

CITY OF HAMILTON

NOTICE OF MOTION

Council: September 28, 2022

MOVED BY COUNCILLOR A. VANDERBEEK.....

Heritage Conservation District Study

WHEREAS, the City of Hamilton is undertaking a Heritage Conservation District Study of a portion of Melville Street in Dundas, from Sydenham Street to Wellington Street North, consisting of a concentration of pre-1950 buildings of potential heritage value or interest, including three properties individually designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, that may collectively be considered a cultural heritage landscape;

WHEREAS, the purpose of a Heritage Conservation District Study, as provided for under section 40 of the *Ontario Heritage Act*, is to examine the character and appearance of an area to determine if the area should be preserved as a heritage conservation district and to consider and make recommendations with regard to the establishment of a district plan to guide changes to properties located within the district;

WHEREAS, section 40.1(1) of the *Ontario Heritage Act* provides that, if the council of a municipality undertakes a study of a heritage conservation district, the council may, by by-law, designate the area specified in the by-law as a heritage conservation study area for a period of up to one year; and

WHEREAS, section 40.1(2) of the *Ontario Heritage Act* provides that a Heritage Conservation District Study area by-law may prohibit or set limitations with respect to the alteration of property and the erection, demolition or removal of buildings or structures, or classes of buildings or structures within the heritage conservation district study area;

THEREFORE, BE IT RESOLVED:

- (a) That the Council of the City of Hamilton enacts a Heritage Conservation District Study By-law under section 40.1(1) the *Ontario Heritage Act*, attached as Appendix "A" to restrict the use of the lands identified in the Schedule attached to By-law for a period of one year, pending completion of a Heritage Conservation District Study; and
- (b) That Building Department staff be directed to temporarily suspend all building permits for the alteration of property and the erection, demolition or removal of buildings in the study area defined by the Heritage Conservation District Study By-law unless otherwise exempted by the By-law from the date the By-law is passed until such time that it is repealed.

Authority: Item
CM: September 28, 2022
Ward: 13

Bill No.

CITY OF HAMILTON

BY-LAW NO. 22-

To Designate a Portion of Melville Street in Dundas, from Sydenham Street to Wellington Street North, as a Heritage Conservation District Study Area

WHEREAS Melville Street is an historic streetscape in the community of Dundas, located in the City of Hamilton, consisting of a significant concentration of buildings of cultural heritage value or interest;

AND WHEREAS the eastern portion of Melville Street, from Sydenham Street to Cross Street, was designated as part of the Cross-Melville Heritage Conservation District in 1990 by former Town of Dundas By-law No. 3899-90;

AND WHEREAS the portion of Melville Street from Sydenham Street to Wellington Street North, identified in Schedule "A" attached to this By-law, consists of a collection of pre-1950 buildings of potential heritage value or interest, including three properties individually designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, that may collectively be considered a cultural heritage landscape;

AND WHEREAS the purpose of a heritage conservation district study, as provided for under section 40 of the *Ontario Heritage Act*, is to examine the character and appearance of an area to determine if the area should be preserved as a heritage conservation district and to consider and make recommendations with regard to the establishment of a district plan to guide changes to properties located within the district;

AND WHEREAS section 40.1(1) of the *Ontario Heritage Act* provides that, if the council of a municipality undertakes a study of a heritage conservation district, the council may, by by-law, designate the area specified in the by-law as a heritage conservation study area for a period of up to one year;

AND WHEREAS section 40.1(2) of the *Ontario Heritage Act* provides that a heritage conservation district study area by-law may prohibit or set limitations with respect to the alteration of property and the erection, demolition or removal of buildings or structures, or classes of buildings or structures within the heritage conservation district study area;

NOW THEREFORE THE COUNCIL OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

1. The area identified in Schedule "A" attached hereto (the Melville Street Heritage Conservation District Study Area) is designated as a heritage conservation district study area for a period of one year from the date of enactment of this By-law.
2. The City shall undertake a heritage conservation district study of the Melville Street Heritage Conservation District Study Area in accordance with the requirements of section 40(2) of the *Ontario Heritage Act*, for the purpose of examining the character and appearance of the area to determine if the area, or any part of the area should be preserved as a heritage conservation district and to make recommendations with respect to the content of a heritage conservation district plan.

3. The alteration of property and the erection, demolition or removal of buildings or structures within the heritage conservation study area is prohibited with the exception of the following permitted actions:
 - (a) an expansion of such legally existing buildings or structures, to a maximum of 25% of the existing gross floor area;
 - (b) a change to the interior of such legally existing buildings or structures;
 - (c) a change to the façade of such legally existing buildings or structures where that façade does not address a public street or highway;
 - (d) *the reconstruction or replacement of such legally existing buildings or structures which are totally or partially destroyed by fire, accident or natural disaster, provided the building or structure is reconstructed on its original site and the floor area and dimensions are not increased; and*
 - (e) the erection of a new accessory building or structure.
4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.
5. The alteration of property and the erection, demolition or removal of buildings or structures as permitted under building permits issued before the passage of this By-law and located within the study area at 56 Melville Street, 136 Melville Street, 138 Melville Street, 172 Melville Street, 183 Melville Street and 188 Melville Street shall be exempt from this By-law.
6. The City Clerk is hereby authorized and directed:
 - (a) to cause a copy of this By-law to be served upon the owners of all of the properties within the Melville Street Heritage Conservation District Study Area and upon the Ontario Heritage Trust within 30 days of the passage of this By-law, by a method permitted by the *Ontario Heritage Act*; and
 - (b) to publish a notice of passing of this By-law in a newspaper having general circulation in the City of Hamilton.

PASSED this 28th day of September, 2022.

F. Eisenberger
Mayor



A. Holland
City Clerk

Schedule "A"

To

By-law No. 22-

Melville Street Heritage Conservation District Study Area

	
<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the day of, 2022</p>	
<p>----- Mayor</p> <p>----- Clerk</p>	
<p>Schedule "A"</p> <p>Map forming Part of By-law No. 22-_____</p>	
<p>Subject Property</p> <p> Melville Street Heritage Conservation District Study Area (Dundas)</p>	
<p>Scale: N.T.S</p>	<p>File Name/Number: Dundas HCD Study</p>
<p>Date: September 23, 2022</p>	<p>Planner/Technician: AG/AL</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
