice of receipt, and may review and comment on applications, along with the heritage advisory committee before the application is sent to Council for review and a decision.

Alterations to a heritage property are generally defined as actions that would damage the identified heritage attributes of a property – this may include major alterations as changing the doors or windows of a property, painting bare brick, removing a chimney or adding an addition or upper storey. All of these can affect the heritage attributes of a property. Smaller alterations may also have an effect – changing roofing materials or adding features that were never present may contribute to the gradual deterioration or loss of heritage attributes.

The process of reviewing proposed alterations is not to inhibit change or use of a property but to ensure respectful changes that are in keeping with the character defining elements that make a designated property significant and conserving these elements. In addition to ensuring the preservation of important property elements, a heritage permit process also allows for long term tracking and monitoring of a property for its continued conservation. Finally, a heritage permit process allows for a project to be assessed for best practices that will aim towards the continued longevity of a property by encouraging owners to rethink potentially destructive activities such as power washing or using Portland cement on a mid 19th century farmhouse or painting over brick. Once a property has been designated by by-law, the municipality has declared an interest in the property and commits to encouraging thoughtful, respectful change and development.

The presence of alteration records assists with decisions regarding a property 10, 20 or 50 years in the future.

To a large degree, the process for an application to alter a heritage property is outlined in the Act in Section 33 and requires the following:

- a) The application is to be accompanied by a detailed plan and such information as the council may require (e.g. pictures, work plan, list of materials to be used)
- b) Once the application is considered to be complete, the municipality must send out a notice of receipt to the applicant. The notice signifies maximum 90 day period after the receipt that Council, after consultation with its heritage advisory committee must decide to either:
 - i) approve the application
 - ii) approve with added terms and conditions or
 - iii) deny the application, then give notice of its decision to the owner of the property and to the Ontario Heritage Trust.

If the Council does not act within the 90 day period, the application is considered to be approved by default. There is also an appeal process outlined in the Act, if the property owner disagrees with the Council's decision and would like the matter to be reconsidered by the Conservation Review Board. However, Township Staff is proposing a permit process that aims to streamline the process to a 4 to 6 week process for most general heritage permits.

4. DISCUSSION

Alterations and Heritage Properties

As described above, an alteration is defined in the Act to mean change in any manner and that alterations includes actions to restore, renovate, repair or disturb a designated heritage property. Therefore this can include a breadth of activity from restoring wood trim and repointing to additions and window changes. This does not prevent a property's development and evolution over time, only that it evolves in a manner that is sympathetic to the heritage attributes of the property.

In developing a list of projects that most commonly require heritage permits in Ontario municipalities, the staff consulted with a number of Ontario municipalities – through email, phone, and in person. Staff also gathered together a representative sampling of

applications and guidelines as they were available from municipal websites and colleagues. From this list a comprehensive list of projects and activities that most commonly require heritage permits has been developed.

Not all municipalities had a specific, comprehensive lists, due to the evolving and changing nature of technologies and lifestyles. Driveways, backyard decks, cable and satellite installations, and even solar panels, are all relatively recent innovations in the last 50 to 60 years that have become relatively common installations among property owners. Some of these installations cause more disturbance to a heritage properties than others. There must be room for Council, heritage committee members and staff to consider these changing circumstances as they unfold in the future and consider how to best integrate them into a heritage context.

With this in-mind, staff recommends that the following types of projects and activities be subject to the heritage permit process. These projects require permits as they hold potential to damage the heritage attributes of the property.

- a) New construction such as new additions, raising the height of a building (extra floor or adding to dormer) or new exterior architectural detailing and finishes.
- b) Major structural alterations and rehabilitation projects, such as replacement, removal and changes to existing porches, verandahs, decks, windows and window openings, doors and door openings, chimneys, existing millwork, decorative elements, detailing and finishes, foundations, roofs, new signs and awnings that are being installed for the first time or require an extensive change in hardware
- c) Changes to exterior walls and cladding such as installation of siding or removal and restoration to original siding.
- d) Painting or cleaning of masonry (stone or brick) OR the removal of paint from masonry
- e) Properties where the designation specifically includes heritage landscape elements such as fences, paths, driveways, plantings, and outbuildings will be assessed and treated as any other heritage element.
- f) Regarding cemetery properties, permits will be required for:
 - Cleaning stone monuments
 - Removing featured landscape elements that are identified in the by-law
 - Reconstruction or restoration of stone monuments

- Rubbings of grave markers.

NOTE: If the designated property is an active cemetery, new burials are NOT considered an alteration and proceed as usual.

g) King Township will reserve the right to determine if a heritage permit is needed in order to include other types of projects/technologies that are not included in the above list or that may develop in the future. Examples may include: installation of solar panels, green roofs, wind turbines, development of separate outbuildings with foundations etc.

Maintenance and Heritage Properties

Just as it is useful to develop a list of guidelines of what projects and activities should require a heritage permit, it is also useful to develop a similar list of what projects will NOT require permit. It is important to emphasize that under the Ontario Heritage Act routine maintenance activities do not require a permit. Maintenance is defined as follows:

“Maintenance generally includes routine, cyclical, anticipatory actions necessary to keep a property’s heritage attributes in sound condition and to retard deterioration, and remedial or reactive actions that are intended to retain the integrity of a resource.

“‘Maintain’ has a corresponding meaning. Maintenance may include minor repair and refinishing operations; replacement of damaged, broken, or deteriorated materials that are impractical to save (e.g., broken window glass); rust removal; and cyclical horticultural activities such as pruning, planting, etc. (“Standards and Guidelines for the Conservation of Provincial Heritage Properties” Ontario Ministry of Tourism, Culture and Sport)

Such a definition however, is not exact and allows for municipalities to further define what smaller activities may not require a permit. The following list is an example of what Ontario municipalities have most commonly defined as maintenance and thus **DOES NOT** require a permit.

a) General repairs to weather stripping, eaves troughs (unless considered part of the heritage attributes of a property), downspouts, caulking, roofs, chimneys, fences, existing cladding, repair of broken window panes to original specifications, painting, installation of existing storm doors and windows, minor installations including lighting, flagpoles, cable and phone lines, satellite dishes, central air etc.

b) Outbuildings - If outbuildings are not specifically part of a property’s Statement of

Cultural Heritage Value or Reasons for designation and/or do not have or require a foundation, it is permissible to build or alter tool and garden sheds, gazebos and similar (understood to be wooden garden structures without foundations), doghouse, and other small outbuildings that **do not require a foundation**, building permit and minimally visible from the public domain.

c) Landscaping such as gardening, backyard patios, repair of existing landscape features such as fences. NOTE: if a fence or landscape feature is described in the property's by-law, it will be treated as any heritage attribute and will require consultation with heritage planner and/or permit.

d) Painting of exteriors will be considered a maintenance activity EXCEPT if painting over masonry (brick or stone) or removing paint from masonry because it negatively affects the material, brick especially.

e) Interior alterations do not require a heritage permit, UNLESS a property has interior designated features

f) Installation of storm windows, screen doors, door knobs, awnings or signs done on existing hardware

Heritage Permit Process

As discussed earlier, implementing a heritage permit process can be effective in streamlining applications for alterations to heritage properties as outlined in Section 33 of the Ontario Heritage Act. In its simplest form, an application must be declared complete by the municipality, reviewed by the Heritage Advisory Committee and then forwards a recommendation to Council and which must then approve or deny the application to alter within a maximum 90 period. If Council does not give a decision by the 90 day expiry date, the project may proceed as if approved unless both parties agree to an extension.

Traditionally, there is no fee for a heritage permit. Under the Ontario Heritage Act, there is no mention of fee for an application to alter a heritage property but there is no section that prohibits it either. Because of this and possibly to encourage the property owner to undergo the process, no Ontario municipality currently charges the proponent any kind of fee related to the heritage alteration process. However, any other fees that a municipality may charge regarding building permits and planning applications still apply.

Regarding the application process itself, a property owner or their agent may first call to consult with Township staff to pre-consult regarding the application and the information they will need to provide to the Township and the Committee. For an application to be

reviewed at the next available Heritage Advisory Committee meeting, all applications must be received and deemed complete by staff by 4:30pm, the third Monday of every month. Applications may be picked up or dropped off at the Planning Counter or the Main Reception of Township offices.

A complete heritage application will require not only a completed application form, but may also require the following, depending on the nature and complexity of the project:

- A current picture of the property in question and pictures of the proposed area for alteration
- If the applicant is a contractor or manager of the property, the property owner must sign the application or provide a letter giving permission for the applicant to proceed with the application
- Municipal address
- A description of the proposed work, including methods and materials to be used. This may include such information as:
 - Architectural drawings, blue prints etc
 - Manufacturing specifications
 - Any background research done on the property to support the addition of architectural details such as bargeboard, shutters, etc
 - Additional information as needed

Once staff has reviewed the application and deemed it complete, the proponent will be issued a notice of receipt by mail or in person with the date. All applications will be reviewed by the heritage staff and reviewed by other staff as necessary, and recommendations will be forwarded to the Heritage Advisory Committee. The Heritage Committee will review an application at their meeting the following Wednesday meeting and then makes a recommendation to Council on whether to approve (sometimes with conditions) or deny the application.

The report of the Heritage Advisory Committee and staff is then forwarded for review by Council at the next available opportunity. The Township Council is responsible for the final decision in this process. Council has a maximum of 90 days from the issuance of the receipt to make their decision. However, it is estimated that most applications will be processed in a 4 to 6 week timeline.

Once Council has made the decision to approve or deny an application, written notice of this decision must be sent out to the applicant. The applicant has 30 days to appeal a decision by Council. If an applicant wishes to lodge an appeal, they may apply to the Council for a hearing before the Conservation Review Board

Delegated Authority to Staff

Under Section 33(14) & (15) of the Ontario Heritage Act, Council may also delegate, through by-law, limited powers of delegated authority to consent to alterations to a municipal employee or official. This allows for some projects to go through an expedited process that may be entirely processed through municipal staff, such as the Director of Planning or designate. This process is usually applied only to certain projects of a minor nature, changes to non-heritage elements or private interiors and must be outlined by by-law. Delegated permits may include such activities as:

- Interior alterations on a property that holds an interior designation (i.e. private homes)
- Alterations to non-heritage additions or outbuildings – such as changes to barns, garages, or modern additions or other permanent structures with foundations or as not otherwise identified as Maintenance
- Replacement of existing siding, roofs, and other existing non-heritage attributes
- Cleaning and re-pointing of masonry over an area not over 1.5 m² total

These permit applications require the same level of documentation as the usual permit process described above, but may be processed, then forwarded to the Heritage Advisory Committee and Council for information purposes. The process would NOT include any exterior attribute that is identified as a heritage attribute in the designation by-law.

Emergency Permits

Emergency permits may be permitted in a case where there has been a catastrophic event that has damaged a heritage property and the property requires immediate attention or risk further damage or if there is an immediate health and safety concern. It is NOT intended to be used for last minute applications. This would be delegated to staff in the person of the Director of Planning or their designate. Examples include but are not limited to:

- Window or roof damage through windstorm or hail
- Fire damage
- Flood damage

Similar to a delegated authority permit, this permit process may be expedited and then later presented to the Heritage Committee and to Council as information.

Applications for matters delegated to staff and emergency permits must include the same level of information as required for a regular heritage permit.

5. SUSTAINABILITY PLAN

King's Community Sustainability Plan states: "Our cultural heritage is one of our greatest and most valuable assets. The buildings, cultural traditions, artifacts and landscapes that have been passed down from previous generations enrich and enhance our quality of life and sense of place. They help us to know our roots, give context and meaning to our built environment and can provide guidance as the community grows and changes. Protect and preserve King Township's heritage buildings, historical sites and landscapes."

By establishing guidelines and a streamlined application process as outline in this report, King Township will further the goal to conserve the Township's heritage and foster support for heritage in the community and encourage adaptive re-use within the Township by establishing clear, comprehensive and accountable guidelines for all stakeholders in the community.

6. FINANCIAL IMPLICATIONS

There are no associated financial implications at this time.

7. CONCLUSION

After an extensive study and research of other Ontario municipalities, staff has the following recommendations:

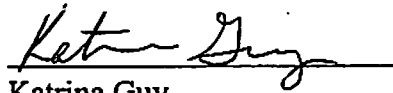
- a) That the Township of King Council accept the list of works outline in this Report and in Appendix A that identify which activities which will require a Heritage Permit for alterations to designated properties
- b) That the Township of King Council accept the list of activities outlined in this Report that are identified as Maintenance, and thus will not require permission from the Township
- c) That the Township of King Council approve the application process as proposed in this Report
- d) That the Township of King Council direct Staff to prepare a by-law for Council adoption the delegation of certain approvals to Staff within the parameters outlined in this Report.
- e) That Township Staff prepare appropriate information packages for public distribution and posting on the Township website with respect to the Heritage Permit for Alteration to Designated Properties

8. ATTACHMENTS

APPENDIX A – List of Works Requiring Heritage Approval

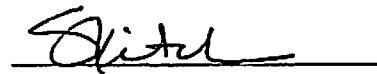
APPENDIX B – List of Activities/Works defined as Maintenance
APPENDIX C – Sample of Application to Alter Designated Property

Prepared by:



Katrina Guy
Heritage Coordinator/Planner

Submitted and Reviewed by:



Stephen Kitchen
Director of Planning

List of Works Requiring Heritage Approval

New construction such as new additions, raising the height of a building (extra floor or adding to dormer) or new exterior architectural detailing and finishes.

Major structural alterations and rehabilitation projects, such as replacement, removal and changes to existing porches, verandahs, decks, windows and window openings, doors and door openings, chimneys, existing millwork, decorative elements, detailing and finishes, foundations, roofs, new signs and awnings that are being installed for the first time or require an extensive change in hardware

Changes to exterior walls and cladding such as installation of siding or removal and restoration to original siding.

Painting or cleaning of masonry (stone or brick) OR the removal of paint from masonry

Properties where the designation specifically includes heritage landscape elements such as fences, paths, driveways, plantings, and outbuildings will be assessed and treated as any other heritage element.

Regarding cemetery properties, permits will be required for:

- Cleaning stone monuments
- Removing featured landscape elements that are identified in the by-law
- Reconstruction or restoration of stone monuments
- Rubbings of grave markers.

NOTE: If the designated property is an active cemetery, new burials are NOT considered an alteration and proceed as usual.

King Township will reserve the right to determine if a heritage permit is needed in order to include other types of projects/technologies that are not included in the above list or that may develop in the future. Examples may include: installation of solar panels, green roofs, wind turbines, development of separate outbuildings with foundations etc.

Maintenance Works and Projects

The following activities **WILL NOT** require permission from the Township:

General repairs to weather stripping, eaves troughs (unless considered part of the heritage attributes of a property), downspouts, caulking, roofs, chimneys, fences, existing cladding, repair of broken window panes to original specifications, painting, installation of existing storm doors and windows, minor installations including lighting, flagpoles, cable and phone lines, satellite dishes, central air etc.

Outbuildings - If outbuildings are not specifically part of a property's Statement of Cultural Heritage Value or Reasons for designation and/or do not have or require a foundation, it is permissible to build or alter tool and garden sheds, gazebos and similar (understood to be a wooden garden structures without foundations), doghouse, and other small outbuildings that **do not require a foundation**, building permit and minimally visible from the public domain..

Landscaping such as gardening, backyard patios, repair of existing landscape features such as fences.

NOTE: if a fence or landscape feature is described in the property's by-law, it will be treated as any heritage attribute and will require consultation with heritage planner and/or permit.

Painting of exteriors will be considered a maintenance activity **EXCEPT** if painting over masonry (brick or stone) or removing paint from masonry because it negatively affects the material, brick especially.

Interior alterations do not require a heritage permit, **UNLESS** a property has interior designated features

Installation of storm windows, screen doors, door knobs, awnings or signs done on existing hardware



Planning Department, Township of King
2075 King Road, King City, ON, L7B 1A1
Ph: (905) 833-5321 Fax: (905) 833-2300

(905) 833-2300

HERITAGE PERMIT APPLICATION

An Application for the Alteration, Addition under Section 33 of the *Ontario Heritage Act*

To Be Completed by Staff

Date Received:

Application No:

Designation By-Law:

1. Property Information

Municipal Address: _____

Lot No. and/or Registered Plan No. _____

Assessment Roll No. _____

2. Owner Information

Name: _____

Address of Owner: _____

Postal Code: _____ Telephone: _____

Email: _____

3. Agent Information

Name: _____

Address: _____

Postal Code: _____ Telephone: _____

Email: _____

Authorization: I/We, the above owner(s), do give _____
permission to act as our agent in the matter of this permit.

Signature of Owner(s)

Signature of Agent

4. Scope of Work Impacting Heritage Property

Alter Replace Expansion or New Construction Other

5. Brief Description of Work/Project Summary

6. Complete Description of Proposed Work

Please provide a complete description of the proposed alteration. Please include information identifying location of the work on the property, materials to be used, techniques, and their specifications. Use separate sheets as required, attach appropriate supporting documentation and current photos. Point form is acceptable.

7. Required Supporting Documentation

- *Photographs of property and existing condition _____
- *List of materials to be used _____
- Architectural drawings, blue prints etc. _____
- Manufacturing specifications or sample _____
- Background research done on the property _____
- to support the addition/restoration of details _____
- Additional information as needed _____

* Is required information for every application. Depending on the scope and complexity of the project, other information may be requested.

8. Other Applications

Do you have any other concurrent applications with the Township? (ex. Committee of Adjustment?) YES NO

If YES, please list: _____

***Please note that it is the Applicant's responsibility to address issues relating to public safety and correct building practices and by-law regulations, including inquiring with the appropriate offices for any other Township permits such as Building, Septic, etc.**

Signature of Owner(s)

Signature of Agent

Date: