



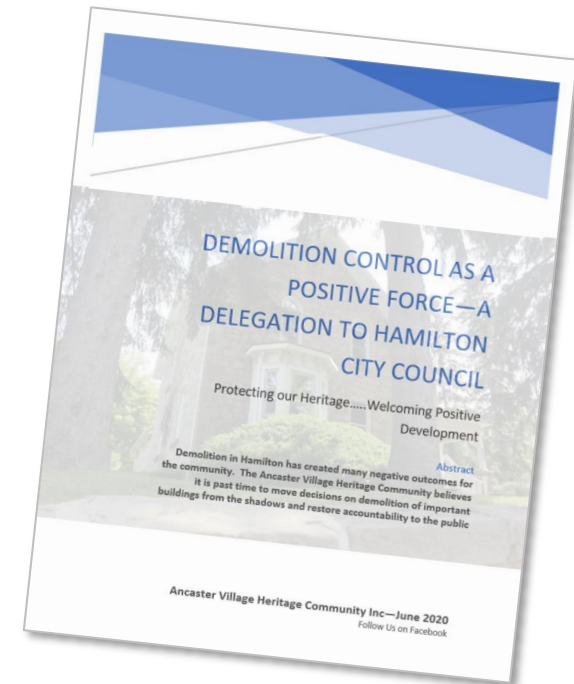
Hamilton

Updated Demolition Control By-Law

Development Industry Liaison Group (WebEx)

March 14, 2022

- AVHC Delegation
 - Planning Committee (July 2020)
 - Hamilton Municipal Heritage Committee (August 2020)
 - Referred to GM of PED
- Presentation to DILG (January 11, 2021)
- Project put on hold in 2021 due to redeployments
- Refined language for new by-law



Ancaster Village Heritage Community - Delegation Request

Revise Demolition Control By-law to require all Building Permits to Demolish buildings more than 90 years old to be considered by Council and allow for public consideration, and improve language around “routine applications”.

Additional feedback from October 9, 2020 meeting:

- 90-year old buildings just a suggestion – open to other options to ensure unprotected properties of heritage interest are reviewed
- Get the ones that matter to Council – not looking to overload staff and Council
- Remove subjectivity (interpreting “routine applications”)

- Demolition Control
- Observations
- Themes
- Updated Demolition Control By-law

Clarifications on Demolition Control

- Enabled by Section 33 of *Planning Act* to prevent demolition without a permit
- Only applies to “residential property”
- Not a public process (only owner can appeal)
- Council has 30-days to make a decision
- Council must issue a permit to demolish where a building permit has been issued for new construction
- Inferred intent: retention of housing stock / residential units

Section 33 (1), *Planning Act*

“dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;

“residential property” means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

Summary of Observations

- Public participation in heritage conservation via **BHI Strategy**
- Demolition Control is not a heritage conservation tool – but should align with City policy and process
- Premature demolition of “residential property” (heritage or not) can be prevented by ensuring new uses are considered through **development application** process
- Improved transparency with undelegated applications

- Proactive Register listing and designations
- **Demolition Control Area By-law Updates**
- Register demolition process
- Internal process and communication

Demolition Control Area By-law Updates

- Intent of By-law
- Definitions
- “Routine application” and delegated authority scope
 - Delegate where permissions for replacement buildings and / or uses have been granted
 - Undelegated applications considered at Council (transparency)

Existing Demolition Control By-law Language

[...] "routine applications" include, but are not limited to, an application to demolish a residential building:

- in an established neighbourhood when the standard conditions in section 6 would apply;*
- to facilitate a development under an approved site plan or approved draft plan of subdivision;*
- in a zone that does not permit a residential use;*
- when another non-residential use is permitted;*
- to facilitate land assembly for future development;*
- in the Rural Area when abutting lands would not be impacted.*

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Proposed By-law Language

Council delegates to the Chief Building Official its authority to issue Demolition Control Approval pursuant to subsections 33(3) and 33(6) of the Planning Act for applications to demolish Residential Property where:

- a) the erection of a new building is proposed on the site of the Residential Property to be demolished and where the standard conditions in section 7 of this By-Law apply;*
- b) Final Site Plan Control approval has been granted for redevelopment of the Residential Property to be demolished;*
- c) Draft Plan of Subdivision approval has been granted for redevelopment of the Residential Property to be demolished, for which the Subdivision Agreement has been registered and the preliminary grading and servicing conditions have been satisfied;*
- d) demolition of the Residential Property is a condition of an approved Consent to Sever and all other conditions of the approved Consent to Sever have been met; or,*
- e) the Residential Property has been severely damaged by a fire or natural disaster and the demolition has been recommended by a Professional Engineer licensed to practice in Ontario.*

Next Steps

- Presentation to Heritage Committee (April 1, 2022)
- Staff report to Planning Committee (April 22, 2022)

Thank you!

Thoughts on the updated by-law language?

Other feedback or questions?