

CHAPTER 4 ARTS, CULTURE, HERITAGE, RECREATION & LEISURE

The objectives and policies of this chapter recognize the importance of planning for a wide range of arts, culture, recreation and leisure opportunities as well as the *conservation of cultural heritage resources* to meet the needs of the Waterloo community. Planning for the appropriate facilities, programs and services will ensure that each component contributes to the future quality of life within the City, recognizing that healthy social and cultural systems are, in turn, linked to other aspects of the City's overall health, including the environment and economy.

The policies of this chapter address how the City will fulfill its role in terms of planning for the provision of arts, cultural, heritage, recreation and leisure facilities, services and programs and the *conservation of cultural heritage resources*. In all cases, it is recognized that the City has limited resources and funding mechanisms and as such will need to maximize the use of existing facilities and community resources and seek out potential collaborations. In terms of facility delivery, the City will place a priority on maintaining and maximizing the utilization of existing facilities before consideration of new facility development. As a complement to this approach, policies outline the need to support collaborative initiatives for the provision of facilities including multiple- use facilities, possibly involving multiple parties. In terms of service delivery, the policies focus on the City taking a variety of roles in planning for, facilitating, supporting and/or delivering arts, culture, heritage, recreation and leisure opportunities at the City-wide, district and neighbourhood levels.

A key component of this chapter is the heritage policies which implement the Ontario Heritage Act by providing a detailed framework for appropriate *conservation of cultural heritage resources*.

This chapter includes policies that complement other chapters of this Plan, in particular, the City Form and Networks policies, including:

- Supporting the Uptown Waterloo Urban Growth Centre as a community focal point for arts, culture and the *conservation* and interpretation of built and landscape heritage;
- Planning for development that provides for the installation of art and creation of usable spaces on public and private lands to support the enjoyment of arts, culture, heritage, recreation and leisure opportunities and resources; and,
- Planning for and supporting the development of a connected parks, trails and open space network for transportation and recreation/leisure purposes.

4.1 OBJECTIVES

- (1) Plan for a diversity of arts, culture, heritage, recreation and leisure opportunities that are safe as well as physically and economically accessible and accepting of all people with different backgrounds and cultures.
- (2) Provide and encourage a wide range of arts, culture, heritage, recreation and leisure

opportunities within neighbourhoods; these opportunities may vary among neighbourhoods and this uniqueness should be encouraged.

- (3) Encourage collaborations, facilities and programs that incorporate a mix of uses and other non-traditional ways of providing arts, culture, heritage, recreation and leisure opportunities.
- (4) Plan for art on public lands and encourage the provision of art on private lands throughout the City.
- (5) Plan for a comprehensive and connected trail system that is an integral part of the transportation system as well as a recreational and leisure opportunity.
- (6) Create additional and alternative forms of parks, trails and open spaces for locating multi-use/multi-seasonal recreation and leisure opportunities in locations deemed appropriate by the City.
- (7) Provide well-designed passive open spaces throughout the City.
- (8) Encourage major festivals and arts and cultural facilities to be located in the Uptown and in Waterloo Park.
- (9) Plan for and/or support an urban environment that encourages creativity and innovation in all aspects of our community life.
- (10) Promote awareness of facilities, programs and services through communication, marketing and education initiatives.
- (11) Plan for an urban form that retains significant elements of the City's natural, built and cultural heritage by:
 - (a) Ensuring the *conservation of cultural heritage resources* of the City in both new as well as existing areas;
 - (b) Reflecting the local heritage context by connecting and integrating compatible development with *cultural heritage resources* of the City;
 - (c) Promoting public awareness and appreciation of the *City's cultural heritage resources* by involving the public in heritage resource initiatives affecting the City.

4.2 SUPPORTING DOCUMENTS AND IMPLEMENTATION

- (1) Council may approve, and update as appropriate, additional documents to provide further direction with regard to the policies of this Plan. Such documents may include, but not be limited to:
 - (a) Recreation and Leisure Services Master Plan;
 - (b) Heritage Master Plan;

- (c) Cultural Master Plan; and,
- (d) Percent for Art Policy.

4.3 DELIVERY OF FACILITIES AND SERVICES

This section defines the City's role with regard to the planning, development, delivery and evaluation of services and facilities for arts, culture, heritage, recreation and leisure, where such facilities include indoor or outdoor buildings and spaces, including but not necessarily limited to: buildings or areas within buildings for use of a specific sport or activity, playgrounds, parks, trails, sports fields, heritage storage area, heritage exhibition area, golf course, running tracks, meeting rooms, arena and water parks. The City will approve and update, as appropriate, a Recreation and Leisure Services Master Plan to provide further direction regarding the implementation of the policies of this Plan.

The City will build opportunities for greater awareness of facilities, programs, services and *cultural heritage resources* through use of the City's website, signage (such as interpretive signs), and other methods deemed appropriate.

4.3.1 Facilities Delivery

- (1) As a key provider of facilities for arts, culture, heritage, recreation and leisure, the City will, through periodic updates to the Recreation and Leisure Services Master Plan or other means, assess the adequacy of planned facilities to meet existing and forecasted needs of the community.
- (2) In its role of planning for and providing municipal facilities for arts, culture, heritage, recreation and leisure, the City will apply the following hierarchy of delivery mechanisms, giving priority to the mechanisms in the order that they are listed:
 - (a) As a first priority, the City will maximize the use of existing City facilities, including considering utilization rates, and cost-effective facilities operations, while undertaking on-going rehabilitation and renewal of facilities to meet evolving market needs, where feasible;
 - (b) Promote shared-use arrangements for existing facilities and collaborations with other organizations and agencies;
 - (c) Consider the provision of new joint-use facilities in collaboration with other organizations/agencies; and,
 - (d) Consider the provision of new facilities in locations which best serve existing and future residents of the City.
- (3) Where renewal of a municipal facility and/or development of a new municipal facility is deemed to be appropriate, the City will investigate the potential for a range of multiple-use opportunities and/or collaborative relationships and participation within a single facility venue.
- (4) The City will plan for and design municipal facilities that are:

- (a) flexible in terms of their ability to meet changing community needs;
- (b) accessible by public transit;
- (c) sustainable and environmentally responsible;
- (d) supportive of adaptive reuse of buildings;
- (e) flexible for inclusion of all residents; and
- (f) easy to maintain.

4.3.2 Services and Program Delivery

- (1) The City will support the decentralization of arts, culture, heritage, recreation and leisure activities, where appropriate, recognizing that the distribution of a range of activities throughout the City will provide opportunities for greater access to such services and programs at the local neighbourhood level.
- (2) The City will take a leadership role in planning for the provision of arts, culture, heritage, recreation and leisure services, focusing on expanding the accessibility, availability, affordability and mix of services available to residents.
- (3) To fulfill its role in the planning, development, delivery and evaluation of services and activities related to arts, culture, heritage, recreation and leisure, the City will consider the following approaches within its budgetary priorities and strategies as established by Council:
 - (a) Actively working to facilitate and support community groups, volunteer-based organizations and individuals in the development and delivery of services and programs;
 - (b) Exploring and/or participate in collaborative initiatives, at variable levels of involvement, that result in a shared responsibility for delivery of services and programs; and,
 - (c) Undertaking the direct delivery of services and programs.
- (4) Due to their strategic locations within local neighbourhoods, the City recognizes publicly-funded school sites as an asset to provide services and programs related to arts, culture, heritage, recreation and leisure opportunities throughout the City at the neighbourhood level. As such, the City will continue to work with school boards to explore opportunities to effectively increase community accessibility to publicly funded school sites for arts, culture, heritage, recreation and leisure services and programs.

4.4 UPTOWN AS A COMMUNITY FOCAL POINT FOR ARTS AND CULTURE

- (1) Consistent with the policies in the Section 3.7.2 of this Plan, the City supports the Uptown Waterloo Urban Growth Centre as a community focal point for heritage *conservation*, arts and culture, including cultural businesses.

4.5 ARTS, CULTURE, HERITAGE, RECREATION AND LEISURE

OPPORTUNITIES ON PRIVATE LANDS

- (1) The City shall strive to animate public and private space by planning for and encouraging public art in conjunction with development throughout the City by:
 - (a) Updating, as appropriate, the 'Percent for Art Policy';
 - (b) Encouraging the incorporation of public art in development, and encouraging such public art to be made publicly accessible;
 - (c) Requiring the provision of usable and accessible spaces that support arts, culture, heritage, recreation and leisure opportunities for residents and/or employees. Appropriate spaces include but are not be limited to parks, courtyards, community rooms, pools, fitness areas, ground level or rooftop landscape areas, pedestrian and cycling linkages and supporting amenities. Requirements for the provision of such spaces will be further defined in the Zoning By- Law;
 - (d) Requiring the dedication of parkland where applicable, as set out in
 - (e) Section 12.2.9 of the Implementation Chapter; and,
 - (f) Require *conservation* and support interpretation of *cultural heritage resources*.

4.6 RECREATION AND LEISURE THROUGH PARKS, TRAILS AND OPEN SPACE

- (1) Consistent with the policies included in the Networks Chapter of this Plan as they relate to the trails and open space network, the City will plan for and support the development of a connected trails and open space network for recreation/leisure, transportation and environmental management purposes, where deemed appropriate.
- (2) To support the continued improvement of the trails and open space network for recreation and leisure purposes at the City-wide and neighbourhood level, the City will, where appropriate and subject to the policies in the Land Use Policies Chapter of this Plan, support or facilitate improved public access to existing recreation and leisure opportunities or create new opportunities where lands become available. Key priorities for areas of consideration may be identified in the City's Recreation and Leisure Services Master Plan and/or the Transportation Master Plan.

4.7 CULTURAL HERITAGE POLICIES

Conservation of cultural heritage resources is an integral part of this Plan, recognizing that such resources contribute to Waterloo's identity, economic potential and quality of life. This Plan anticipates growth through *intensification* while recognizing the importance of *conserving* Waterloo's *cultural heritage resources* in a way that allows culturally significant buildings, structures and landscapes to be experienced and appreciated by existing and future generations.

4.7.1 General Policies

- (1) The City will consult with the Municipal Heritage Committee in matters relating to heritage *conservation*, such as the listing of designated and non-designated heritage properties, alteration or demolition of properties with cultural heritage value or interest, creation of heritage easements and covenants, and the identification of a study area or passing of a plan for a Heritage Conservation District.
- (2) To ensure appropriate *conservation*, the City shall designate *cultural heritage resources* in accordance with the Ontario Heritage Act.
- (3) The City may explore fiscal tools and incentives that include but are not limited to grants and loans, heritage property tax reduction/rebate, height and/or density bonusing, extensions of land use, and parking reductions to facilitate heritage *conservation* in recognition of the contribution that heritage *conservation* makes to our community.
- (4) Financial securities from the owner may be required by the City as part of the conditions of Consent, *Site Plan*, Subdivision Agreement or other development approvals to ensure implementation of a conservation plan. The City may require the owner to post a letter of credit, bond or certified cheque during and after the development process.
- (5) Where a *cultural heritage resource* is the subject of a *development* application, excluding applications for *site plan* approval, the City may consider the acquisition, assembly, resale, joint ventures or other mechanisms to ensure *conservation*. Where protection options may not be adequate or available, the City may pass by-laws to purchase a heritage resource with options to retain the resource indefinitely, lease it or sell it.
- (6) The City may adopt additional measures to implement policies that address the *conservation of cultural heritage resources* where such measures are authorized by legislation such as the Planning Act, Municipal Act, Environmental Assessment Act, and Cemeteries Act
- (7) To encourage public appreciation, stewardship and the visibility of *cultural heritage resources*, the City shall involve the public in all aspects of the heritage *conservation* programs and may promote the City's heritage through means that may include but not be limited to educational programs, publicity and promotion, development of heritage sites and trails, interpretive plaques, signage, the City's heritage collection, and awards.
- (8) The City shall encourage *cultural heritage resource* stewardship through strong collaborative relationships among stakeholders such as the City, the Region, property owners, community-based advocacy groups, and the development industry.
- (9) The City will, and the Regional Municipality of Waterloo is encouraged to, give consideration to the impact of modifications to Regional or City arterial and major collector *roads* and other *road* improvements in general, including re-alignment and

road widening, on *cultural heritage resources*. Conservation of *cultural heritage resources*, especially in relation to the character of streetscapes and major crossroads or intersections, shall be encouraged.

- (10) Consideration shall be given to the effects of public works and development on *cultural heritage resources* prior to the approval of public works and *development* applications. Mitigation of any negative impacts shall be integrated into the design of such projects, where appropriate, in order to complement the character, scale, access to, and appearance of the heritage resource.

4.7.2 Heritage Register

- (1) Through consultation with the Municipal Heritage Committee, the City shall develop and maintain a *Heritage Register* of properties that are of cultural heritage value or interest. The *Heritage Register* will include:
 - (a) Properties that are designated under Part IV, V or VI of the Ontario Heritage Act;
 - (b) Properties that are protected by a heritage easement or covenant under the Ontario Heritage Act;
 - (c) Properties that are identified in a Grand River Conservation Authority, Regional, Provincial or Federal heritage inventory; and,
 - (d) Non-designated properties that have been identified by the City as having cultural heritage value or interest.
- (2) The *Heritage Register* shall contain the following information, as applicable, with respect to each heritage property:
 - (a) A legal description of the property;
 - (b) The name and address of the owner; and,
 - (c) A statement explaining the cultural heritage value or interest of the property and/or district and a description of the associated heritage attributes.
- (3) The *Heritage Register* shall be updated as required, and made available to the public.
- (4) The City may apply one or more of the following criteria to assess the significance of *cultural heritage resources* for inclusion on the *Heritage Register*:
 - (a) Design or physical value;
 - (b) Historical or associative value; and/or
 - (c) Contextual value.

4.7.3 Heritage Impact Assessment

- (1) A Heritage Impact Assessment, prepared by a qualified heritage conservation professional, shall be required for all proposed development applications, or *site alteration* permit applications that includes or is adjacent to a protected heritage property. A Heritage Impact Assessment, prepared by a qualified heritage

conservation professional, shall also be required for all proposed development applications, or *site alteration* permit applications that includes a listed, non-designated property.

- (a) Where a *Heritage Impact Assessment* is required as part of a *development* application or *site alteration* permit application, the terms of reference for the *Heritage Impact Assessment* will be determined in consultation with the City.
- (2) Where a Heritage Impact Assessment is required as part of a development application, or site alteration permit application, the heritage resource shall receive protection in accordance with the timelines set out in the Ontario Heritage Act.
- (3) A *Heritage Impact Assessment* will include, but not necessarily be limited to the following:
 - (a) historical research, site analysis and evaluation;
 - (b) identification of the significance and heritage attributes of the *cultural heritage resource*;
 - (c) description of the proposed *development* or *site alteration*;
 - (d) assessment of *development* or *site alteration* impacts;
 - (e) consideration of alternatives, mitigation and *conservation* methods;
 - (f) schedule and reporting structure for implementation and monitoring; and
 - (g) a summary statement and *conservation* recommendations.
- (4) Where approval of a *development* application, or *site alteration* permit application would result in the demolition of a *built heritage* resource, a *Heritage Impact Assessment* will require the documentation of the *built heritage resource*. Information to be provided will include land use history, photographs, measured drawings and other information of the heritage resource that can be used for archival purposes. The *Heritage Impact Assessment* shall be submitted to the Municipal Heritage Committee for review and comment prior to the proposed *development* application, or *site alteration* permit application being considered by the City.
- (5) Heritage Impact Assessments may be scoped or waived by the City or Regional Municipality of Waterloo, as applicable.
- (6) Where a Heritage Impact Assessment is related to a cultural heritage resource of Regional interest, the City will circulate a copy of the assessment to the Region for review. In this situation, the Heritage Impact Assessment submitted by the owner/applicant will be completed to the satisfaction of both the City and the Region.

4.7.4 Built Heritage Resources

- (1) Pursuant to the Ontario Heritage Act, Council may pass by-laws to designate a *Built Heritage Resource*. The designating by-law shall identify the extent of the property, contain procedures and timelines for alterations to and demolition of existing buildings and/or structures as well as the erection of new buildings and/or

structures.

- (2) *Built Heritage Resources* and their heritage attributes and features shall be *conserved*. Where *Built Heritage Resources* cannot reasonably be retained, consideration is to be given to the following in order of priority:
 - (a) on-site retention through adaptive re-use for built heritage that cannot be conserved intact;
 - (b) relocation to another site within the same development;
 - (c) relocation to a sympathetic site within the City;
 - (d) rescue and reuse of components; and,
 - (e) documentation of the resource.
- (3) The City may enter into an easement or covenant agreement with any owner of a *Built Heritage Resource*, register the easement or covenant in the Land Registry Office, enforce this easement or covenant against the property owner or any subsequent owner, and/or assign an easement or covenant to any person that the City believes can provide protection of the *built heritage resource*.”
- (4) If a *built heritage resource* identified on the *Heritage Register* is the subject of a demolition application, significant alterations or other potentially adverse impacts, and a *Heritage Impact Assessment* has not been completed, the City may consider, within 60 days, its designation under the Ontario Heritage Act
- (5) To facilitate the processing of heritage permit applications for designated properties and designated districts, Council may delegate the power to approve, in consultation with the Municipal Heritage Committee, certain classes of alterations.
- (6) The City will preserve and respect cemeteries of cultural heritage significance (including human remains, vegetation and landscape of historic, aesthetic, and contextual values) in accordance with the Cemeteries Act (Revised) and the provisions of Part IV and V of the Ontario Heritage Act.

4.7.5 Cultural Heritage Landscapes

- (1) The City will identify and document any *cultural heritage landscapes* in accordance with the Regional Implementation Guideline for Cultural Heritage Landscape Conservation.
- (2) The City will designate *cultural heritage landscapes* in this Plan.
- (3) The City shall require the *conservation* of *cultural heritage landscapes* that are characteristic of the City or Region through the review of applications for *development* and/or *site alteration*.
- (4) The City supports recognition of the Grand River as a Canadian Heritage River and will co-operate with the Region and Grand River Conservation Authority to promote appropriate initiatives to maintain, enhance, manage and *conserve* natural, cultural, recreational, scenic and ecological features.

4.7.6 Archaeological Resource Policies

- (1) It is recognized that there are archaeological remnants of historic and prehistoric habitation and activities within the City, which may be identified from time to time. In recognizing the need to ensure the *conservation* of these sites of archeological value, the following measures will be taken:
 - (a) As part of the *development* or *site alteration* review process, applicants will be required to submit *archaeological assessments* in accordance with the Regional Archaeological Implementation Guideline where *archaeological resources* and/or *areas of archaeological potential* have been identified in the Regional Archaeological Master Plan. Where *archaeological resources* are identified, applicants will be required to *conserve* the archaeological resource by:
 - (i) Ensuring the site remains undeveloped. Where the site remains undeveloped, the City will undertake to designate such lands as Open Space at the time of a 5 year review of the Official Plan; or,
 - (ii) Removing the archaeological resource from the site by a licensed archaeologist, prior to site grading or construction.
 - (b) The City will not pass by-laws or otherwise facilitate proposed *development* until such time as the Province has cleared the site of archaeological concerns and the recommendations of *archaeological assessments* have been secured.

4.7.7 Heritage Conservation Districts

A Heritage Conservation District enables the protection of *cultural heritage resources* within a defined area, while at the same time allowing for compatible development to occur. A Heritage Conservation District is an area which contains a number of properties of historical, architectural, or contextual value which, when viewed comprehensively, form a unit that reflects an aspect of the City's historical or cultural development. The City currently has one Heritage Conservation District, being the MacGregor/Albert Heritage Conservation District.

- (1) To ensure effective *conservation*, properties designated under Part IV of the Ontario Heritage Act may be included as part of a Heritage Conservation District that is designated under Part V of the Ontario Heritage Act.
- (2) A heritage conservation district study must be completed prior to Council designating an area as a Heritage Conservation District under the Ontario Heritage Act. Alteration works on properties, or the erection, demolition or removal of buildings or structures, or classes of buildings or structures within the heritage conservation district study area may be regulated during this study period.
- (3) Any Heritage Conservation District study will:
 - (a) determine the feasibility of establishing a Heritage Conservation District;
 - (b) examine the heritage significance, character and appearance of the selected study area, including buildings, structures, contextual elements, vistas and other

- properties;
 - (c) examine and recommend the geographic boundaries of the area to be designated;
 - (d) recommend objectives of the designation and the content of the Heritage Conservation Plan;
 - (e) recommend necessary changes to be made to the Official Plan and any municipal by-laws; and
 - (f) communicate with the public, particularly residents and landowners, the intent and scope of the study.
- (4) Where the City determines that the establishment of a Heritage Conservation District is appropriate and feasible, the study prepared pursuant to policy 4.7.7 (3) shall form the basis of the Heritage Conservation District Plan. The District Plan shall include:
- (a) a statement of objectives for the District;
 - (b) a statement explaining the cultural heritage value or interest of the District;
 - (c) description of properties in the District and of the heritage attributes of the district;
 - (d) policy statements, guidelines, and procedures for achieving the stated objectives and for managing change in the District;
 - (e) a description of the types of alterations that will require a City permit and a description of minor alterations that will be permitted without the need for a City permit; and,
 - (f) a map identifying the boundaries of the District.
- (5) Pursuant to the Ontario Heritage Act, Council may pass by-laws to designate all or part of the lands set out in 4.7.7 (4) as a Heritage Conservation District without an amendment to this Official Plan. The designating by-law shall identify the extent of the area, contain procedures and timelines for alterations to and demolition of existing buildings and/or structures as well as the erection of new buildings and/or structures based on the criteria established in the Heritage Conservation District Plan, and outline the appeal process to the Ontario Municipal Board.
- (6) Where a Heritage Conservation District is in effect, no public works shall be carried out or by-law passed if they are contrary to the policies set out in the Heritage Conservation District Plan.
- (7) Pursuant to the Ontario Heritage Act, a Heritage Permit application shall be required for all alteration works on properties located in the designated Heritage Conservation District. Interior works and minor changes specified in the District Plan shall be exempt.

MacGregor/Albert Heritage Conservation District

- (8) This Plan recognizes the MacGregor/Albert Neighbourhood as a designated Heritage Conservation District as shown on **Schedule 'D' – Heritage Conservation District**. Lands within the MacGregor/Albert Heritage Conservation District are also subject

to the provisions of Specific Provision Area 33.

4.7.8 Collections

Collections consist of natural or cultural objects and intellectual property directly owned by the City, as a public trust, and registered as part of its permanent collection, to be used for the exclusive purposes of preservation, education, research and presentation to the public.

- (1) Heritage collections shall not be used to meet the financial obligations of the City by conversion into currency or as security to raise monetary loans; however, they may be used to generate income for the City in other ways, such as admission fees.
- (2) The City may accept donations, financial or otherwise at its discretion, to assemble a municipal collection of local heritage objects for public display, subject to the scope of the City's Collections Management Policy for the Heritage and Arts Collections.
- (3) The City will maintain and preserve any heritage collection according to any applicable Provincial and National policies and standards.