



City of
Peterborough

To: **Members of the Planning Committee**

From: **Ken Hetherington, Manager, Planning Division**

Meeting Date: **July 18, 2016**

Subject: **Report PLPD16-055
Proposed Amendments to introduce Heritage Conservation
District Policies to the Official Plan**

Purpose

A report to evaluate the planning merits of amending the Cultural Heritage policies of the Official Plan to add Heritage Conservation District Policies.

Recommendation

That Council approve the recommendation outlined in Report PLPD16-055 dated July 18, 2016, of the Manager, Planning Division, as follows:

That Section 2.4.9 of the Official Plan – Cultural Heritage be revised to add Sections 2.4.9.3.1 through 2.4.9.3.4 to address requirements for the designation, study and development of Heritage Conservation Districts in accordance with the draft amendment attached as Exhibit “A” to Report PLPD16-055.

Budget and Financial Implications

There are no direct budget or financial implications arising from the approval of this amendment.

Background

Council has recently approved recommendations of Report CSACH16-004 from the Director of Community Services to adopt a Heritage Conservation District Plan for the Avenues and Neighbourhood under Part V of the Ontario Heritage Act.

The Ontario Heritage Act requires that the City undertake a Heritage Conservation District Study to determine the physical extent and appropriateness of the proposed district. The study process includes consultation with the public and the Municipal Heritage Committee and has been completed for the Avenues and Neighbourhood Plan. Once a Heritage Conservation District is established, the City has the ability to ensure the integrity of the district through protection of the area and facilitating compatible new development in consultation with the Municipal Heritage Committee and Council.

The Ontario Heritage Act also requires that the City include provisions for the creation of Heritage Conservation Districts in its Official Plan. The City's ongoing Official Plan Review includes provisions for the establishment of Heritage Conservation Districts, however, Planning Staff have agreed to process an amendment to introduce the language to the Official Plan independent of the balance of the comprehensive Official Plan review project, in order to facilitate the schedule of the Avenues and Neighbourhood Plan project.

It is anticipated that a further report recommending the passage of the implementing By-law to create the Avenues and Neighbourhood Conservation District will follow the adoption of this proposed Official Plan Amendment.

The proposed wording of the policies have been reviewed by agencies and departments and revised to address the comments received.

Analysis

a) **Official Plan**

The existing Cultural Heritage policies of the Official Plan are limited to development and site alteration impacts on archaeological resources or archaeological potential and to individual heritage properties and adjacent lands. Part V of the Ontario Heritage Act requires that the City must undertake a heritage conservation district study prior to designating an area as a heritage conservation district.

The policies must be amended to add provisions for the designation of Heritage Conservation District, including a description of the requirements for their study, requirements for their adoption and how proposed development must demonstrate and respect the identified heritage character of the district or area.

b) Zoning By-law

Any proposed Zoning By-law Amendment would have to be consistent with the relevant Official Plan policies.

Response to Notice**a) Significant Agency Responses:**

Agency circulation was issued on May 17, 2016 and Notice of Complete Application and Public Meeting was circulated on June 20, 2016.

The City's Utility Services Department has no objection to the proposed amendment in principle, however, did express some concern with the proposed wording and potential limitations for transportation network, servicing, flood control projects including new works and reconstruction. Staff of Utility Services Department have worked with Heritage Staff of the Community Services Department to revise the proposed wording to address the impacts of site alterations, developments, municipal improvements and/or public works within or adjacent to Heritage Conservation Districts.

Peterborough Utilities noted that the ongoing requirements for utility pole placement, maintenance and upgrading shall be met within the district and they will endeavour to advise City staff of any significant, planned changes to the utilities servicing infrastructure in the district prior to such work being undertaken.

Otonabee Region Conservation Authority note that some heritage districts may include properties that lie within the flood plain of any of the several watercourses that flow through the City of Peterborough, including the Jackson Creek Special Policy area which must be adhered to. Beyond the Jackson Creek Special Policy Area, the Natural Hazards section of the Provincial Policy Statement (PPS) in effect at the time of the development application will apply. Therefore, Natural Hazards policies and Natural Heritage policies of the PPS will apply to any development within the Heritage Conservation Districts. In addition, the Trent Source Protection Plan will also apply to any properties within the intake protection zone.

No further agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

b) Summary of Public Responses:

Notice of Complete Application and Public Meeting was issued on June 20, 2016 by newspaper advertisement (Peterborough Examiner) and on June 21, 2016 by direct mail. The notice complies with the requirements of the Planning Act.

No written comments have been received as of June 27, 2016.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble
Land Use Planner

Malcolm Hunt, Director
Planning and Development Services

Contact Name:

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone: 705-742-7777, Extension 1735
Toll Free: 1-855-738-3755
Fax: 705-742-5218
E-mail: ckimble@peterborough.ca

Attachments:

Exhibit A – Draft Official Plan Amendment

Exhibit A, Page 1 of 2



The Corporation of the City of Peterborough

By-law Number 16-

Being a By-law to Adopt Amendment Number to the Official Plan of the City
Peterborough as it relates to Section 2.4.9 – Cultural Heritage

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

That Section 2.4.9 of the Official Plan be hereby revised by adding the following:

“2.4.9.3.1 Designation of Heritage Conservation Districts

A heritage conservation district is the most common type of cultural heritage landscape. Designation under Part V of the Ontario Heritage Act enables the protection of a heritage district while at the same time allowing for compatible new development

In consultation with the Municipal Heritage Committee, Council may, by by-law, designate any area within the Municipality, as a heritage conservation district.

Properties designated under Part IV of the Ontario Heritage Act may be included as part of the heritage conservation district to ensure integrity of the district. Additionally, properties located within a heritage conservation district may also be designated under Part IV of the Ontario Heritage Act.

2.4.9.3.2 Heritage Conservation District Study

Prior to designating an area as a heritage conservation district under Part V of the Ontario Heritage Act, the City must undertake a heritage conservation district study to determine the physical extent and appropriateness of the proposed district. The study process will include consultation with the public and the Municipal Heritage Committee.

Exhibit A, Page 2 of 2

The Study may also recommend other development control measures and incentives that will conserve the heritage character of the area.

Under the Ontario Heritage Act, Council may set limitations on the alteration, erection, demolition or removal of buildings in the study area.

2.4.9.3.3 **Heritage Conservation District Plan**

Pursuant to the Ontario Heritage Act, the City will adopt a heritage conservation district plan for each district that it designates. Such district plans are to be updated from time to time.

2.4.9.3.4 **Proposed Development**

Impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved. This assessment will be achieved through a Heritage Impact Assessment.

Heritage Conservation Districts shall be managed and conserved through alterations, additions, new development, demolitions, removals completed in accordance with respective Heritage Conservation District plans.

The maintenance, servicing, upgrading, re-construction and installation of public works relating to the transportation network and appurtenances, provision of services and flood control projects shall meet current design standards as deemed applicable by the Director of the City of Peterborough Utility Services Department.”

By-law read a first, second and third time this day of , 2016.

Daryl Bennett, Mayor

John Kennedy, City Clerk