

Mark-up of the Effect of OPA 16 (“Cultural Heritage Policy Updates”) on the Text of Section 5, Cultural Heritage, of the Livable Oakville Plan

Notes:

- On September 26, 2017, Council adopted OPA 16 to update the town’s cultural heritage policies and associated definitions in the Livable Oakville Plan. OPA 16 is currently being considered for approval by Halton Region.
- This document is provided for information purposes only. It is not a comprehensive annotation of the effect of OPA 16 on the Livable Oakville Plan. For accurate reference, please refer to the full text of OPA 16 (By-law 2017-089), which also modifies other sections of the Plan.
- Text that is underlined is new text to be inserted into the Livable Oakville Plan. Text that is crossed out (“strikethrough”) is to be deleted from the Plan. Text that is highlighted and italicized is existing Plan text to be italicized to indicate a defined term.

5. CULTURAL HERITAGE

Conservation of *cultural heritage resources* forms an integral part of the Town’s planning and decision making. Oakville’s *cultural heritage resources* shall be ~~identified and~~ *conserved* so that they may be experienced and appreciated by existing and future generations, and enhance the Town’s sense of history, sense of community, identity, sustainability, economic health and quality of life.

5.1 General

5.1.1 Objectives

The general objectives for cultural heritage are:

- a) to ~~safeguard and protect~~ conserve *cultural heritage resources* through ~~use of~~ available powers and tools ~~to designate heritage resources~~ and ensure that all new *development* and any site alteration conserve *cultural heritage resources* ~~and areas of cultural heritage significance~~; and,
- b) to encourage the development of a Town-wide culture of conservation by promoting cultural heritage initiatives as part of a comprehensive economic, environmental, and social strategy where *cultural heritage resources* contribute to achieving a sustainable, healthy and prosperous community.

5.1.2 ~~Policies~~ Powers and Tools

- a) The Town will ~~use~~ exercise the powers and apply the tools provided by legislation, ~~policies, and programs~~, particularly the *Ontario Heritage Act*, the *Planning Act*, the *Environmental Assessment Act*, the Building Code Act, and the

Municipal Act in implementing and enforcing the cultural heritage policies of the Town.

5.2 Cultural Heritage Resources

5.2.1 ~~The Town will protect and~~ To **conserve** *cultural heritage resources* in accordance with applicable legislation and recognized heritage protocols. ~~The Town:~~

- a) shall maintain a Register of Properties of Cultural Heritage Value or Interest;
- b) may recognize and/or designate *cultural heritage resources*;
- c) may establish heritage conservation districts and adopt heritage conservation district plans for each district;
- d) may, consistent with provincial standards, establish policies, procedures, plans, and guidelines ~~on the~~ to support the identification, assessment, evaluation, management, use, registration, designation, alteration, removal, and demolition management of *cultural heritage resources* or changes to their heritage status;
- ~~e) may designate cultural heritage landscapes;~~
- ~~f) may designate pioneer cemeteries;~~
- ~~g)e)~~ may pass by-laws providing for the entering into of easements or covenants for the conservation of property of cultural heritage value or interest; and,
- ~~h)f)~~ may establish policies and/or urban design guidelines to recognize the importance of cultural heritage context.

5.3 Heritage Conservation

5.3.1 The Town shall encourage the ~~preservation and continued use~~ conservation of *cultural heritage resources* identified on the register and their integration into new *development* proposals through the approval process and other appropriate mechanisms.

5.3.2 A cultural heritage resource should be evaluated to determine its cultural heritage values and heritage attributes prior to the preparation of a heritage impact assessment of a proposed development on the cultural heritage resource.

[Original s. 5.3.2 relocated as s. 5.3.5]

~~The character of Heritage Conservation Districts (as identified in Appendix 1) shall be preserved, maintained and enhanced through the careful consideration of plans for change within the district. In reviewing proposals for the construction, demolition, relocation or removal of buildings and structures, or for alterations, additions,~~

~~renovation or restoration of existing buildings or structures within a designated Heritage Conservation District, the Town will be guided by the applicable Heritage Conservation District plan.~~

[Original s. 5.3.12 relocated as s. 5.3.3]

5.3.3 The Town shall ~~identify, evaluate and~~ **conserve** *cultural heritage landscapes* in accordance with the Cultural Heritage Landscape Strategy.

5.3.4 Where protected or registered under the *Ontario Heritage Act*, a Heritage Conservation District or *cultural heritage landscape*:

a) shall be identified on Schedule A1, Urban Structure;

b) shall be subject to applicable powers and tools for their conservation; and,

~~a)c)~~ may be subject to an area-specific land use designation and policies consistent with the applicable Heritage Conservation District Plan or *cultural heritage landscape conservation plan*.

[Original s. 5.3.2 relocated as s. 5.3.5]

5.3.5 ~~The character of~~ Heritage Conservation Districts **and** *cultural heritage landscapes* (as identified ~~in Appendix 1 on Schedule A1~~) shall be ~~preserved, maintained and enhanced~~ **conserved** through the careful consideration of ~~plans~~ **any proposals** for change within their boundaries, on adjacent lands, or in their immediate vicinity ~~district~~. In reviewing proposals for ~~the~~ construction, demolition, relocation, ~~or removal of buildings and structures~~, or for alteration ~~s~~, additions, renovation or restoration of existing buildings or structures within, adjacent to, or in the immediate vicinity of a ~~designated~~ Heritage Conservation District **or** *cultural heritage landscape identified on Schedule A1*, the Town will be guided by the applicable Heritage Conservation District plan **or** *cultural heritage landscape conservation plan*.

~~5.3.2~~ ~~Significant cultural heritage resources shall be conserved, and may be integrated into new development.~~

~~5.3.35.3.6~~ The Town ~~may~~ **should** require a heritage impact assessment where ~~the~~ development or redevelopment ~~of property~~ is proposed:

a) on, adjacent to, or in the immediate vicinity of, an individually designated **historic** *heritage* property;

b) within, adjacent to, or in the immediate vicinity of, the boundaries of a Heritage Conservation District; ~~or~~;

c) *within, adjacent to, or in the immediate vicinity of, a cultural heritage landscape;* **or**,

e)d) on a property listed on the Oakville Register of Properties of Cultural Heritage Value or Interest.

5.3.7 The Town may impose, as a condition of any *development* approvals, the implementation of appropriate ~~conservation, restoration or mitigation~~ measures to ensure the ~~preservation~~ conservation of any affected *cultural heritage resources*, and where appropriate, their integration into new *development*.

5.3.8 Where the Town is considering a proposal to alter, remove or demolish a *cultural heritage resource* that is protected or registered under the *Ontario Heritage Act*, or repeal a designating by-law under that Act, it shall ensure that it has before it any required heritage impact assessment or sufficient information to review and consider:

a) how the proposal affects the *heritage attributes* and the cultural heritage value and interest of the *cultural heritage resource*; and,

b) options that reduce, minimize or eliminate impacts to the *cultural heritage resource*.

~~5.3.45~~5.3.9 Designated or listed heritage buildings shall be exempt from the minimum height requirements of this Plan.

~~5.3.5~~ ~~The Town may identify scenic roads and associated features.~~

~~5.3.65~~5.3.10 Improvements to Trafalgar Road within the Trafalgar Road Heritage Conservation District shall ensure that the existing pavement, boulevard, and sidewalk widths are retained.

~~5.3.75~~5.3.11 The scenic *character* of Lakeshore Road should be *conserved* ~~and enhanced~~.

~~5.3.85~~5.3.12 Lost historical sites may be documented and are encouraged to be commemorated through the *development* process or works undertaken by a public agency.

~~5.3.95~~5.3.13 The Town shall develop a set of criteria for determining trees of cultural heritage value.

[Original s. 5.3.12 relocated as s. 5.3.3]

~~The Town shall identify, evaluate and conserve cultural heritage landscapes in accordance with the Cultural Heritage Landscape Strategy.~~

5.4 Archaeological Resources

5.4.1 The Town may require the protection, conservation or mitigation of sites of archaeological value and areas of archaeological potential within the municipality as provided for under the *Planning Act*, the *Environmental Assessment Act*, the *Ontario*

Heritage Act, the *Municipal Act*, the *Cemeteries Act*, or any other applicable legislation.

5.4.2 Where a *development* may cause an impact to archaeological resources or areas of archaeological potential, an assessment by a qualified professional will be required in accordance with provincial standards and guidelines. Archaeological resources that are located on a proposed *development* site will be *conserved* in accordance with the recommendations of the approved assessment.

5.4.3 Where significant archaeological resources must be preserved on site, only *development* and site alteration which maintain the heritage integrity of the site may be permitted.

5.5 Retention of Heritage Resources On-site or Relocation

5.5.1 All options for on-site retention of buildings and structures of cultural heritage significance shall be exhausted before resorting to relocation. Relocation of **built heritage resources** shall only be considered through a Cultural Heritage Impact Assessment that addresses retention and relocation.