



OAKVILLE

**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2017-089**

Official Plan Amendment \_\_

A by-law to adopt an amendment to the Livable Oakville Official Plan, Official Plan Amendment Number \_\_ (Town of Oakville; Cultural Heritage Policy Updates; File 42.24.016)

WHEREAS the Livable Oakville Official Plan, which applies to the lands south of Dundas Street and the lands north of Highway 407, was adopted by Council on June 22, 2009, and approved with modifications by the Ontario Municipal Board on May 10, 2011; and,

WHEREAS subsection 21(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, states that a council of a municipality that is within a planning area may initiate an amendment to any official plan that applies to the municipality, and section 17 applies to any such amendment; and,

WHEREAS it is deemed necessary to pass an amendment to the Livable Oakville Plan to update the Town's cultural heritage policies and associated definitions to be consistent with applicable Provincial legislation and policies, and to support the implementation of the *Ontario Heritage Act* and the Town's Cultural Heritage Landscape Strategy.

**COUNCIL ENACTS AS FOLLOWS:**

1. The attached Amendment Number \_\_ to the Livable Oakville Official Plan is hereby adopted.
2. Pursuant to subsection 17(27) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this Official Plan Amendment comes into effect upon the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to subsections 17(24) and (25). Where one or more appeals have been filed under subsection 17(24) and (25) of the said Act, as amended, this Official Plan Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Ontario Municipal Board.

3. In the event that the Regional Municipality of Halton, being the Approval Authority, declares this Official Plan Amendment to be not exempt, the Clerk is hereby authorized and directed to make application to the Approval Authority for approval of the aforementioned Amendment Number \_\_\_ to the Livable Oakville Official Plan.

PASSED this 26<sup>th</sup> day of September, 2017

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**Official Plan Amendment Number \_\_\_  
to the Town of Oakville’s Livable Oakville Plan**

**Constitutional Statement**

The details of the Amendment, as contained in Part 2 of this text, constitute Amendment Number \_\_\_ to the Livable Oakville Plan.

**Part 1 – Preamble**

**1. Purpose and Effect**

The purpose of this official plan amendment is to update the Town’s cultural heritage policies and associated definitions in the Livable Oakville Plan to be consistent with applicable Provincial legislation and policies, and to support the implementation of the *Ontario Heritage Act* and the Town’s Cultural Heritage Landscape Strategy.

The effect of the amendment within Section 5, Cultural Heritage, of the Plan is to improve the consistency of the terminology used, eliminate redundant policies, and modify existing policies to confirm that:

- It is an objective of the Town to conserve cultural heritage resources through available powers and tools and ensure that all new development and any site alteration conserve cultural heritage resources;
- The Town will exercise the powers and apply the tools provided by legislation, 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;
- The Town may recognize and/or designate cultural heritage resources;
- The Town may, consistent with provincial standards, establish policies, procedures, plans, and guidelines to support the identification, assessment, evaluation, management, use, registration, designation, alteration, removal, and demolition of cultural heritage resources or changes to their heritage status;

- Heritage Conservation Districts and cultural heritage landscapes identified on Schedule A1 shall be conserved through the careful consideration of any proposals for change within their boundaries, on adjacent lands, or in their immediate vicinity. In reviewing proposals for construction, demolition, relocation, removal, or alteration within, adjacent to, or in the immediate vicinity of a 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.
- The Town should require a heritage impact assessment where development or redevelopment is proposed: (a) on, within, adjacent to, or in the immediate vicinity of an individually designated heritage property, the boundaries of a Heritage Conservation District, or a cultural heritage landscape; or, (b) on a property listed on the Oakville Register of Properties of Cultural Heritage Value or Interest.
- The Town may impose, as a condition of any development approvals, the implementation of appropriate measures to ensure the conservation of any affected cultural heritage resources, and where appropriate, their integration into new development.

The effect of the amendment within Section 5, Cultural Heritage, of the Plan is also to add new policies that:

- 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;
- 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, of the Livable Oakville Plan; (b) shall be subject to applicable powers and tools for their conservation; and, (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.
- 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

value, interest and attributes of the resource, and (b) options that reduce, minimize or eliminate impacts to the resource.

The effect of the amendment within Section 29, Interpretation, of the Plan is to modify the existing definitions of the terms “conserved” (or “conserve”), “cultural heritage landscape” and “cultural heritage resources”, and add new definitions for the terms “built heritage resource” and “heritage attributes”, to be consistent with Provincial policies. The above-noted terms are also to be italicized throughout the Plan to indicate that they are defined terms.

## 2. Background

- The existing cultural heritage policies and related definitions are based on the 2005 Provincial Policy Statement and were adopted as part of the Livable Oakville Plan on June 22, 2009. Some minor updates to the cultural heritage policies were adopted as part of Official Plan Amendment No. 1 (Housekeeping) on April 30, 2012.
- The conservation of cultural heritage resources is an integral part of the Town of Oakville’s planning and decision making.
- Section 5, Cultural Heritage, of the Livable Oakville Plan states that, “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.”
- Section 5.3.12 of the Livable Oakville Plan states that, “The Town shall identify, evaluate and conserve cultural heritage landscapes in accordance with the Cultural Heritage Landscape Strategy.”

## 3. Basis

- In January 2014, the Council of the Town of Oakville adopted the Cultural Heritage Landscapes Strategy, which set the foundation for the primary identification of candidate cultural heritage landscapes and the further inventory and evaluation of significant cultural heritage landscapes. It also developed a formal process for addressing the conservation of cultural heritage landscape resources in the Town of Oakville.
- The Town’s Cultural Heritage Landscape Strategy is based on best practices in municipal heritage planning and applicable legislation, including the *Planning Act* and the *Ontario Heritage Act*.

- The implementation of the Town's Cultural Heritage Landscape Strategy has proceeded in three phases:
  - Phase One – Inventory of Public and Private Potential Cultural Heritage Landscapes – was endorsed by the Council of the Town of Oakville on February 26, 2016.
  - Phase Two consists of detailed assessments of the potential cultural heritage landscapes identified in Phase One.
  - Phase Three consists of the consideration and recommendation of appropriate measures for the conservation of significant cultural heritage landscapes recognized by the Council of the Town of Oakville.
- The ongoing Urban Structure Review is recommending official plan amendments to provide a framework for how the Town will accommodate required growth to 2041 while:
  - protecting natural heritage, open space and cultural heritage;
  - maintaining the character of residential areas; and,
  - directing growth to an identified system of nodes and corridors.
- On June 12, 2017, Town Council received draft official plan amendments to revise the Town's urban structure. As part of the proposed Urban Structure OPA to the Livable Oakville Plan (also being considered on September 26, 2017), Heritage Conservation Districts and cultural heritage landscapes are included as elements of the proposed new Schedule A1, Urban Structure.
- The 2014 Provincial Policy Statement sets out cultural heritage policies and related definitions that the Town's cultural heritage policies, definitions and decisions must be consistent with.
- The 2017 Growth Plan sets out cultural heritage policies and related definitions that the Town's cultural heritage policies, definitions and decisions must conform to.
- The Ontario Heritage Toolkit: Heritage Property Evaluation (2006) also provides further guidance with respect to cultural heritage landscapes.
- Notice of the proposed amendment was published in the local newspaper and circulated to the agencies and public bodies prescribed by the Planning Act on August 31, 2017.

- The proposed amendment was presented and recommended for adoption at a statutory public meeting as part of a special Planning and Development Council meeting on September 26, 2017.
- The proposed amendment was available for public review in the Planning Services department, and on the Town's website ([www.oakville.ca](http://www.oakville.ca)) as of August 31, 2017, being 26 days prior to its consideration by Council on September 26, 2017.

**Part 2 – The Amendment**

The amendment includes the changes to the text of the Livable Oakville Plan listed in the following table. Text that is bolded and 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.

Item No.	Section	Description of Change
1.	5 CULTURAL HERITAGE (Introductory paragraph)	Revise as follows:  Conservation of <i>cultural heritage resources</i> forms an integral part of the Town’s planning and decision making. Oakville’s <i>cultural heritage resources</i> shall be <del>identified and conserved</del> 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.
2.	5.1.1 CULTURAL HERITAGE, General, Objectives	Revise the policy as follows:  Objectives  The general objectives for cultural heritage are:  a) to <del>safeguard and protect</del> <u>conserve</u> <i>cultural heritage resources</i> through use of available <u>powers and</u> tools to <del>designate</del> <i>heritage resources</i> and ensure that all new <i>development</i> and <u>any</u> site alteration <u>conserve</u> <i>cultural heritage resources</i> and <del>areas of cultural heritage significance</del> ; 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 <i>cultural heritage resources</i> contribute to achieving a sustainable, healthy and prosperous community.
3.	5.1.2 CULTURAL HERITAGE, Policies	Revise the policy as follows:  <del>Policies</del> <u>Powers and Tools</u>  a) The Town will use <u>exercise</u> the powers and <u>apply the</u> tools provided by legislation, <del>policies, and programs</del> , particularly the <i>Ontario Heritage Act</i> , the <i>Planning Act</i> , the <i>Environmental Assessment Act</i> , <u>the Building Code Act</u> , and the <i>Municipal Act</i> in implementing and enforcing the cultural heritage policies of the Town.



Item No.	Section	Description of Change
4.	5.2.1 CULTURAL HERITAGE, Cultural Heritage Resources	<p>Revise the policy as follows:</p> <p><del>The Town will protect and</del> <b>To <u>conserve</u></b> <i>cultural heritage resources</i> in accordance with applicable legislation and recognized heritage protocols. <del>The Town:</del></p> <ul style="list-style-type: none"> <li>a) shall maintain a Register of Properties of Cultural Heritage Value or Interest;</li> <li>b) may <b><u>recognize and/or</u></b> designate <i>cultural heritage resources</i>;</li> <li>c) may establish heritage conservation districts and adopt heritage conservation district plans for each district;</li> <li>d) may, <b><u>consistent with provincial standards,</u></b> establish <b><u>policies, procedures, plans, and</u></b> guidelines <del>on the</del> <b><u>to support the identification, assessment, evaluation, management, use, registration, designation, alteration, removal, and demolition</u></b> <del>management of</del> <i>cultural heritage resources</i> <b><u>or changes to their heritage status;</u></b></li> <li>e) <del>may designate cultural heritage landscapes;</del></li> <li>f) <del>may designate pioneer cemeteries;</del></li> <li>g) <del>e)</del> 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,</li> <li>h) <del>f)</del> may establish policies and/or urban design guidelines to recognize the importance of cultural heritage context.</li> </ul>
5.	5.3.1 CULTURAL HERITAGE, Heritage Conservation	<p>Revise the policy as follows:</p> <p>The Town shall encourage the <del>preservation and continued use</del> <b><u>conservation</u></b> of <i>cultural heritage resources</i> identified on the register and their integration into new <i>development</i> proposals through the approval process and other appropriate mechanisms.</p>
6.	New 5.3.2 CULTURAL HERITAGE, Heritage Conservation	<p>Insert the following new policy as s. 5.3.2 and renumber the remaining policies in section 5.3 accordingly:</p> <p><b><u>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.</u></b></p>

Item No.	Section	Description of Change
7.	5.3.12 [to be 5.3.3] CULTURAL HERITAGE, Heritage Conservation	Relocate the original s. 5.3.12 (renumbered, above) as a new s. 5.3.3, revise as follows, and renumber the remaining policies in s. 5.3 accordingly:  The Town shall identify, evaluate and <b>conserve cultural heritage landscapes</b> in accordance with the Cultural Heritage Landscape Strategy.
8.	New 5.3.4 CULTURAL HERITAGE, Heritage Conservation	Insert the following new policy as s. 5.3.4 and renumber the remaining policies in section 5.3 accordingly:  <b><u>Where protected or registered under the Ontario Heritage Act, a Heritage Conservation District or cultural heritage landscape:</u></b>  <b><u>a) shall be identified on Schedule A1, Urban Structure;</u></b>  <b><u>b) shall be subject to applicable powers and tools for their conservation; and,</u></b>  <b><u>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.</u></b>
9.	5.3.2 [to be 5.3.5] CULTURAL HERITAGE, Heritage Conservation	Relocate the original s. 5.3.2 as a new s. 5.3.5, revise as follows, and renumber the remaining policies in section 5.3 accordingly:  <del>The character of</del> Heritage Conservation Districts <b>and cultural heritage landscapes</b> (as identified in Appendix 1 on Schedule A1) shall be preserved, maintained and enhanced <b>conserved</b> through the careful consideration of <del>plans</del> <b>any proposals</b> for change within <b>their boundaries, on adjacent lands, or in their immediate vicinity</b> 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, <b>adjacent to, or in the immediate vicinity of</b> a designated Heritage Conservation District <b>or cultural heritage landscape identified on Schedule A1</b> , the Town will be guided by the applicable Heritage Conservation District plan <b>or cultural heritage landscape conservation plan</b> .
10.	5.3.3 CULTURAL HERITAGE, Heritage Conservation	Delete the original s. 5.3.3 (renumbered above) in its entirety and renumber the remaining policies in section 5.3 accordingly:  <del>Significant cultural heritage resources shall be conserved, and may be integrated into new development.</del>

Item No.	Section	Description of Change
11.	5.3.4 [to be 5.3.6] CULTURAL HERITAGE, Heritage Conservation	<p>Revise the original s. 5.3.4 (renumbered above) as follows:</p> <p>The Town <del>may</del> <b>should</b> require a heritage impact assessment where <del>the development or redevelopment of property</del> is proposed:</p> <ul style="list-style-type: none"> <li>a) on, adjacent to, or in the immediate vicinity of, an individually designated <del>historic</del> <b>heritage</b> property;</li> <li>b) within, adjacent to, or in the immediate vicinity of, the boundaries of a Heritage Conservation District; <del>or;</del></li> <li>c) <b><u>within, adjacent to, or in the immediate vicinity of, a cultural heritage landscape; or,</u></b></li> <li><b><u>d)</u></b> on a property listed on the Oakville Register of Properties of Cultural Heritage Value or Interest.</li> </ul>
12.	5.3.5 [to be 5.3.7] CULTURAL HERITAGE, Heritage Conservation	<p>Revise the original s. 5.3.5 (renumbered above) as follows:</p> <p>The Town may impose, as a condition of any <i>development</i> approvals, the implementation of appropriate <del>conservation, restoration or mitigation</del> measures to ensure the <del>preservation</del> <b><u>conservation</u></b> of any affected <i>cultural heritage resources</i>, <b><u>and where appropriate, their integration into new development.</u></b></p>
13.	New 5.3.8 CULTURAL HERITAGE, Heritage Conservation	<p>Insert the following new policy as s. 5.3.8 and renumber the remaining policies in section 5.3 accordingly:</p> <p><b><u>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:</u></b></p> <ul style="list-style-type: none"> <li>a) <b><u>how the proposal affects the heritage attributes and the cultural heritage value and interest of the cultural heritage resource; and,</u></b></li> <li>b) <b><u>options that reduce, minimize or eliminate impacts to the cultural heritage resource.</u></b></li> </ul>
14.	5.3.7 CULTURAL HERITAGE, Heritage Conservation	<p>Delete the original s. 5.3.7 (renumbered above) in its entirety and renumber the remaining policies in section 5.3 accordingly:</p> <p><del>The Town may identify scenic roads and associated features.</del></p>

Item No.	Section	Description of Change
15.	5.3.9 [to be 5.3.12] CULTURAL HERITAGE, Heritage Conservation	Revise the original s. 5.3.9 (renumbered above) as follows:  The scenic <i>character</i> of Lakeshore Road should be <i>conserved and enhanced</i> .
16.	29.5 INTERPRETATION, Glossary	(a) Insert the following new definition within the existing alphabetical order of definitions:  <b><u>Built heritage resource means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.</u></b>  (b) Italicize the term “built heritage resources” in section 5.5.1 (Cultural Heritage, Retention of Heritage Resources On-site or Relocation) to indicate that the term is defined.
17.	29.5 INTERPRETATION, Glossary	(a) Delete the existing definition of “Conserved” and replace it as follows:  <del><i>Conserved</i> means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.</del>  <b><u>Conserved (or conserve) means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.</u></b>  (b) Italicize the term “conserved” or “conserve” in Sections 24.2.1, 24.4.3(a) and 24.4.4(d), Bronte Village, to indicate that the term is defined.

Item No.	Section	Description of Change
18.	29.5 INTERPRETATION, Glossary	<p>Delete the existing definition of “Cultural heritage landscape” and replace it as follows:</p> <p><del><i>Cultural heritage landscape</i> means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts.</del></p> <p><b><u><i>Cultural heritage landscape</i> means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the <i>Ontario Heritage Act</i>; villages, parks, gardens, battlefields, mainstreets and other streets of special interest, golf courses, farmscapes, neighbourhoods, cemeteries, historic roads and trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).</u></b></p>
19.	29.5 INTERPRETATION, Glossary	<p>Delete the existing definition of “Cultural heritage resources” and replace it as follows:</p> <p><del><i>Cultural heritage resources</i> include buildings, structures and properties designated or listed under the <i>Ontario Heritage Act</i>, significant built heritage resources, and significant <i>cultural heritage landscapes</i> as defined and interpreted by the applicable Provincial Policy Statement.</del></p> <p><b><u><i>Cultural heritage resources</i> means built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some <i>cultural heritage resources</i> may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.</u></b></p>

Item No.	Section	Description of Change
20.	29.5 INTERPRETATION, Glossary	Insert the following new definition within the existing alphabetical order of definitions:  <b><u>Heritage attributes means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property).</u></b>