



City of
Peterborough

To: Members of the Committee of the Whole

From: Ken Doherty, Director of Community Services

Meeting Date: February 27, 2016

Subject: Report CSACH17-002
Amendment to Heritage Designation 91 Langton

Purpose

A report to seek Council approval to amend designation by-law 11-073 for 91 Langton Street.

Recommendations

That Council approve the recommendations outlined in Report CSD17-002 dated February 27, 2017 of the Director of Community Services, as follows:

- a) That a by-law be adopted to amend a section of by-law 11-073 enabling designation of 91 Langton Street under Part IV of the Ontario Heritage Act to capture the change in the legal description for the property as the result of a severance;
- b) That the legal description for 91 Langton Street be changed to:

PARTS LOT 11, 12 & 20 BLK E PL 14 PETERBOROUGH PTS 1, 3, 4, 6 & 7
45R5635; SAVE AND EXCEPT PARTS 1 & 2 ON 45R15562; S/T R524557;
CITY OF PETERBOROUGH

Budget and Financial Implications

There are no budgetary or financial implications associated with the recommendation.

Background

The property at 91 Langton Street, at the corner of Langton and Water Streets (The Higgins House) was designated under Part IV of the *Ontario Heritage Act* by by-law 11-073 (Appendix A). In March, 2016 the property owner applied to the Committee of Adjustment to sever a portion of the property to create a new building lot fronting onto Langton Street. The retained portion will contain the buildings associated with the heritage designation and maintain a frontage on Water Street.

The Minutes of the Committee of Adjustment Hearing for March 1, 2016, indicated that as a condition of the severance the legal description of the property be changed in order to remove the new lot from the designation by-law. Section 30.1 of the *Ontario Heritage Act* allows a municipality to amend existing heritage designation by-laws in order to correct the legal description or to clarify the statement of cultural heritage value. The Act requires municipalities to make “such changes as are necessary to ensure that the by-law satisfies the requirements of section 29”.

In accordance with the Committee of Adjustment decision, the owners are required to enter into an Agreement with the City requiring the “submission of building plans prior to issuance of a building permit, for approval by the City’s Planner of Urban Design, which will ensure compatibility of the design of any building on the new lot with the building on the subject property.” This condition is in keeping with Section 2.6.3 of the Provincial Policy Statement which stipulates that “Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.” The agreement has now been registered on the severed parcel.

Submitted by,

Ken Doherty,
Director of Community Services

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Attachments:
Appendix A – By-law 11-073
Appendix B – Ariel of 91 Langton St