

BY-LAW NUMBER 45-26

-of-

THE CORPORATION OF THE COUNTY OF BRANT

A by-law to adopt an amendment to the Official Plan of the County of Brant
regarding cultural heritage conservation policies.
Official Plan Amendment (OPA3-C-25)

WHEREAS in accordance with the provisions of Sections 17 and 22 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, (“*The Planning Act*”), municipalities must adopt an official plan and consider requests to amend the official plan;

AND WHEREAS Ontario Regulation 525/97 under the *Planning Act*, R.S.O. 1990, c.P.13, as amended, exempts amendments to the official plan, made after January 1st, 2016, from approval of the Minister, therefore providing the authority to the County of Brant to amend the official plan;

AND WHEREAS the amendment to *A Simply Grand Plan, 2023* is consistent with the Provincial Planning Statement, 2024;

NOW THEREFORE the Council of the County of Brant, in accordance with the *Planning Act*, hereby enacts the following:

1. **THAT** the text attached hereto as Schedule ‘A’ of this By-Law are hereby approved as Amendment OPA 3-C-25 to *A Simply Grand Plan, 2023*
2. **THAT** this By-law shall come into force on the final passing thereof by the Council of the Corporation of Brant subject to compliance with the provisions of *The Planning Act*,

READ a first and second time, this 14th day of April, 2026.

READ a third time and finally passed in Council, this 14th day of April, 2026.

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Spencer Pluck, Deputy Clerk

By-Law 45-26 – Schedule ‘A’

Amendment OPA3-C-25

To the Official Plan for the County of Brant
(*A Simply Grand Plan, 2023*)

Part ‘A’ – The Preamble

This document, approved in accordance with the *Planning Act*, shall be known as Amendment OPA3-C-25 to *A Simply Grand Plan, 2023*.

Purpose:

The purpose of this amendment is to update the cultural heritage and archaeology policies of the Official Plan.

Basis:

Part 5, Section 2.16 and 2.17 of *A Simply Grand Plan (2023)* provides policy direction for protecting County valued heritage resources, including cultural heritage and archaeology. This amendment revises the existing Section 2.17 Cultural Heritage Conservation by introducing an improved structure to enhance readability and clarity. Updates have been made to ensure consistency with the Provincial Planning Statement, 2024 and in discussion with the County of Brant’s Heritage Committee.

Part ‘B’ – The Amendment

Introduction:

All of this part of the document entitled “Part ‘B’ – The Amendment”, consisting of the following text, constitutes amendment no. 3C to a *Simply Grand Plan, 2023*. Upon approval of this By-law by the Council of the County of Brant, the following modifications are hereby made to *A Simply Grand Plan, 2023*.

Text Changes:

1. Part 5 – Section 2.16

In Part 5, Section 2 of the Official Plan, subsection 2.16 - Cultural Heritage Conservation, inclusive of the policies within that subsection, are hereby removed and replaced. The textual changes will be inclusive of the following, removing the existing section and replacing it with the wording below.

2.16 Cultural Heritage Conservation

Purpose

The County of Brant, rich in its cultural heritage, seeks to identify, inventory, and conserve and protect its community character and cultural heritage resources in a proactive way through the preservation of cultural heritage resources throughout the County. While the presence and significance of some cultural heritage resources have been identified and inventoried by the County, the presence and significance of others can only be determined after their documentation and evaluation.

The planning process will respect the cultural diversity and the rich heritage of the County of Brant, including the conservation of both tangible and intangible protected heritage properties. In addition to the policies set out in this Plan, the County’s Arts, Culture and Heritage Strategy should be referenced for recommendations and implementation of items related to the cultural heritage conservation objectives and practices.

This Plan supports thoughtful, incremental development that respects historic form, scale, and materials, while encouraging adaptive reuse of heritage buildings. Hidden densities within older reimagined buildings, walkable districts, public squares, and flexible gathering spaces maintain community identity and meet contemporary needs. Conserving and reusing historic places enriches the public realm, animates streets, supports local businesses, and connects generations. By integrating heritage into urban design, the

County fosters vibrant, sustainable, and inclusive communities where the past informs the future and local identity is preserved and experienced.

Policy Framework, Goals, and Objectives

The Cultural Heritage Conservation policies implement and advance the vision of the Arts, Culture and Heritage Strategy (2024), and the strategic directions of this Plan. The related policies are intended to ensure cultural heritage resources are identified, understood, and appropriately conserved across the County, and ensuring development provides a net benefit to the community's cultural assets. The policies of this section of the Plan are intended to:

- a) Identify, conserve, and protect cultural heritage resources and landscapes as valued community assets.
- b) Ensure development results in a net benefit to the County's heritage assets.
- c) Embed clear conservation principles and study requirements into the planning process.
- d) Support adaptive reuse and context-sensitive growth that respects historic character.
- e) Improve consistency, predictability, and collaboration in heritage-related approvals.

Partnerships and Collaboration

Collaboration and developing partnerships with agencies and interested parties that share the interest and goal in identifying, protecting, and conserving cultural heritage and archaeological resources is important to the County. The County and applicants shall:

- 2.16.1 Engage early with Indigenous Nations and ensure their interests are considered when identifying, protecting and managing built heritage resources and cultural heritage landscapes.
- 2.16.2 Collaborate with the Brant Heritage Committee on realizing the goals and actions of the Arts, Culture and Heritage Strategy and maintaining an up-to-date Heritage Registry, available to the public.
- 2.16.3 Engage and collaborate with other agencies and interested parties on matters pertaining to cultural heritage conservation, at the discretion of the County.

Demonstration of Conservation Principles

- 2.16.4 The County supports the following eight guiding principles of the conservation of protected heritage property, which shall be analyzed as part of a development application involving potential cultural heritage conservation:

- a) **Respect for documentary evidence:** Do not base restoration on conjecture. Conservation work should be based on historic documentation such as historic photographs, drawings, and physical evidence.
- b) **Respect for the original location:** Do not move buildings unless there is no other means to save them. A site is an integral component of a building or structure. A change in site diminishes cultural heritage value considerably.
- c) **Respect for historical material:** Repair or conserve rather than replace building materials and finishes except where it is deemed necessary. Minimal intervention maintains the heritage content of the built resource.
- d) **Respect for original fabric:** Repair with like materials. Repair to return the resource to its prior condition without altering its integrity.
- e) **Respect for the building's history:** Do not restore to one period at the expense of another period. Do not destroy later additions to a building or structure solely to restore to a single time period.
- f) **Reversibility:** Alterations should be able to be returned to original conditions. This conserves earlier building design and technique. For instance, when a new door opening is put into a stone wall, the original stones are numbered, removed, and stored, allowing for future restoration.
- g) **Legibility:** New work should be distinguished from old. Buildings or structures should be recognized as products of their own time, and new additions should not blur the distinction between old and new.
- h) **Maintenance:** With continuous care, future restoration will not be necessary. With regular upkeep, major conservation projects and their high costs can be avoided.

Protected Heritage Property

- 2.16.5 Protected heritage property, which may contain built heritage resources and/or cultural heritage landscapes, shall be conserved. To implement this, strategies for conservation shall demonstrate how the eight guiding principles will be implemented.
- 2.16.6 Development, redevelopment, and site alteration shall not be permitted on protected heritage property or lands adjacent thereto, unless the heritage

attributes have been evaluated and conserved to the satisfaction of the County of Brant.

- 2.16.7 In the event that a protected heritage property is partially or wholly destroyed due to fire, weather events, or other unforeseen circumstances, the County does not require that the structure be reconstructed in like kind and quality. This includes materials, architectural detailing, and construction techniques. Owners are welcome to pursue reconstruction options that are contemporary and cost effective, provided they meet applicable requirements. Through the planning approvals process, owners are encouraged to work to ensure the project is appropriate given its previous cultural heritage value, carried out in accordance with the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada, and as may be supported by technical studies such as Heritage Impact Assessment and/or Archaeological Assessment, as appropriate.
- 2.16.8 In the event a protected heritage property is partially or wholly deteriorated by neglect of property standards, either intentionally or unintentionally, a Building Condition Assessment will be required to be undertaken by the County, at the expense of the applicant, to support if the demolition is necessary. The necessity of demolition shall be supported by unsafe conditions and the feasibility of the required repairs to ensure the property meets the Ontario Building Code standards. Should it be determined that rehabilitation of the property may not be feasible, a Cost-Benefit Analysis will be required to demonstrate whether rehabilitation is feasible. Before development may occur, an approved conservation plan shall be required.
- 2.16.9 Where a structure on a protected heritage property is to be demolished, the County may require the proponent to undertake one or more of the following mitigation measures, in addition to a thorough inventory and documentation of the features that will be lost:
- a) Preserving and displaying of remnants of the former buildings' heritage attributes.
 - b) Marking the traces of former locations, shapes, and circulation lines.
 - c) Displaying graphic and textual descriptions of the site's history and former use, buildings, and structures.
 - d) Incorporating salvaged material in the design of the new development.

- e) Generally reflecting the former architecture and use in the new development, where appropriate.

2.16.10 Where a property or structure with potential heritage attributes is conserved as part of a development the County may consider the reduction of fees or parking requirements or increase of height for a proposed development under the same ownership. The requirement for a designation under the *Ontario Heritage Act* may be required as a condition of development.

2.16.11 Should the permitted uses of a property prevent the policies of this Section from being implemented, the County will consider a reasonable and appropriate compromise to meet the overall objectives of this Plan with respect to cultural heritage conservation, land use compatibility, and the overall objectives of a development proponent.

Heritage Conservation Districts, Sites and Cultural Heritage Landscapes

2.16.12 Areas that are of cultural heritage value or interest, including cultural heritage landscapes, may be designated as a Heritage Conservation District under the Ontario Heritage Act. In the identification and evaluation of a potential Heritage Conservation District, regard will be given for but not limited to the criteria in Section 3 of Ontario Regulation 9/06.

2.16.13 In evaluating the rationale for the designation of an area as a Heritage Conservation District, the County will prepare a Heritage Conservation District Study in accordance with the Ontario Heritage Act. A Study may recommend changes to this Plan or the passing of a by-law to adopt a Heritage Conservation District Plan. The Heritage Conservation District Plan will contain policies and guidelines for the conservation of properties within the district. The policies and guidelines will serve to manage change, including development or redevelopment and alterations, to be in keeping with the scale, form and heritage character of the properties in the district. The Heritage Conservation District Plan will be considered by Council for adoption together with the designation of a Heritage Conservation District by-law. It is the intent that the features which give the area its distinctive character and contribute to the area's merit as a Heritage Conservation District will be conserved through the adoption of a Heritage Conservation District Plan by-law.

2.16.14 A Cultural Heritage Landscape (CHL) is a defined geographical area characterized by human settlement activities or other cultural associations that may have resulted in changes and modifications to the environment, which is now

considered to be of cultural heritage value or interest. CHLs may include distinctive rural roads, urban streetscapes, commercial main streets, rural landscapes including villages and hamlets, as well as commercial areas and industrial complexes. While recognition of a CHL does not require designation under the Ontario Heritage Act, they may be described or illustrated as part of this Plan, included in the County of Brant's Heritage Inventory, and incorporated into the appropriate implementation by-laws to ensure their conservation is considered as part of the development process.

Inventorying and Conserving Built Cultural Heritage

- 2.16.15 The County has a heritage inventory of properties and areas with prospective built heritage resources that have been compiled as a resource with community input and endorsed by Council and included in the Annexes of this Plan. This inventory includes properties and areas with potential heritage attributes, which are intended for further evaluation to determine appropriate conservation methods, and if the property should be included on the municipal register under the authority of Section 27 of the Ontario Heritage Act, prior to the submission of a complete application for development.
- 2.16.16 Properties on the inventory may be listed on the Heritage Register at the time of pre-consultation to determine applicable required studies and next steps (O.Reg. 9/06).
- 2.16.17 At a minimum, properties on the inventory shall require a cultural heritage conservation plan to be approved by the County of Brant, prepared in accordance with an approved Terms of Reference. The study, or parts thereof, may be required prior to the submission of a complete application as a proactive strategy for conservation that will be used to inform the future development of the property. Outcomes and recommendations of the conservation plan will be applied as conditions of development. For greater certainty, the requirement for an approved cultural heritage conservation plan applies to inventoried properties regardless of designation status.
- 2.16.18 Updates to the inventory are delegated to staff as a way to implement a proactive strategy for documenting and conserving significant built heritage resources and cultural heritage landscapes.
- 2.16.19 Where potential built heritage resources have been identified on lands within settlement areas slated for future development, the conservation of these resources shall be addressed prior to, or at the earliest stage of the development

process. Where the designation of a resource is demonstrated through a Heritage Impact Assessment or equivalent study to not be feasible, the following preferred methods for conservation of the resource shall apply, in order of priority. The following examples provided are not exhaustive:

a) Adaptive Reuse

Where the structure is no longer able to function with its original use but can remain in situ, it shall be integrated into the development through adaptive reuse. Examples may include: an old farmhouse on properties designated for employment uses could be reused for supportive uses to the employment designation (such as an office or commercial space), or an old home on properties intended for intensification could be integrated into the design of the intensified site as a community space (such as an indoor park, art gallery or event space).

b) Relocation

Where the structure is no longer able to function in its original location, the relocation of the structure to a location within the County that will provide further community benefit and public access may be permitted. For example: an old house could be moved to a nearby park or property owned by the County to be used for seasonal or recreational supportive purposes.

c) Compensation

Where neither on-site conservation nor relocation is feasible, compensation shall be provided to offset the impact of the loss and ensure a community benefit is provided as a condition of development.

Studies and Implementation Tools

2.16.20 Prior to development, redevelopment or site alteration of properties that contain and/or are adjacent to known or potential protected heritage property, a Cultural Heritage Impact Assessment, Conservation Plan, Salvage Plan, Historic Context Statement or similar shall be required, in accordance with the applicable terms of reference as approved by the County of Brant. Such a study shall be required prior to the submission of a complete application as a proactive approach to identifying properties for evaluation under the *Ontario Heritage Act*. Where the County has previously evaluated the property, said studies may be required as a condition of approval rather than prior to the submission of application. Where a study, received prior to or as part of a development application, provides recommendations for the conservation of

a protected heritage property, such recommendations shall be included as a condition of approval to implement the directions of this Plan.

- 2.16.21 Prior to development, demolition, site alteration, or construction on any property within the County, documentation of the subject lands for the purposes of tracking historic development will be required regardless of any requirement for full evaluation to determine a property's cultural heritage attributes. Such documentation shall be provided in a way that is consistent with guidance and directions provided by the County
- 2.16.22 Adjacent lands, for the purpose of cultural heritage conservation of the Plan, shall mean those lands within 50 meters of a property identified in the County of Brant Heritage Inventory.
- 2.16.23 Each County-owned protected heritage property where sold, transferred, or leased to another owner or lessee is subject to a Heritage Conservation Easement Agreement or covenant that guarantees its conservation, maintenance, and use in a manner which respects its cultural heritage value or interest and, when appropriate, is subject to a Heritage Restoration Agreement which shall require that certain restoration works be carried out by the new owner or lessee to a standard acceptable to Council and the County.
- 2.16.24 Under the authority of the *Ontario Heritage Act*, the County may enter into Heritage Easement Agreements with property owners to conserve and protect properties of cultural heritage value or interest. Such agreements, registered on title or certain clauses included in a lease agreement, may be used as a voluntary tool to ensure the long-term preservation and maintenance of heritage attributes and may be implemented in conjunction with other heritage conservation measures. Delegation of authority for any scope of decision-making relating to a Heritage Easement Agreement shall be delegated to the Chief Administrative Officer or an applicable General Manager.

Part “C” – Implementation

Upon approval of this amendment by the Council of the Corporation of the County of Brant, the Official Plan for the County of Brant, *A Simply Grand Plan, 2023*, will be amended in accordance with this amendment.

This amendment has been prepared based on the Office Consolidation dated October 2024.

Implementation and interpretation of this amendment shall be in accordance with the policies of the Plan. This amendment supplements the intent and policies of the Official Plan, and additional interpretative guidance may also be found by reading the applicable County of Brant Planning Reports.

To support consistent implementation of this Plan, the County may interpret policies to clarify wording or consolidate related provisions where ambiguity or unintended overlap is identified during implementation. Any such interpretation shall maintain the original intent and policy outcomes of the Plan and shall not introduce new permissions, restrict existing permissions, or otherwise materially alter the policy framework. Clarifications arising from interpretation may be documented through guidelines, staff bulletins, or additional implementation materials.

Transition

Any application will be subject to the policies applicable on the date of decision.