



City of  
**Peterborough**

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**To:** Members of the Peterborough Architectural Conservation  
Advisory Committee (PACAC)

**From:** Erik Hanson, Heritage Resources Coordinator

**Meeting Date:** December 8, 2016

**Subject:** Report PACAC16-025  
By-law Amendment for 91 Langton Street

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## **Purpose**

A report to recommend that the PACAC forward to Council its recommendation regarding the amendment of designation by-law 11-073 for 91 Langton Street.

## **Recommendations**

That the PACAC approve the recommendations outlined in Report PACAC16-025, dated December 8, 2016 of the Heritage Resources Coordinator, as follows:

- a) That by-law 11-073 enabling designation of 91 Langton Street under Part IV of the Ontario Heritage Act be amended to capture the change in legal title for the property as the result of a severance;
- b) That the PACAC forward to Council its recommendation regarding the amendment of designation by-law 11-073 for 91 Langton Street.

## **Budget and Financial Implications**

There are no budgetary or financial implications associated with this 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”.

The Act also requires Council to consult with its municipal heritage committee before giving notice of the proposed amendment to the designating by-law. Assuming Council supports amending the by-law, it serves notice of intention to amend a heritage designation by-law on the property owner. Following receipt of the notice, the owners are provided a 30 day objection period. If no objections are received, Council may pass the amending by-law at the next appropriate meeting. If an objection is received, Council may withdraw the proposed amendment or move forward with a Conservation Review Board hearing.

When reviewing the application, the heritage committee should give consideration to the fact that the property was historically positioned and addressed off of Water Street, with its rear yard to the east. The visual connection to the river during the significant period of the building’s history will not be materially affected by the severance and the retained portion of the property will be maintained in the same location with all defined heritage attributes intact.

The proposed amendment to By-law 11-073 would include a revised legal description, which will in effect remove the portion east of the buildings from the designation boundary.

Arising from the same application, the Committee of Adjustment also included a condition of severance 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.”

Submitted by,

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Attachments:

Appendix A – Designation by-law 11-073  
Appendix B – Heritage Designation Brief for 91 Langton Street