

HERITAGE CONSERVATION

DISTRICT PLAN

MELVILLE-PARK WEST

CITY OF HAMILTON, ONTARIO

February 2026

Prepared for: The City of Hamilton
Image source: MHBC Archives



Project no. 0727AV

ACKNOWLEDGEMENT OF INDIGENOUS COMMUNITIES

The City of Hamilton is situated on the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas. This land is covered by the Dish With One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes.

We further acknowledge that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. Today, the City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and we recognize that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

This Plan takes into consideration the cultural heritage of Indigenous Communities, including their oral traditions and history when available and related to the scope of work.

OTHER ACKNOWLEDGEMENTS

MHBC Planning Ltd. would like to thank the following organizations and individuals for their generous assistance in the completion of this document:

- City of Hamilton staff;
- The Hamilton Municipal Heritage Committee (HMHC);
- The Dundas Museum and Archives;
- The Hamilton Public Library; and
- The Dundas Heritage Association.

Prepared for the City of Hamilton
Prepared by:



TABLE OF CONTENTS

| | |
|--|-----------|
| Part I Heritage Conservation District Framework | 1 |
| Introduction | 2 |
| 1.1 Background | 2 |
| 1.2 Purpose of the Heritage Conservation District (HCD) Plan | 4 |
| 1.3 How to read this Heritage Conservation District (HCD) Plan | 4 |
| 1.4 Statement of Goals | 6 |
| 1.5 Statement of Objectives | 7 |
| 1.6 <i>Ontario Heritage Act</i> requirements | 9 |
| 2.0 Significance and Resources | 10 |
| 2.1 Statement of Cultural Heritage Value or Interest (SCHVI) | 10 |
| 3.0 Policy Framework and Guidance | 15 |
| 3.1 <i>Ontario Heritage Act</i> (OHA) | 15 |
| 3.2 Planning Act and the Provincial Planning Statement (PPS) | 17 |
| 3.3 Standards and Guidelines for the Conservation of Historic Places in Canada | 19 |
| 3.4 Ontario Heritage Toolkit | 21 |
| 3.5 Additional Resources | 21 |
| Part II Policies and Guidelines for Managing Change | 24 |
| 4.0 Introduction | 25 |
| 4.1 Classification of Properties | 25 |
| 4.2 Policies vs. Guidelines | 28 |
| 5.0 Alterations to Contributing Properties | 28 |
| 5.1 Foundations and Walls | 29 |
| 5.2 Roofs | 30 |
| 5.3 Windows | 31 |
| 5.4 Entrances and Porches | 33 |
| 5.5 Landscape Features | 34 |
| 5.6 Removal of Heritage Building Fabric | 34 |
| 6.0 Additions to Contributing Properties | 35 |
| 6.1 Location, Massing and Height | 35 |
| 6.2 Design and Cladding | 36 |
| 6.3 Roof Types | 37 |
| 6.4 Windows and Entrances | 38 |
| 6.5 Outbuildings and Detached Additional Residential Units | 39 |
| 7.0 Non-Contributing Properties | 40 |
| 8.0 Infill Development | 41 |
| 9.0 General Guidance Applicable to All Properties | 42 |
| 9.1 Part IV Designations within the HCD | 42 |
| 9.2 Demolition and Removal of Buildings and Structures | 43 |
| 9.3 Accessibility | 46 |
| 9.4 Environmental Sustainability | 49 |
| 9.5 Lot Creation and Consolidation | 50 |
| 9.6 Lands Adjacent to Heritage Conservation Districts | 50 |

| | |
|-----------------------------------|----|
| 10.0 Public Realm | 52 |
| 10.1 Parks and Public Spaces | 52 |
| 10.2 Streets | 52 |
| 10.3 Public Parking and Utilities | 53 |
| 10.4 Signs | 53 |

Part III Work Not Requiring a Heritage Permit 54

| | |
|---|----|
| 11.0 Exempt Alterations | 55 |
| 11.1 Exemptions for Contributing and Non-Contributing Properties | 56 |
| 11.2 Exemptions for Public Realm Properties | 58 |
| 11.3 Emergency Work | 60 |

Part IV Implementation 61

| | |
|-----------------------------------|----|
| 12.0 Implementation Direction | 62 |
| 12.1 Heritage Permit Applications | 62 |
| 12.2 Municipal Policy Framework | 63 |
| 12.3 Tree preservation | 65 |
| 12.4 Financial Incentives | 65 |
| 12.5 Periodic Review of this Plan | 66 |

Appendices

| |
|---|
| Appendix A: Listing of 'contributing' and 'non-contributing' properties |
| Appendix B: Glossary |
| Appendix C: Adjacent properties figure |
| Appendix D: Summary of works not requiring a heritage permit |

1.0 INTRODUCTION

1.1 Background

The portion of Melville Street between Sydenham Street and Wellington Street North in the community of Dundas was designated as a Heritage Conservation District Study Area by City Council on September 28th, 2022 (By-law 22-258). This By-law was enacted for one year in order to allow for the City to undertake a Heritage Conservation District Study. While enacted, the by-law may prohibit or set limitations with respect to the alteration of property and the erection or demolition of buildings or structures within the Study Area.

“A heritage conservation district is a geographically defined area with distinct heritage character that is protected by a municipal bylaw under the Ontario Heritage Act. Subsection 41 (1) in Part V of the Ontario Heritage Act enables the council of a municipality to designate the entire municipality or any defined area or areas of the municipality as a heritage conservation district (HCD).” (OHTK Heritage Conservation Districts section 1.1)

The City embarked on a Heritage Conservation District Study process in late 2022. The Melville Street HCD Study examined an area larger than the initial section of Melville Street and determined that there was merit for establishing an HCD through designation under Part V of the *Ontario Heritage Act* (OHA). Boundary recommendations were provided and Council approved the designation of the boundary area and adopted the Study in September of 2024. The approved Boundary subject to this Plan is illustrated in **Figure 1**, on the next page.

The Melville-Park West HCD Plan has been prepared to reflect the adopted recommendations by Council and implements the HCD Study findings. The HCD Plan is based on the best practices as expressed in the Standards and Guidelines for the Conservation of Historic Places in Canada, as well as the guidance provided in the Melville Street HCD Study previously prepared by a project team led by MHBC. The Plan is prepared in accordance with the OHA (as amended), the Provincial Planning Statement (PPS)¹ and the Ontario Heritage Toolkit (OHTK).

¹ A new Provincial Planning Statement was released in August 2024, and came into force on October 20th, 2024. The direction related to cultural heritage resource conservation is very similar to the 2020 PPS and does not change the approach to the evaluation undertaken as part of this report or the previous HCD Study.



Figure 1 - Approved HCD boundary

1.2 Purpose of the Heritage Conservation District (HCD) Plan

The Ontario Heritage Act, R.S.O., 1990, c.0.18 (OHA) is the guiding legislation for the conservation of significant cultural heritage resources in Ontario. It gives the Province and municipalities the ability to offer certain protections to designated properties and districts which have heritage value.

This HCD Plan provides policies and guidelines for the wise management of cultural heritage resources located within the HCD Boundary. **The intent of this Plan is not to prohibit development within the HCD, but to ensure that change within the HCD Boundary is managed and the unique character and sense of place is conserved and enhanced.**

This Plan should be used by property owners, tenants, and/or residents, City Staff, the Hamilton Municipal Heritage Committee and City Council in the fulfillment of their responsibilities related to the conservation of the heritage character and attributes of the District and in making decisions on heritage permits under Part V of the OHA. Under Section 42 of the OHA, a heritage permit is required for the erection, demolition, removal or external alteration of a building, structure, or any part of a property within a designated HCD.

1.3 How to read this Heritage Conservation District (HCD) Plan

The HCD Plan is organized to offer information and guidance to those who are directly responsible for conserving the heritage character and attributes of the District. This includes owners/residents/tenants whose buildings make up the heritage character of the District. The HCD Plan is split into Parts, which contain the HCD Framework (Part I), Policies and Guidelines for Managing Change (Part II), Work Not Requiring a Heritage Permit (Part III), and Municipal Implementation (Part IV). This HCD Plan is therefore organized as follows:

Contributing 'A' properties are representative of a predominant architectural style, are a landmark, or are designated under the Ontario Heritage Act.

Contributing 'B' properties are vernacular and other representative architectural styles that support the character of the area.

Properties not captured by the above were classified as 'non-contributing'

- Introduction, policy framework overview;
- Description of significance of resources and character areas;
- Alterations and additions to 'contributing' properties;
- Policies and guidelines for 'non-contributing' properties;
- Guidance for infill development;
- General guidance applicable to all properties;
- Policies and guidelines for the public realm;
- Work not requiring a heritage permit.

Property owners within the HCD District are encouraged to review the entire Plan to understand its intent and contents. To understand which policies and/or guidelines apply to a property, owners should refer to **Appendix A** to determine whether their property is classified as "contributing," meaning it has heritage value that contributes to the historic character of the area, or "non-contributing." There are policies and/or guidelines which apply to both contributing and non-

contributing properties, however, they are addressed differently in some cases within the framework of this HCD Plan.

City of Hamilton Heritage Planning staff can assist with the interpretation of this HCD Plan. This includes assisting with providing clarification of when a Heritage Permit application is required before changing or altering a property in the District.

1.3.1 Who should use this HCD Plan

This HCD Plan is intended to be used by the those who are proposing and managing change within the District, including:

- Property owners, residents, and tenants; and
- City staff responsible for undertaking public works projects and reviewing development applications.

The policies and guidelines of the HCD Plan are also to be used by the Hamilton Municipal Heritage Committee and City staff to provide advice to Council for making decisions on heritage permits under Part V of the OHA. Under Section 42 of the OHA, a heritage permit is required for the erection, demolition, removal or external alteration of a building or structure within a designated HCD. This HCD Plan also provides policies and guidelines for the conservation of features which contribute to the character of the area, including (but not limited to) lot fabric, trees and vegetation, landscape features and views.



1963 aerial photograph of Dundas (source: National Air Photo Library (Canada), McMaster University Digital Archive)

1.4 Statement of Goals

The designation of this Heritage Conservation District has the following goals:

Goals – Broad, long-term outcomes which are appropriate and desirable.

1

Recognize & Protect

Recognize, protect and enhance cultural heritage resources and identify their valuable contribution to the community, including structures, landmarks, gateways, landscapes and neighbourhood contextual characteristics;

2

Regulate

Regulate and guide the demolition and/or alteration of cultural heritage resources;

3

Enhance Character

Identify opportunities to maintain and enhance the built form of the HCD, including: the public realm, streetscaping, public open spaces, neighbourhood character and block patterns;

4

Educate

Increase public awareness regarding the history of the City and communicate the cultural, social and economic benefits that a unique sense of place contributes to the ongoing success of the City;

5

Manage Change

Manage change and guide opportunities for new construction and infill projects that will have regard for the existing architectural character, massing, siting and scale of existing cultural heritage resources; and

6

Effectiveness

Ensure the plan, guidelines and processes are easily understood and streamlined, including: property owner requirements/responsibilities, administrative processes, development requirements and any guidelines.

1.5 Statement of Objectives

The primary objective of the proposed designation of the Heritage Conservation District, as determined through the approved HCD Study, is to manage change in a manner that results in the conservation of its unique cultural heritage character and heritage attributes.

The term “conservation” is defined by the *Parks Canada Standards & Guidelines for the Conservation of Historic Places in Canada* as follows:

All actions or processes that are aimed at safeguarding the character defining elements of a cultural resource so as to retain its heritage value and extend its physical life. This may involve “Preservation,” “Rehabilitation,” “Restoration,” or a combination of these actions or processes.

Objectives – Short-term measurable actions for how to achieve those goals.

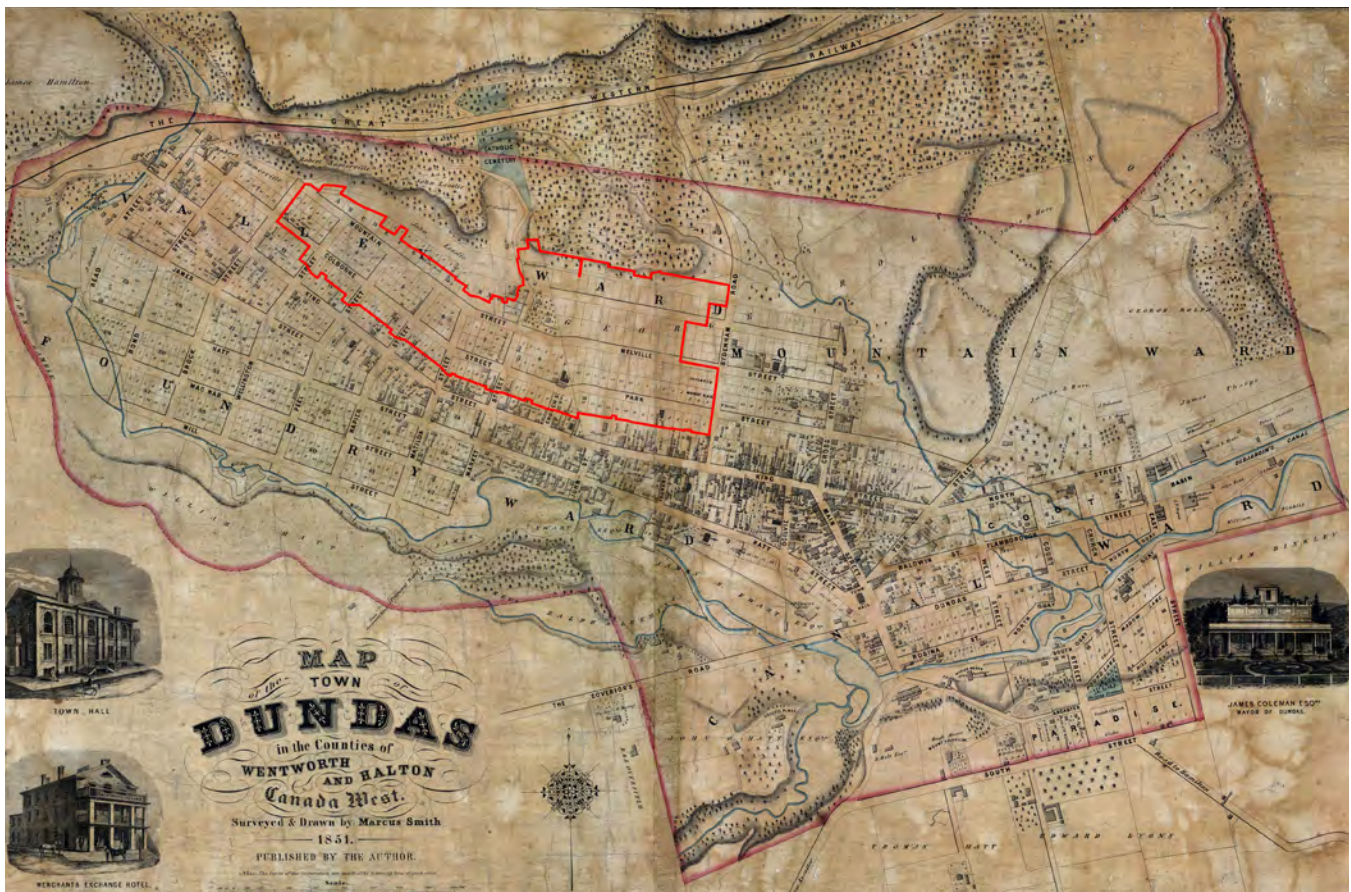
The purpose of an HCD is not to “freeze” or restore the physical components of a historic place to a particular period of time. Instead, the goal of conservation (through the HCD Plan) is to retain and maintain the identified character; this is achieved through providing policies and guidelines for appropriate change management of a designed cultural heritage landscape, which continues to evolve.

In designating the HCD under Part V of the OHA, several key objectives are sought as follows:

- To maintain and conserve the cultural heritage character and heritage attributes within the Boundary;
- To ensure the continued appreciation, enhancement and interpretation of the heritage resources located within the HCD boundary;
- To avoid the loss or removal of heritage buildings and landscape features and encourage only those changes that are undertaken in a manner that if such alterations were removed in the future, impacts to the essential form and integrity of the heritage property and materials would be minimized or avoided;
- To encourage building and property owners to make repairs and undertake maintenance of property in order to conserve the overall character and appearance of the HCD and preserve authentic heritage fabric;
- To retain and maintain the low-profile built form within the HCD, which is generally that of a 1.5 to 2.5 storey building height, and to permit greater heights where it is compatible with the HCD objectives;
- To support existing uses and the appropriate adaptive re-use of heritage buildings;

- To prevent the establishment of those land uses and associated built forms which would be out of keeping with, or have adverse effects on, the identified character of the HCD;
- To prevent the demolition of existing buildings, natural features, or structures which are contributing to the identified heritage character, unless necessary for matters related to public safety;
- To facilitate appropriate new development, infill and alterations (such as Accessory Dwelling Units / Secondary Dwelling Units), that are sensitive to, compatible with, and distinguishable from, the character of the HCD;
- To support the continuing care, conservation and maintenance of heritage properties, wherever appropriate, by providing guidance on sound conservation practice and encouraging applications for funding for eligible work; and,
- To examine available financial incentive programs and funding sources and support the adoption of other appropriate funding programs within the City's capability to provide ongoing support to HCD property owners for applicable projects.

Map of the Town of Dundas in the Counties of Wentworth and Halton, Canada West. Map. 1851



1.6 Ontario Heritage Act requirements

The designation of an HCD under Part V of the OHA is typically completed in two phases: (1) an HCD Study, then if the area warrants designation (and is approved by Council) (2) an HCD Plan. As discussed, the Study prepared for this project determined that the area identified as the HCD Boundary meets the legislated criteria under Part V of the OHA (Study is available on from the City by request). This Report constitutes phase two (the HCD Plan). Public engagement with property owners, residents, community historic groups and the Hamilton Municipal Heritage Committee has been a component of the project throughout both phases.

Subsection 41.1(5) of the OHA indicates that an HCD Plan shall include the following:

- (a) a statement of the objectives to be achieved in designating the area as a heritage conservation district;*
- (b) a statement explaining the cultural heritage value or interest of the heritage conservation district;*
- (c) a description of the heritage attributes of the heritage conservation district and of properties in the district;*
- (d) policy statements, guidelines and procedures for achieving the stated objectives and managing change in the heritage conservation district; and*
- (e) a description of the alterations or classes of alterations that are minor in nature and that the owner of property in the heritage conservation district may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under section 42. 2005, c. 6, s. 31.*

Section 2 of this HCD Plan contains the OHA required components for (a) above, while, the required components in (b) and (c) are contained in Section 3. The requirements set out in (d) are found in Sections 4 through 10 and those in (e) are described in Section 11.

2.0 SIGNIFICANCE AND RESOURCES

2.1 Statement of Cultural Heritage Value or Interest (SCHVI)

*“The statement explaining the cultural heritage value or interest of the property conveys why the property is important and merits designation, explaining cultural meanings, associations and connections the property holds for the community.”
(OHTK Designating Heritage Properties Section 3.2.2.)*

The HCD represents and reflects a working-class residential neighbourhood of the Victorian (1837-1901) and Edwardian (1901-1914) eras within the community of the former Town of Dundas. The neighbourhood was largely developed between 1880 and 1930 between the Late Victorian and Edwardian eras primarily for workers' housing that supported the Town's machine tool and cotton factories. The majority of original owners included skilled industrial workers such as: machinists, millwrights, carpenters, tinsmiths, and manufacturers in addition to general labourers. The neighbourhood included a stock of rental housing for general labourers and skilled workers, but also for notable local businessmen, specifically manor houses constructed along the eastern end of Melville Street. During this time period, the area supported the Town's labour force when it was recognized as a 'manufacturing' hub in the latter half of the 19th century and early half of the 20th century.

The topography of the Niagara Escarpment guided the formation of the surveys that would be the blueprint for this community. The Hatt Plan of 1837 included the early formation of Mountain Street (which would become an extension of Melville Street) and Colborne Street (which would become an extension of Park Street West). The Allan and Mathieson Plan of 1855 included the formation of the consistent grid pattern of east-west streets of Alma, Victoria, Melville and Park Streets and north-south streets of Elgin, Albert, and Princess Streets. These circulation patterns, established pre-confederation, are still present. The junction of Witherspoon Street, Victoria Street and Market Street North emerges as a geographical anomaly, the result of the limitations of three historical surveys of Hatt (1837), Allan and Mathieson (1855) and Witherspoon (1873) terminating in this area, creating a unique physical and visual relationship within its surroundings.



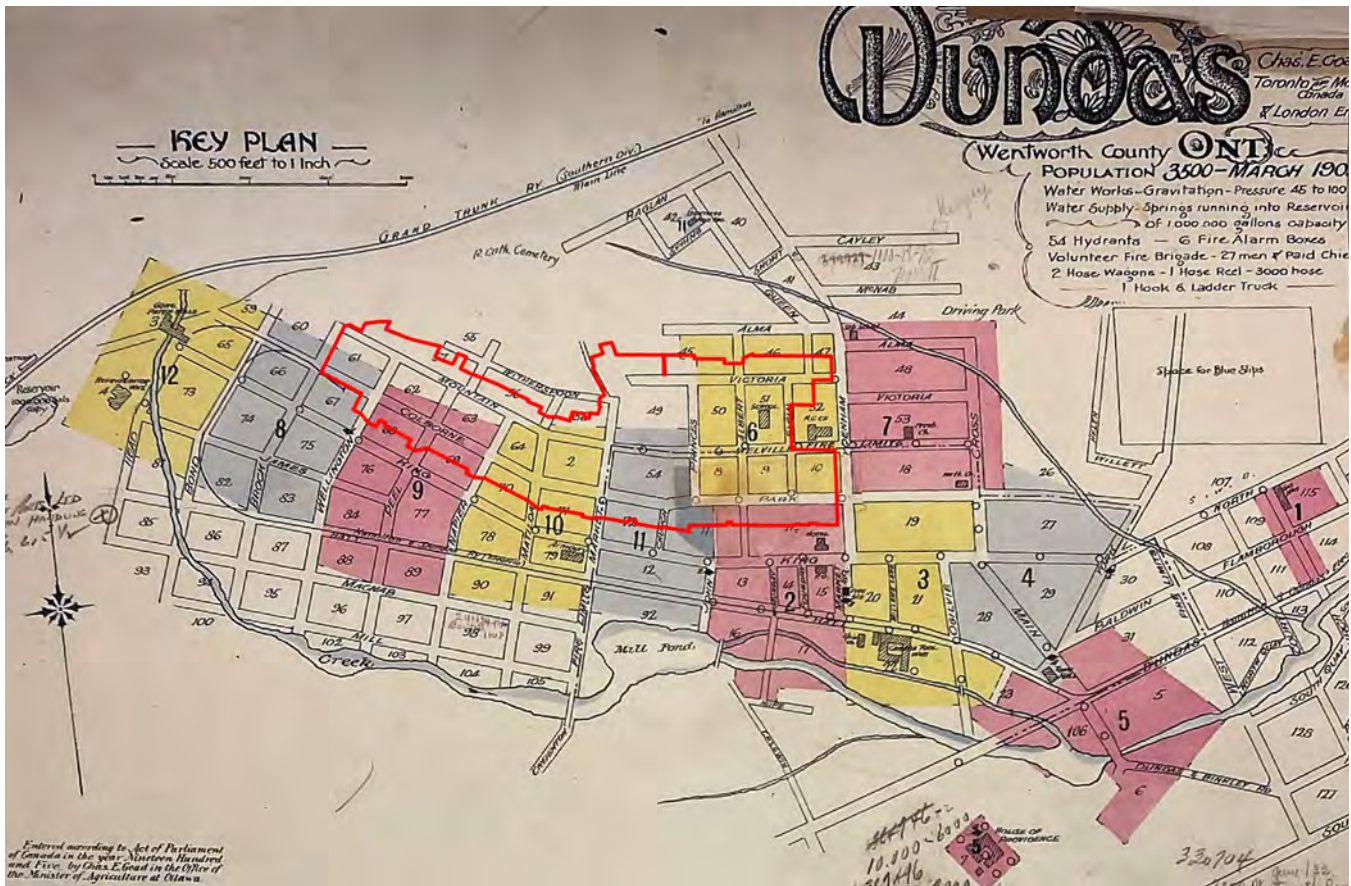
The predominant architectural styles are: Late Victorian (including Queen Anne Revival), Cottages (Worker's, Ontario, and Gothic Revival) and Edwardian Classicism (including American Foursquare). The neighbourhood includes several Worker's Cottages which were both owned and rented to general labourers. The use of red brick is prevalent throughout the neighbourhood due to the local brickyards in the 19th century (located just north of Victoria Street and Market Street North). The use of stucco, particularly rough cast/pebbledash, is also a common form of building cladding. Architectural features that are consistent throughout the neighbourhood include: gabled and hipped rooflines, decorative brickwork (including voussoirs and a variety of brick coursing), Classical elements (i.e. dentil moulding, pediment porch rooflines, Ionic columns) of front porches; verandahs, bay and Palladian windows, transom and sidelights indicative of the Victorian and Edwardian eras. In general, a heightened level of integrity of built form is concentrated towards the eastern end of the Study Area in addition to the landmarks and identified groupings in the overall area.

There is a concentration of particular architectural styles, subsequently resulting in similar massing, scale, and material, as well as similar shallow setbacks that define, maintain and support the surrounding area. Clusters of buildings with the same architectural style, including semi-detached units, create a visual linkage. Builders such as Casey Mercer and Patrick O'Connor who constructed buildings along Park Street West create historical linkages within the neighbourhood.

The second industrial revolution and its impact on the development of communities within southwestern Ontario, particularly its manufacturing prowess, is an over-arching theme in the context of Dundas and particularly within this community during the Victorian and Edwardian eras. Several notable families lived in the Study Area including, but limited to: Burton, O'Connor, Baker, Lennard, Clarke, Hatt, Scott, and Pennington.

Examples of Late Victorian (A), Edwardian (B), Ontario cottage (C), workers' cottage (D) and Gothic cottage architectural styles (E)

The area contains several landmarks including: the Dundas Central Public School, the St. James Anglican Church, Dundas Baptist Church and Sunday School and the Dundas Museum and Archives. The early residents of the community were primarily of Irish descent, many of whom were immigrants or descendants of immigrants who left Ireland at the time of the Irish Potato Famine (1846-1849), although there were also many Scottish (Lowland) families as well. The inclusion of both Protestant and Catholic Places of Worship (St. Augustine's Parish-although within the Cross-Melville HCD, St. James Anglican Church, and Dundas Baptist Church) reflect the social-cultural background of the neighbourhood which consisted of Scottish Protestants and Irish Catholics. The residential community originated in the 1860s simultaneous with the establishment of Dundas Central Public School in 1857, Places of Worship including St. Augustine's Parish (1863) and Dundas Baptist Church (1866), and the proximity to industrial places of employment.



Dundas Wentworth County, Ont. Fire Insurance Plan. March 1905 revised May 1914

The Dundas Central Public School, constructed in 1857, was one of the earliest buildings in the neighbourhood and dominates the entirety of the block bound by Melville, Albert, Elgin, and Victoria Streets. Its Neo-Classical architectural articulations and spatial organization within the context of the parcel results in a grandeur positioning and appearance as a landmark. Although it does not appear as if the surrounding development was in concert with its unique positioning, its function as an educational institution naturally would have been an impetus to residential development.

Heritage Attributes:

- Concentration of building stock constructed between 1880 and 1930 which include a collection of prevalent representative architectural styles including: Late Victorian (including Queen Anne Revival), Edwardian Classicism (including the American Foursquare variation); and Cottages (including Worker’s Cottages, Ontario Cottages, Gothic Revival Cottages);
- Concentration of supportive architecture constructed within historic era including: modest vernacular architecture, Colonial Revivals, Period Revivals and Bungalows;
- Building cladding primarily includes: brick, stone and stucco;
- General massing of one to two-and-a-half storeys of buildings;
- Pre-confederation survey areas and their lotting patterns and streets (1837-51- RP-1443, Pt 2, Hatt Plan and 1855- RP-1446_Plan for Allan and Mathieson); applies to Melville



Photographs of Dundas Central School in 19th century





Street, Park Street West, Victoria Street, Elgin Street, Albert Street, Princess Street, Market Street North, Matilda Street, Napier Street, Peel Street, Wellington Street and Brock Street;

- Interrelationship between historic residential dwellings, educational institutions, places of worship and places of work;
- Collection of landmarks including: the Dundas Central Public School, the St. James Anglican Church, Dundas Baptist Church and Sunday School and the Dundas Museum and Archives;
- Unique junction of Witherspoon Street, Victoria Street and Market Street North;
- Narrow treed boulevard and related tree canopy elements along Melville Street between Sydenham Street, Albert Street and Matilda Street;
- Modest front yard landscaping, including low-lying plantings, hedgerows and small fencing (on corner or double wide lots) and hardscaped walkways; and,
- Narrow, one laneway driveways with parking located to the rear.



3.0 POLICY FRAMEWORK AND GUIDANCE

3.1 Ontario Heritage Act (OHA)

3.1.1 Part V Designation

The OHA is the primary piece of legislation that governs the designation, conservation and management of cultural heritage resources in the Province. Part V of the OHA allows municipalities to designate lands as an HCD. Moreover, Section 41(1) allows the Council of the municipality to pass a by-law designating an area as an HCD as long as (a) the municipal Official Plan includes framework for establishing an HCD, and (b) the area meets the prescribed criteria for designation.

As required under Section 41(1) of the OHA, the HCD Study for this project (then known as the Melville Street HCD) provided a review of the provisions of the Urban Hamilton Official Plan (including policies 3.4.6.3 - 3.4.6.5 which include directions for establishing HCDs) and evaluated the HCD in the context of the prescribed criteria of Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest (O. Reg. 9/06), as amended by the More Homes Built Faster Act. The Study determined that the Boundary meets the criteria of O. Reg. 9/06 and merits designation as an HCD.

As described earlier in this HCD Plan, Section 41.1(5) of the OHA provides a list of required information to be included in an HCD Plan. This Plan contains the required contents, as described in the aforementioned Section of this document.

Further to the above, Section 41.2 the OHA provides guidance for matters of consistency and conflicts with an HCD Plan:

- (1) *Despite any other general or special Act, if a heritage conservation district plan is in effect in a municipality, the council of the municipality shall not,*
 - (a) *carry out any public work in the district that is contrary to the objectives set out in the plan; or*
 - (b) *pass a by-law for any purpose that is contrary to the objectives set out in the plan. 2005, c. 6, s. 31.*
- (2) *In the event of a conflict between a heritage conservation district plan and a municipal by-law that affects the designated district, the plan prevails to the extent of the conflict, but in all other respects the by-law remains in full force. 2005, c. 6, s. 31.*

Section 41(1) of the OHA provides direction for alteration, erection, demolition and removal of buildings, structures and/or attributes:

No owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall do any of the following, unless the owner obtains a permit from the municipality to do so:

- 1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.*
- 2. Erect any building or structure on the property or permit the erection of such a building or structure.*
- 3. Demolish or remove, or permit the demolition or removal of, any attribute of the property if the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a by-law registered under subsection 41 (10.1).*
- 4. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property. 2005, c. 6, s. 32 (1); 2019, c. 9, Sched. 11, s. 19 (1); 2022, c. 21, Sched. 6, s. 7 (1).*

Further to the above, Section 41(2) of the OHA provides that minor alterations or classes of alterations described in the HCD Plan in accordance with clause 41.1(5)(e) of the OHA may be carried out without a permit from the municipality.

3.1.2 Part IV Designations

Part IV of the OHA enables a municipality to “list” or “designate” individual properties that are of CHVI. Properties that are listed (non-designated) are included on the City of Hamilton’s Municipal Heritage Register. Properties that are designated are recognized by way of a by-law registered on-title. The District includes a number of municipally designated and listed (non-designated) properties under Part IV of the OHA.

The OHA provides that a property that is designated under Part IV may also be designated under Part V of the OHA and is subject to the HCD Plan as it relates to alterations and demolition and/or removals. Accordingly, this HCD Plan provides for the dual-designation of properties under both Part IV and Part V of the OHA. Properties previously listed in the City of Hamilton Heritage Register no longer

have a listed status once they are Designated as Part V.

3.2 Planning Act and the Provincial Planning Statement (PPS)

Planning legislation in Ontario requires that protected cultural heritage resources, including built heritage resources, cultural heritage landscapes and archaeological resources are conserved. Cultural heritage resources are managed by legislation under the Ontario Heritage Act. Both municipal governments and private property owners are required to adhere to the policies of the Act.

The Provincial Planning Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS is to be read in its entirety and the relevant policies applied to each situation. All municipal decisions must be consistent with the policy direction contained within the PPS.

The PPS contains policies related to cultural heritage and archaeological resources in Section 4.6. This Section directs that *protected heritage properties*, which may contain built heritage resources or cultural heritage landscapes, shall be *conserved*, and that planning authorities shall not permit development and site alteration on adjacent lands to *protected heritage property* unless the heritage attributes of the protected heritage property will be conserved.



Examples of Part IV designations within the HCD



Per Section 2, item (d) of the Planning Act, the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest is considered a matter of Provincial interest. The Provincial Planning Statement (PPS 2024) is issued under section 3 of the Planning Act, which requires that all decisions affecting planning matters shall be consistent with the minimum standards set in the Provincial Planning Statement.

Protected heritage property: means property designated under Part IV or VI of the *Ontario Heritage Act*; property included in an area designated as a heritage conservation district under Part V of the *Ontario Heritage Act*; property subject to a heritage conservation easement or covenant under Part II or IV of the *Ontario Heritage Act*; property identified by a provincial ministry or a prescribed public body as a property having cultural heritage value or interest under the Standards and Guidelines for the Conservation of Provincial Heritage Properties; property protected under federal heritage legislation; and UNESCO World Heritage Sites.

Conserved: 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. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches should be included in these plans and assessments.

Additional definitions related to cultural heritage matters are included in the PPS and have been incorporated into **Appendix B** of this HCD Plan.

3.3 Standards and Guidelines for the Conservation of Historic Places in Canada

The Standards and Guidelines for the Conservation of Historic Places in Canada is a document which provides best practice for the conservation of built heritage resources and Cultural Heritage Landscapes.

Parks Canada adopted the updated Standards and Guidelines for the Conservation of Historic Places in Canada (“Standards and Guidelines”) in 2010. This document (available at: <http://www.historicplaces.ca/en/pages/standards-normes.aspx>) contains applicable guidance related to understanding historic resources and determining types of interventions, as well as best practices related to cultural heritage landscape conservation and building conservation. The Standards and Guidelines for the Conservation of Historic Places in Canada has also been referenced by many municipalities as a source of best practices related to heritage conservation.

The Standards and Guidelines contain the following fourteen standards related to the conservation of historic places in Canada:

General Standards for Preservation, Rehabilitation and Restoration

- 1. Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character defining elements. Do not move a part of an historic place if its current location is a character-defining element.*
- 2. Conserve changes to an historic place that, over time, have become character-defining elements in their own right.*
- 3. Conserve heritage value by adopting an approach calling for minimal intervention.*
- 4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.*
- 5. Find a use for an historic place that requires minimal or no change to its character-defining elements.*
- 6. Protect and, if necessary, stabilize an historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.*
- 7. Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the*



Examples of architectural styles in HCD

gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.

8. *Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.*
9. *Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference.*

Additional Standards Relating to Rehabilitation

10. *Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.*
11. *Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.*
12. *Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.*

Additional Standards Relating to Restoration

13. *Repair rather than replace character-defining elements from the restoration period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.*
14. *Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.*

The Standards and Guidelines also include direction for the conservation of historic places, including cultural heritage landscapes (particularly applicable to HCDs), archaeological sites, buildings, engineering works, and materials. Section 4.1 entitled “Guidelines for Cultural Landscapes Including Heritage Districts” of the Standards and Guidelines was considered in the Study Report for the preparation of this HCD Plan.

The policies and guidelines in this Plan are consistent with the best practices laid out in the Standards and Guidelines.

3.4 Ontario Heritage Toolkit

The Ministry of Citizenship and Multiculturalism (MCM) provides guidance for the OHA through the Ontario Heritage Toolkit (OHTK). The OHTK was published in 2006 and updated in 2025. One of the five guides of the OHTK is entitled: “Heritage Conservation Districts”. The introduction of this Guide notes that the designation of an HCD enables a municipality to manage and guide future change within the Boundary through the adoption of an HCD Plan with policies and guidelines for conservation, protection and enhancement of the area’s character or appearance. This Guide also provided additional direction on the identification of HCDs that was considered in the Study for this project.

3.5 Additional Resources

The Province also previously published Information Sheets from time to time, and one such publication is entitled “Eight Guiding Principles in the Conservation of Built Heritage Properties” (2007). Decisions related to the conservation of historic structures may be guided by the following principles which lay out a straightforward approach to planning for the conservation of these resources:

1. **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.*
2. **Respect for the original location:** *Do not move buildings unless there is no other means to save them. Site is an integral component of a building or structure. Change in site diminishes cultural heritage value considerably.*
3. **Respect for historic material:** *Repair/conserve - rather than replace building materials and finishes, except where absolutely necessary. Minimal intervention maintains the heritage content of the built resource.*

4. **Respect for original fabric:** *Repair with like materials. Repair to return the resource to its prior condition, without altering its integrity.*
5. **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.*
6. **Reversibility:** *Alterations should be able to be returned to original conditions. This conserves earlier building design and technique, e.g. When a new door opening is put into a stone wall, the original stones are numbered, removed and stored, allowing for future restoration.*
7. **Legibility:** *New work should be distinguishable 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.*
8. **Maintenance:** *With continuous care, future restoration will not be necessary. With regular upkeep, major conservation projects and their high costs can be avoided."*

There is a wide variety of literature available with respect to the conservation of heritage properties. Publications and websites are easily accessible to the public, and rather than repeat this information, property owners are encouraged to review these sources in order to acquaint themselves with current building and landscape conservation best practices. Some applicable sources are outlined below.

Well-Preserved: The Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation can be used for an introduction and practical guide to *restoration* and *rehabilitation* of heritage architecture (available at: <http://www.heritagetrust.on.ca/en/index.php/pages/publications/well-preserved>).

For additional detail, a series of bulletins entitled Preservation Briefs (published by Technical Preservation Services, US National Park Service) also address a comprehensive array of topics. Representative Preservation Brief titles of interest to owners of property in the District include:

- (2) Re-pointing Mortar Joints in Historic Buildings;
- (3) Improving Energy Efficiency in Historic Buildings;
- (9) The Repair of Historic Wooden Windows;

- (10) Exterior Paint Problems on Historic Woodwork;
- (16) The Use of Substitute Materials on Historic Building Exteriors.
- (32) Making Historic Properties Accessible; and
- (47) Maintaining the Exterior of Small and Medium Size Historic Buildings.

The above papers (and others that may be of interest) are available at: <https://www.nps.gov/orgs/1739/preservation-briefs.htm>). Where not directly applicable, these papers provide advice on how to analyze a property, as well as the process to follow when selecting a plan for an alteration.

PART II

POLICIES AND GUIDELINES FOR MANAGING CHANGE

4.0 INTRODUCTION

This HCD Plan follows from the Heritage Conservation District Study process previously completed on behalf of the City of Hamilton. This HCD Plan should be read with reference to the preceding HCD Study (available from the City by request) and property inventory undertaken through that process.

The purpose of this HCD Plan is to ensure that change is managed in a way that protects and conserves the character and heritage attributes of the District. An important overall objective in the District guidelines is to encourage change that is in keeping with, and respects, the existing character and cultural heritage values and attributes of the District. Changes to the District shall not diminish or detract from the character, history, cultural heritage values and integrity of the District. Physical change is expected to include alterations and additions to properties, new construction and infill development, and works undertaken within the public realm.

The guidelines recognize that there is a role for both restoration of historical features and the addition of complementary design that will add features which comply with the requirements. Over the long-term, it is intended that neighbourhood character will be conserved and enhanced. As such, the HCD Plan serves to guide physical change over time so it contributes to, and does not detract from, the District's historical character.

4.1 Classification of Properties

Based on the work conducted through the previous HCD Study process, properties were evaluated in order to determine which were 'contributing' to the character of the HCD Study Area, and which properties were 'non-contributing'. The HCD Study determined that some properties maintain and define the character of the area while others support the historic character. As a result, properties are divided into two categories under the contributing status: Contributing 'A' and Contributing 'B.' Contributing 'A' includes properties which are representative of a predominant architectural style and Contributing 'B' includes properties which are vernacular and other representative architectural styles that support the character of the area.

The following criteria were used in order to determine if a property should be identified as Contributing A, Contributing B, or Non-contributing:



Example of Contributing A Property

Contributing A

- The property is a *protected heritage property* including properties designated pursuant to Part IV of the *Ontario Heritage Act* and subject to a heritage conservation easement; or
- The property includes a built feature that is representative of an architectural style which maintains and defines the character of the area and retains the majority of its heritage integrity or may include limited minor alterations; *or*
- The property includes built feature that is considered rare, unique, or early; *or*
- The property includes a community recognized landmark; *and/or*
- The property includes key landscape feature(s); *or*
- The property has historical/associative value in addition to one of the above.



Example of Contributing B Property

Contributing B

- The property includes a built feature that is an example of a vernacular design common in the area with limited minor alterations that supports the character of the area; this may include former representative buildings that have undergone minor to moderate alterations that have removed or concealed attributes portraying a particular architectural design, but continue to present a form and massing similar to the representative historic building stock associated with the character of the area; *or*;
- The property includes a built feature of a representative architectural style constructed within the general historic era of similar massing and scale that supports the character area, but determined not to be a prominent style;
- The property includes supportive landscape feature(s) *or*;
- The property has historical/associative value in addition to one of the above.



Example of Non-Contributing Property

Non-contributing

- The property includes a built feature wherein the original architectural details have been irreversibly lost or covered; *and/or*,
- The property includes a built feature with a form, massing *and/or* material that is not consistent with the historic building stock; *and/or*,
- The property includes a built feature that has an orientation and setback that is inconsistent with that of the historic character of the area;

- The property includes a built feature that is considered contemporary infill (constructed after 1983-4); *or*
- The property is vacant and does not include contributing landscape features.

Figure 2 identifies the Contributing A and Contributing B properties within the HCD boundary. A listing of all HCD properties and their classifications of Contributing 'A', Contributing 'B' or Non-contributing can be found in **Appendix A**.

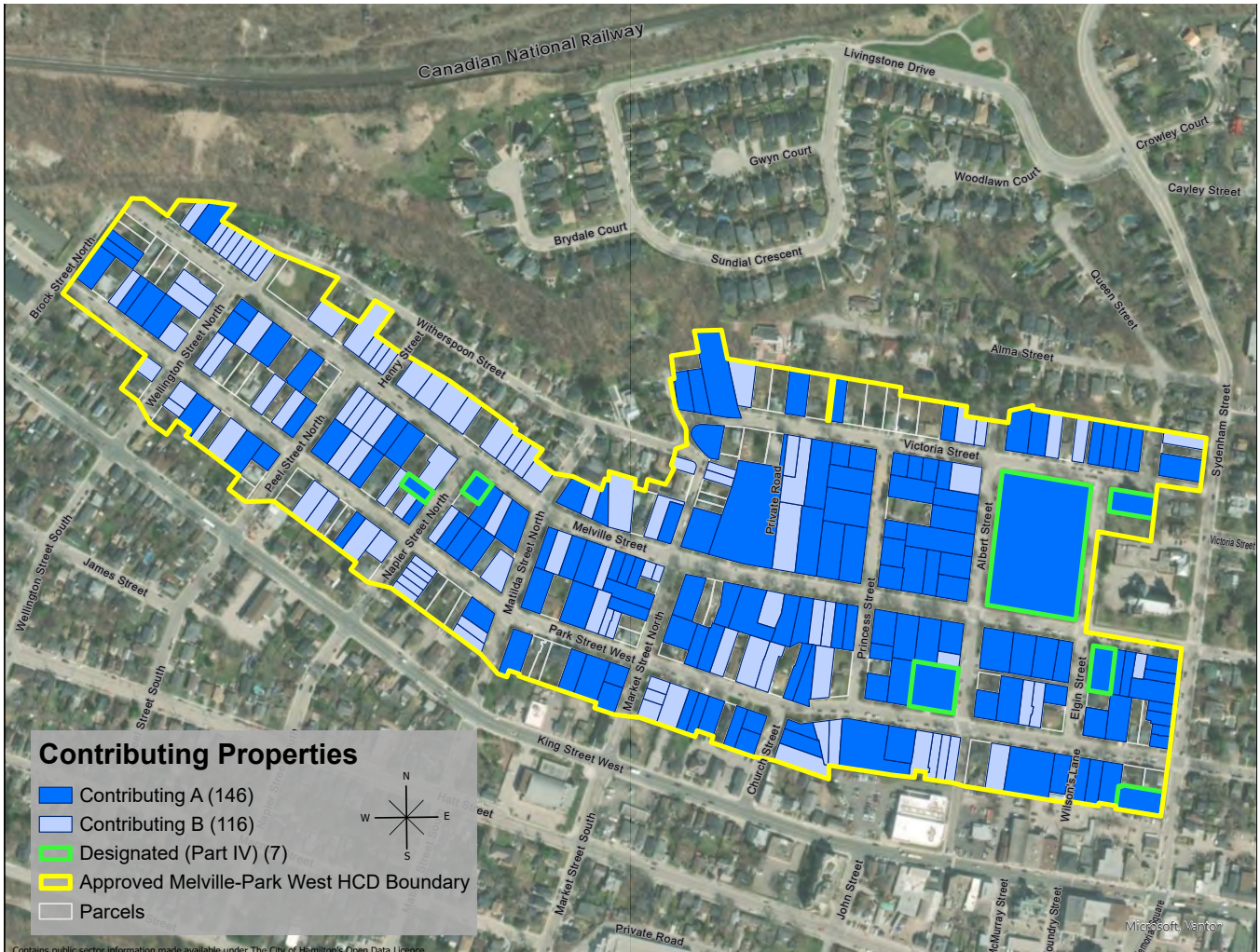


Figure 2 - Contributing properties in the HCD

4.2 Policies vs. Guidelines

A policy is a rule that must be adhered to.

A guideline constitutes best practice that will be encouraged.

The subsections have been further organized into 'policies' and 'guidelines' where applicable. **Policies** are requirements that must be followed when undertaking alterations to buildings or changes to properties. **Guidelines** are best-practice suggestions to be considered when undertaking alterations to buildings or changes to properties.

Not all policies and guidelines will apply in every case, and their application will depend on the nature of each proposal being evaluated. Where an alteration or change is proposed and there is no corresponding policy provided in this HCD Plan that would reasonably apply, the general intent, goals, and objectives should be referenced.

In addition to the following guidelines, reference may also be made to more technical advice and conservation best practices referred to earlier in this document, namely the *Standards and Guidelines for the Conservation of Historic Places in Canada* and the US National Park Service *Preservation Briefs*, as noted earlier in this report. Other publications on the subject may be relevant and may be consulted for detailed advice and conservation techniques.

5.0 ALTERATIONS TO CONTRIBUTING PROPERTIES

The policies and guidelines in this section address alterations to existing buildings, including the exterior walls and roofs. Additions that involve more substantial work that extends beyond the existing building envelope can be found in Section 6.0. The intent of these guidelines is to allow for alterations, repairs and upgrading to buildings in a manner that respects the form and integrity of the heritage attributes and building fabric.

Property and building conservation involve maintenance, repair, *restoration*, *alteration* and new work in the form of additions. Maintenance and repair are activities that are done throughout the life of the property. An owner may also wish to restore architectural elements that have been lost, *alter* architectural elements in order to meet new demands, and add new rooms or features. While regular maintenance and necessary repair are always encouraged, returning a *contributing* property or one of its features to its original appearance or to another documented point in the property's history is an option for owners to consider, but is not required.

CONTRIBUTING PROPERTY
ALTERATIONS

FOUNDATIONS & WALLS

ROOFS

WINDOWS

ENTRANCES

FEATURES & SPACES AROUND BUILDINGS

REMOVAL OF HERITAGE BUILDING FABRIC



Masonry may need to be re-pointed over time to extend its lifespan and avoid damage. Care should be taken when re-pointing to match mortars and techniques (unlike the example in the centre). Painting of previously unpainted masonry surfaces is not permitted (as in the example on the bottom).

5.1 Foundations and Walls

Policies

- a) Original/historic wall materials shall be retained and conserved where feasible. Replacement with modern materials in a sympathetic style is permitted.
- b) Protect original wall surfaces from cleaning methods that may permanently alter or damage the appearance of the surface or give a radically new look to the building. Sandblasting, strong chemical cleaning solutions or high-pressure water blasting of historic masonry (i.e. brick and stone) are not permitted. Other methods of cleaning which are in accordance with the City's Masonry Restoration Guidelines will be considered on a case-by-case basis, subject to successful test patches being conducted.
- c) The painting of previously unpainted masonry is not permitted.
- d) Ensure that surface drainage, especially from downpipes, is directed away from foundation walls.
- e) Hard, cement-based mortars are more rigid during freeze-thaw cycles and can cause brick units to deteriorate, and shall not be permitted for repointing historic masonry.

Guidelines

- f) Historic masonry requires re-pointing from time to time and this process should be undertaken by tradespeople with experience in historic masonry techniques and materials. Mortar testing should be undertaken to ensure compatibility.
- g) Generally, lime-based mortar should be used, and joints should replicate the original in finish, colour and texture.
- h) The application of waterproofing and water repellent coatings should be avoided.
- i) Avoid the application of new finishes or coatings that alter the appearance of the original material, especially where they are substitutes for repair. Alterations that comprise unacceptable materials include water repellent coatings, paint on brick or stone, aluminum or vinyl siding. Materials such as concrete fibre board and synthetic wood products will be considered on a case-by-case basis, and should have finishes and design compatible with historic wood cladding.



CONTRIBUTING PROPERTY
ALTERATIONS

FOUNDATIONS & WALLS

ROOFS

WINDOWS

ENTRANCES

FEATURES & SPACES AROUND BUILDINGS

REMOVAL OF HERITAGE BUILDING FABRIC



*Various roof styles and materials
within the HCD*

5.2 Roofs

Policies

- a) Decorative roof features shall be retained and conserved wherever possible. Replacement materials, if required, shall complement the original and/or historic materials.
- b) Many roofs within the District have asphalt shingles or metal roofing, which may be replaced in kind.

Guidelines

- c) Vents, skylights and other new roof elements should be sympathetic in type and material and shall be located out of general view from the public realm where possible.
- d) Roof drainage should be maintained and directed away from building foundations.
- e) Maintenance of original roof shape is encouraged. Dormers may be considered through the heritage permit process and should be designed in a manner that does not overpower the original roof shape.
- f) The addition of solar panels or solar hot water heaters may be permitted on roofs but should not damage or remove heritage fabric (e.g. historic roof materials). The installation of this type of equipment should be in the same plane as the roof, with wiring / cabling placed in an inconspicuous location or not visible from the public right-of-way wherever feasible.
- g) Chimneys can be important heritage attributes and should be retained. Non-functioning chimneys should be retained, capped and re-pointed where they are considered a heritage attribute of the building.



CONTRIBUTING PROPERTY
ALTERATIONS

FOUNDATIONS & WALLS

ROOFS

WINDOWS

ENTRANCES

FEATURES & SPACES AROUND BUILDINGS

REMOVAL OF HERITAGE BUILDING FABRIC

5.3 Windows

Policies

- a) Maintain original window openings and entrances as well as their distinguishing features such as materials, surrounds, frames, shutters, sash and glazing.
- b) The removing or blocking up of window and entrance openings that are important to the architectural character and symmetry of the building is not permitted.
- c) New replacement windows shall be compatible with the original/historic windows in terms of material (utilizing wood is encouraged, proportions (such as ratio of horizontal to vertical dimensions), rhythm and scale (such as placement and number of openings per building façade). Replacement windows shall convey the same appearance as the historic window and be physically and visually compatible.



Changes to original window openings, as in the examples above, shall be avoided.



CONTRIBUTING PROPERTY
ALTERATIONS

FOUNDATIONS & WALLS

ROOFS

WINDOWS

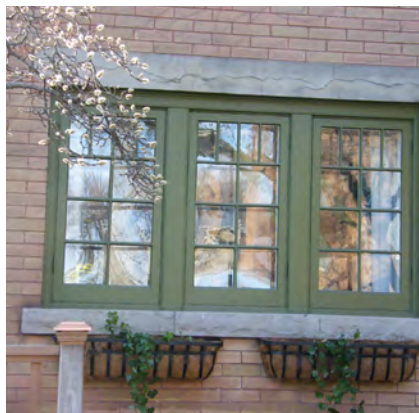
ENTRANCES

FEATURES & SPACES AROUND BUILDINGS

REMOVAL OF HERITAGE BUILDING FABRIC

Guidelines

- d) Repairing, rather than replacing original/historic windows is encouraged, and should focus on the minimal intervention required in order to ensure the integrity of the resource. This includes limited replacement in kind, or replacement with appropriate substitute material of irreparable elements, based on documentary or physical evidence where possible.
- e) Replacing irreparable windows in kind should be based on physical and documentary evidence where possible. New wood windows with true or simulated divided lites are encouraged.
- f) If using the same materials and design details is not technically or economically feasible, then compatible substitute materials or details may be considered. The addition of aluminum-clad exterior finishes to new wood windows may be appropriate.
- g) Improvement in energy efficiency of single glazed units may be achieved with traditional exterior wood storm windows or contemporary interior magnetic storm glazing.
- h) Where historic documentation is available, replacement windows may be reproductions of earlier windows.



Maintain original openings and replace materials in kind or with sympathetic materials.

CONTRIBUTING PROPERTY
ALTERATIONS

FOUNDATIONS & WALLS

ROOFS

WINDOWS

ENTRANCES

FEATURES & SPACES AROUND BUILDINGS

REMOVAL OF HERITAGE BUILDING FABRIC

5.4 Entrances and Porches

Policies

- a) Protect and maintain original and/or historic entrances on principal elevations.
- b) Character-defining porches or verandahs (e.g. part of the original design and facing the street) shall only be removed where they pose a life/safety threat. In such cases, they shall be thoroughly recorded prior to removal to allow for their accurate reconstruction.
- c) The design and construction of a new entrance/porch is required to be compatible with the character of the building. Restoration of a missing porch must be based upon historical, pictorial and physical documentation.

Guidelines

- d) Entrance ramps may be permitted for barrier-free access in accordance with applicable legislation, but should not be physically attached to avoid damage to the heritage building fabric.
- e) Important historic entrance features such as doors, glazing, lighting, railings, steps, columns and door surrounds should be conserved, wherever possible.
- f) Where new entrances or exterior staircases are required, they should be installed on secondary elevations wherever possible.
- g) Wood is encouraged to be used in the construction of new entrances and porches. Other materials, such as synthetic wood products will be considered on a case-by-case basis through the heritage permit process.



Entrances and porches contribute to the heritage character of the facade



**CONTRIBUTING PROPERTY
ALTERATIONS**

FOUNDATIONS & WALLS

ROOFS

WINDOWS

ENTRANCES

FEATURES & SPACES AROUND BUILDINGS

REMOVAL OF HERITAGE BUILDING FABRIC



The elements surrounding a heritage building contribute to the overall character of the space

5.5 Landscape Features

Policies

- a) Driveways, walkways, fences and walls that contribute to the character of the space around a heritage building shall be maintained.
- b) Widening of driveways (including curb cuts) and installation of new walkways may be considered where they do not impact heritage attributes such as trees or other landscape features.
- c) Keep parking areas, ancillary structures, and utilities, such as heat pumps and air conditioning units, to the side or rear. In the case of corner lots, additional screening should be considered.
- d) Proper site drainage shall be maintained to ensure that water does not damage foundation walls, and pool or drain towards the building
- e) Small scale signs, such as address signs or commemorative plaques, or small business signs are appropriate landscape features and are permitted.

Guidelines

- f) Landscaping such as front gardens are encouraged in order to enhance the interface between buildings and the street. Native plantings are encouraged to be utilized.
- g) The long-term maintenance and retention of canopy trees is encouraged.

5.6 Removal of Heritage Building Fabric

Policies

- a) Heritage building fabric shall be repaired rather than replaced, where possible. When undertaking repair, replacement or restoration, use the same materials as the original.
- b) The removal of heritage building fabric shall be kept to a minimum and only permitted where required to integrate an addition with the original building.

Guidelines

- c) Where original material is removed for new openings, it should be kept on-site and protected from the elements, and its original location documented so that it may be utilized in the future so the alteration may be reversible.

**CONTRIBUTING PROPERTY
ADDITIONS**

LOCATION, MASSING & HEIGHT

DESIGN & CLADDING

ROOF TYPES

WINDOWS & ENTRANCES

OUTBUILDINGS & ADDITIONAL RESIDENTIAL
UNITS

6.0 ADDITIONS TO CONTRIBUTING PROPERTIES

This section outlines guidelines for additions to contributing buildings within the District. Additions are an important aspect of building evolution. The intent of these guidelines is to ensure that additions to contributing buildings do not result in the loss of heritage building fabric, are designed in a way that clearly differentiates them from the original historic building fabric and are compatible with the character of the District. The following guidelines apply to the construction of additions to contributing heritage buildings, including attached garages:

6.1 Location, Massing and Height

Policies

- Additions are not permitted on the front façade and shall be located at the rear or to the side of the main building.
- Where located at the side, the addition shall be set back from the front façade of the existing main building.
- Additions shall not remove historically accurate features such as porches or vestibules.
- The height of the roof ridge in new additions shall not exceed the height of the ridge of the original building.
- Additions shall be limited in size and scale in order to complement, but not overpower, the existing building and neighbouring properties.



Example of addition located to the side and rear of the main building



CONTRIBUTING PROPERTY
ADDITIONS

LOCATION, MASSING & HEIGHT

DESIGN & CLADDING

ROOF TYPES

WINDOWS & ENTRANCES

OUTBUILDINGS & ADDITIONAL RESIDENTIAL
UNITS

*Compatibility/
Compatible - land uses
and building forms that
are mutually tolerant
and capable of existing
together in harmony
within an area without
causing unacceptable
adverse effects, adverse
environmental impacts
or adverse impacts.
Compatibility or compatible
should not be narrowly
interpreted to mean "the
same as" or even as "being
similar to"*

6.2 Design and Cladding

Policies

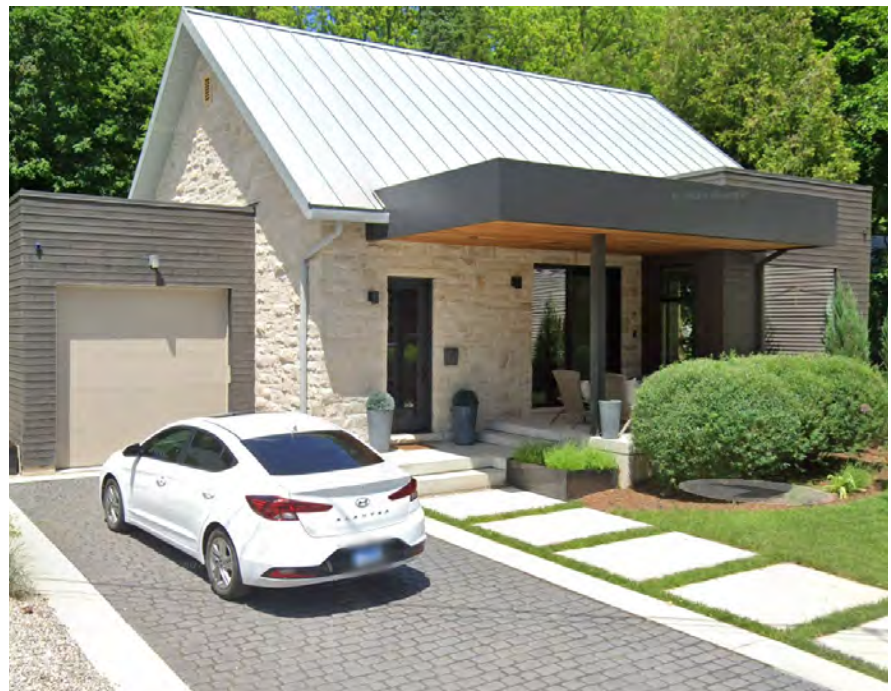
- a) New additions shall be designed in a manner which distinguishes between old and new, and that is compatible with the architectural style of the existing building.
- b) Exterior cladding on additions to residential buildings shall be compatible with the cladding material of the original structure, but should be a different and distinct material from the original building in order to be distinguishable as a later addition. Additions replicating the original cladding material are discouraged.
- c) The application of new cladding, surfaces or coatings, including synthetic materials such as vinyl or aluminum siding, acrylic stucco, and Exterior Insulation and Finish Systems (EIFS) shall not be permitted on building facades facing the public realm

Guidelines

- d) Materials such as fibre cement board, metal panels, synthetic wood products, and other modern materials will be considered on a case-by-case basis through the heritage permit process.
- e) Design of additions or those additions that reference design motifs of the existing building is to be encouraged. Compatible additions are complementary in terms of scale, mass, materials, form and colour.



Examples of design and cladding



CONTRIBUTING PROPERTY
ADDITIONS

LOCATION, MASSING & HEIGHT

DESIGN & CLADDING

ROOF TYPES

WINDOWS & ENTRANCES

OUTBUILDINGS & ADDITIONAL RESIDENTIAL
UNITS

6.3 Roof Types

Policies

- a) The original roof configuration at the front of the building shall be maintained and not obscured by any addition. Similarly, roofing materials and associated features, such as fascia, trim, and brackets shall be retained and not obstructed.
- b) Ensure that vents, skylights and other new roof elements are sympathetic in type and material and that they are discretely placed out of general view from the street and public rights-of-way.
- c) Roof drainage shall be maintained and directed away from building foundations.

Guidelines

- d) Roof types encouraged in new construction are front, side, and cross gabled. Roof types should be compatible with or sympathetic to the roof type of the main structure. In some cases, alternative roof types may be explored in order to be compatible with the existing building.
- e) Decorative roof features and original roofing materials should be retained and conserved, wherever possible.

CONTRIBUTING PROPERTY
ADDITIONS

LOCATION, MASSING & HEIGHT

DESIGN & CLADDING

ROOF TYPES

WINDOWS & ENTRANCES

OUTBUILDINGS & ADDITIONAL RESIDENTIAL
UNITS

*Principle façades are the
sides of a building which
face the public street or
sidewalk.*

6.4 Windows and Entrances

Policies

- a) Additions to residential buildings shall protect and maintain original and/or historic window openings as well as distinguishing features such as materials, surrounds, frames, shutters, sash and glazing on principal façades.
- b) Additions to residential buildings shall avoid removing or blocking up window openings that are important to the architectural character and symmetry of the building.
- c) Ramps may be permitted for barrier-free access in accordance with applicable legislation, but shall not be physically attached to avoid damage to the heritage building fabric.

Guidelines

- d) New windows on additions visible from the public realm should be compatible with the windows of the original structure in terms of proportions (such as ratio of horizontal to vertical dimensions), rhythm and scale (such as number of openings per building façade). However, it is not necessary to replicate original windows in terms of their historical details.
- e) Additions to residential buildings should protect and maintain entrances on principal elevations that are key elements in defining the character of a building. Conserve important features such as doors, glazing, lighting, steps and door surrounds.
- f) Where new entrances or exterior staircases are required, they should be installed on secondary elevations and/or set back from the existing front building elevation.

CONTRIBUTING PROPERTY
ADDITIONS

LOCATION, MASSING & HEIGHT

DESIGN & CLADDING

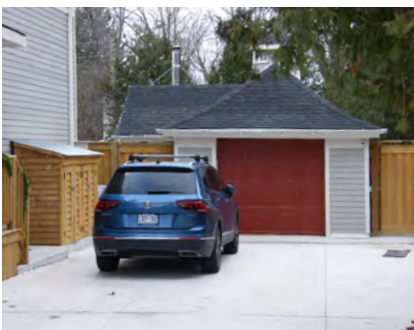
ROOF TYPES

WINDOWS & ENTRANCES

OUTBUILDINGS & ADDITIONAL RESIDENTIAL
UNITS



Credit City of Hamilton



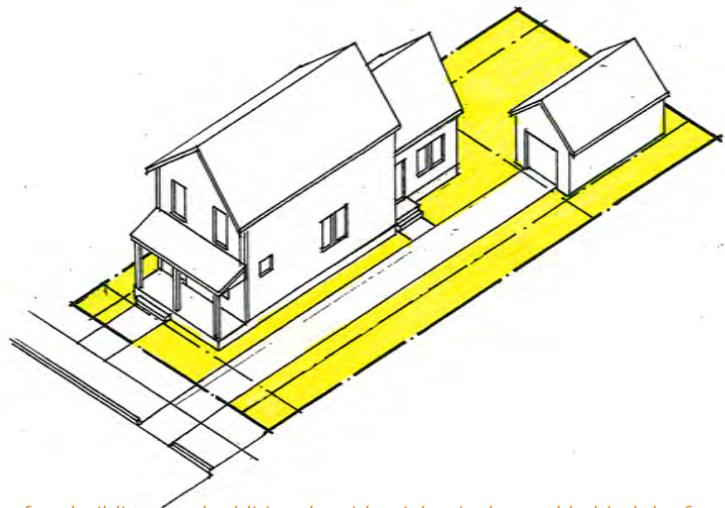
6.5 Outbuildings and Detached Additional Residential Units

Policies

- a) The preferred means of intensification in the District is through additional units in existing dwellings and compatible/sympathetic detached ADUs.
- b) Outbuildings on residential property may be permitted, but shall be located behind the wall plane of the front façade of the main residential building.
- c) The construction of small-scale outbuildings in the rear yard (garden sheds, green houses, etc.) shall be permitted.
- d) The construction of detached additional dwelling units (ADUs) shall be permitted, in accordance with City and Provincial policies and regulations.
- e) Outbuildings shall not be taller than the existing residential structure on the property.
- f) Parking and garages, where added, shall be compatible with the predominant pattern and character of the District. Parking shall be added in an unobtrusive manner so that large portions of property frontages are not dedicated to parking or garages. Garages shall be set behind the front face of the house.

Guidelines

- g) Severances of existing lots are discouraged where there is potential to impact heritage attributes of the District.
- h) New outbuildings should be distinct from heritage buildings with regard to materials and detailing. Replicas of historic outbuildings are not required.
- i) New outbuildings should be compatible with the existing residential structure in terms of material, design and rooflines as noted elsewhere in this section.



Examples of outbuildings and additional residential units located behind the front building facade

7.0 NON-CONTRIBUTING PROPERTIES

This section outlines policies and guidelines related to change on non-contributing properties (identified in the HCD Study) within the HCD. It is important for non-contributing properties to follow the applicable guidance, so that changes remain compatible with the District. The following applies to non-contributing properties:

Policies

- a) When additions to buildings on non-contributing properties are proposed, the design will respect the District's general historical character but integrate with the existing building.
- b) In designing additions, property owners will also have regard for any impact the addition may have on adjacent contributing properties in terms of scale, massing, height and setback.
- c) The replacement in kind of siding, windows and doors on non-contributing properties does not require a heritage permit.
- d) The installation of Exterior Insulation and Finish Systems (EIFS) on buildings on non-contributing properties is not permitted within the District.

Guidelines

- e) Exterior additions are encouraged to be located at the rear or on an inconspicuous side of the building, limited in size and scale to complement the existing building and neighbouring properties.
- f) New additions are encouraged to be no higher than the existing building height. Where additions are proposed that exceed the existing building height, a Heritage Impact Assessment may be required, in order to demonstrate that the additional height does not negatively impact the overall character of the District.
- g) New additions should be designed with a building massing that extends to the rear of the lot, rather than along the horizontal width.
- h) In streetscapes of similar building setbacks, new construction should match existing setbacks so that the overall character remains.
- i) Flat roof types are discouraged in new construction.
- j) Materials such as brick, and siding (wood and wood composite) are encouraged. Materials such as aluminum, vinyl, concrete

INFILL DEVELOPMENT
NEW FREESTANDING CONSTRUCTION

fibre board, concrete panels and synthetic wood products will be considered on a case-by-case basis.

8.0 INFILL DEVELOPMENT

There may be locations within the District where infill development may occur over time, if buildings that do not contribute to the historic or architectural character are demolished or other circumstances arise to allow infill construction. New construction is permitted, provided it is compatible with the heritage character and conforms to the policies in this section. New infill shall follow other applicable City of Hamilton guidance regarding site design and urban design.



Examples of suitable new construction which fits into the neighbourhood scale and form, but which is also distinct from historic homes.

Policies

- a) New freestanding construction will be required to be compatible with the heritage character and attributes of adjacent heritage properties and the cultural heritage value of the District. This means adhering to the character of the surrounding neighbourhood of the District with regards to lot patterns, heights, massing, setback, building scale, roof pitches and exterior materials.
- b) Maintain the height and rhythm of the existing streetscape to unify the District. Blank façades that face the street or are easily visible from the street are not permitted.
- c) The District contains a variety of roof forms, including front gable, side gable, cross gable, and hip. Any of these roof forms in a low to moderate pitch are appropriate for new infill. Where a dominant or consistent pattern exists within the streetscape, this shall be followed.
- d) Windows and entrance doors on the primary elevations of new buildings shall be compatible with the character of the neighbourhood, reflecting typical shapes, orientation and composition found within the District.
- e) Parking and garages, where added, shall be compatible with the predominant pattern and character of the District. Parking shall be added in an unobtrusive manner so that large portions of property frontages are not dedicated to parking or garages.

Guidelines

- f) New design may be a modern interpretation of historic forms and styles, but replicas of historic buildings are discouraged.

ALL PROPERTIES

PART IV DESIGNATIONS

DEMOLITION & REMOVAL OF BUILDINGS &
STRUCTURES

ACCESSIBILITY

ENERGY CONSERVATION & SUSTAINABILITY

LOT CREATION & CONSOLIDATION

LANDS ADJACENT TO HCDs

9.0 GENERAL GUIDANCE APPLICABLE TO ALL PROPERTIES

9.1 Part IV Designations within the HCD

It should be noted that this Plan is also relevant to owners/stewards of both public and private property which is designated under Part IV of the *Ontario Heritage Act* and included within the boundary of the HCD. As noted earlier in this HCD Plan, the *Ontario Heritage Act* provides that existing Part IV designations may be included in a subsequent HCD, and that future Part IV designations within the HCD may be considered by the City. As such, this section addresses Part IV designation.

Policies

- a) Properties which are designated under Part IV and Part V of the *Ontario Heritage Act* as part of the HCD are subject to the HCD Plan as it relates to alterations, demolition or removal. However, there may be exceptions, including situations where the interior of a building designated under Part IV includes (but is not limited to) designated heritage attributes at the interior of the building.
- b) In cases where a Heritage Permit is submitted to the City for alterations, demolitions, or removal, it will be processed by City staff under Part V of the *Ontario Heritage Act*. In other cases, such as the alteration of designated interior attributes which are identified in the Part IV Designation By-law, a Heritage Permit Application would be processed under Part IV of the *Ontario Heritage Act*. Therefore, alterations to properties on Part IV properties must conserve the property's identified heritage value as identified in the Part IV Designation By-law.
- c) Any alterations to properties which are designated under Part IV of the *Ontario Heritage Act* and are located within the boundary of the HCD shall prioritize the conservation of the individual property's cultural heritage values while making every effort to come into conformity with the policies and guidelines of this HCD Plan.
- d) The designation of this HCD does not preclude the ability to designate additional properties in the District under Part IV or entering into new heritage conservation easement or covenant agreements under the *Ontario Heritage Act* in the future.

ALL PROPERTIES

PART IV DESIGNATIONS

DEMOLITION & REMOVAL OF BUILDINGS & STRUCTURES

ACCESSIBILITY

ENERGY CONSERVATION & SUSTAINABILITY

LOT CREATION & CONSOLIDATION

LANDS ADJACENT TO HCDs

9.2 Demolition and Removal of Buildings and Structures

Contributing properties and buildings, including their unique heritage building fabric and features are fundamental to the character of the HCD. Generally, there shall be a presumption against the removal and/or relocation of heritage fabric.

Building demolition is not prohibited by the *Ontario Heritage Act*, but it will be actively discouraged within the HCD. Property owners are encouraged to work with existing heritage buildings, altering and adding to them in a sympathetic manner, rather than demolishing and building anew.

Policies

- a) The demolition of buildings and structures on non-contributing properties may be permitted, subject to approval of an applicable Heritage Permit. The Heritage Permit shall address the removal of the building or structure, as well as include plans for a new building or structure on the property.
- b) The demolition of non-heritage buildings/structures on contributing properties (i.e. contemporary detached garages or sheds, etc.) may be permitted, subject to approval of an applicable Heritage Permit which addresses the removal of the building or structure.
- c) The demolition of buildings and structures on Contributing A properties (as classified in 4.1) shall not be permitted. The demolition of buildings and structures on Contributing B properties is strongly discouraged. Exceptions may only be considered:
 - o In extenuating circumstances such as natural disasters (e.g. fire, flood, tornado, and earthquake),
 - o Where there is a greater public interest served (e.g. health and safety concern), as determined by Council, through the demolition of the building or structure, or
 - o Where it is determined through a Heritage Impact Assessment that the building is not a contributing structure to the heritage character of the District.
- d) Further to 9.2.a), other extenuating circumstances shall generally constitute those situations where public health and safety is considered to be compromised and the City of Hamilton's Chief Building Official has received structural assessment advising that a building or structure is beyond repair and has been determined to be unsafe. The structural assessment must be prepared by a professional engineer with expertise and experience in heritage buildings and structures.

ALL PROPERTIES

PART IV DESIGNATIONS

DEMOLITION & REMOVAL OF BUILDINGS &
STRUCTURES

ACCESSIBILITY

ENERGY CONSERVATION & SUSTAINABILITY

LOT CREATION & CONSOLIDATION

LANDS ADJACENT TO HCDs

- e) The property owner shall demonstrate that all other options have been investigated including: preservation; rehabilitation; restoration; retrofitting; re-use; mothballing; etc. and that they are not viable options.
- f) Where Council considers an application for demolition, financial impact shall not be the sole reason in determining that demolition is a greater public interest.
- g) In those circumstances where a building is demolished and a new building is being contemplated, the proposed new building shall not be designed as an attempt to re-create the building which was removed/demolished. Any new design shall follow the guidance of this HCD Plan.
- h) Should a heritage permit for demolition of a building that contributes to the heritage character or heritage attributes of the District be submitted to the City, the following conditions shall be met:
 - The property owner shall retain an appropriately qualified heritage professional to evaluate the impacts of the loss of the heritage resource. The submission of a Heritage Impact Assessment in support of the demolition request, may be required, at the discretion of City staff.
 - It shall be required that the property owner provide plans and elevations for any new building/site landscaping with the Heritage Permit Application for demolition.
 - For contributing buildings, the property owner shall demonstrate that all other options have been investigated including: preservation; rehabilitation; restoration; retro-fitting; re-use; mothballing; etc. and that these options are not feasible.
 - In circumstances where demolition has been required as a result of natural disaster or public safety concerns, once a building has been demolished and the property is considered to be in a stable and safe condition, the property owner may submit the required heritage permit application for a new building and/or site landscaping within a time frame as determined by the City.
 - A record of the building (or the remains of the building in the event of a natural disaster, fire, or similar situation) through photography and/or measured drawings may be required as a condition of demolition approval, at the discretion of City Heritage Planning staff and/or

ALL PROPERTIES

PART IV DESIGNATIONS

DEMOLITION & REMOVAL OF BUILDINGS &
STRUCTURES

ACCESSIBILITY

ENERGY CONSERVATION & SUSTAINABILITY

LOT CREATION & CONSOLIDATION

LANDS ADJACENT TO HCDs

the Heritage Committee.

- Within two years of that submission, or as mutually agreed upon by the property owner and the City (but in no case greater than 5 years), if new construction has not been completed, the provisions of the *Ontario Heritage Act* regarding enforcement shall apply with respect to contraventions of the Act (see Section 69).
- i) The removal and/or relocation of heritage fabric, including contributing buildings and structures shall generally not be permitted. Exceptions may only be considered in certain extraordinary and/or temporary situations.
- j) The removal and/or re-location of contributing buildings and structures shall require the submission of a Heritage Permit, and must be accompanied by Heritage Impact Assessment and any other information as the City may require. The Heritage Impact Assessment must provide an analysis of impacts as a result of the proposed development and conclude that the removal and/or relocation *is supported*.
- k) Situations where buildings are removed and/or re-located on-site shall be considered favorable to those situations where buildings are permanently re-located off-site.
- l) Where buildings are re-located on-site, they shall maintain their original orientation to the street.
- m) Should any development be approved which includes removal and/or relocation, other work may be required as a condition of Approval of a Heritage Permit Application, including (but not limited to) documentation, salvage, commemoration, conservation, and letters of credit, as required by the City.

Guidelines

- n) Where original materials and features are removed from contributing buildings, these may be recommended to be kept on-site and documented such that the alteration or removal can be made reversible.

ALL PROPERTIES

PART IV DESIGNATIONS

DEMOLITION & REMOVAL OF BUILDINGS &
STRUCTURES

ACCESSIBILITY

ENERGY CONSERVATION & SUSTAINABILITY

LOT CREATION & CONSOLIDATION

LANDS ADJACENT TO HCDs

9.3 Accessibility

The *Accessibility for Ontarians with Disabilities Act* became law on June 13, 2005. The Act's overall intent is to make the province accessible by 2025 through establishing a variety of accessibility standards (i.e. mandatory rules) for customer service, transportation, information and communication, employment and the built environment. It is intended that accessibility standards will be phased in over time and are to be developed by people from the business and disability communities. As outlined in Ontario Regulation 191/11 of the AODA, the goal of the *Accessibility Standards for the Built Environment* is to remove barriers in public spaces and buildings. The standards for public spaces apply to new construction and planned redevelopment. It is anticipated that enhancements to accessibility in buildings will happen at a later date through *The Ontario Building Code*, which governs new construction and renovations in buildings.

The issue of compliance for heritage properties, specifically those designated under the *Ontario Heritage Act* has yet to be fully addressed in legislation. Past practice suggests that greater accessibility must be met, but with a modified standard for designated heritage properties. This is intended to take into account the value of heritage building fabric, historical spaces and architectural features, and find a balance between conservation of these features with accessibility. The HCD Plan encourages accessibility to heritage properties, but attempts to ensure that, as with other alterations, there is minimal or no intrusion into the heritage building fabric or impacts on the heritage attributes.

Some clarification has been provided through regulation (O.Reg. 191/11) related to outdoor walkways or sidewalks, and it is noted that exceptions from complying with the AODA, as outlined in Section 80.15, are permitted in several situations:

1. *The requirements, or some of them, would likely affect the cultural heritage value or interest of a property identified, designated or otherwise protected under the Ontario Heritage Act as being of cultural heritage value or interest.*
2. *The requirements, or some of them, would affect the preservation of places set apart as National Historic Sites of Canada by the Minister of the Environment for Canada under the Canada National Parks Act (Canada).*
3. *The requirements, or some of them, would affect the national historic interest or significance of historic places marked or commemorated under the Historic Sites and Monuments Act (Canada).*

ALL PROPERTIES

PART IV DESIGNATIONS

DEMOLITION & REMOVAL OF BUILDINGS &
STRUCTURES

ACCESSIBILITY

ENERGY CONSERVATION & SUSTAINABILITY

LOT CREATION & CONSOLIDATION

LANDS ADJACENT TO HCDs

4. *The requirements, or some of them, might damage, directly or indirectly, the cultural heritage or natural heritage on a property included in the United Nations Educational, Scientific and Cultural Organisation's World Heritage List of sites under the Convention Concerning the Protection of the World Cultural and Natural Heritage.*
5. *There is a significant risk that the requirements, or some of them, would adversely affect water, fish, wildlife, plants, invertebrates, species at risk, ecological integrity or natural heritage values, whether the adverse effects are direct or indirect.*
6. *It is not practicable to comply with the requirements, or some of them, because existing physical or site constraints prohibit modification or addition of elements, spaces or features, such as where increasing the width of the exterior path would narrow the width of the adjacent highway or locating an accessible pedestrian signal pole within 1,500 mm of the curb edge is not feasible because of existing underground utilities.*

Exceptions #1 and #6 are applicable to the Heritage Conservation District, in that complying with accessibility standards would affect, or could likely affect, the cultural heritage value of a property designated under the *Ontario Heritage Act*, and the existing building, street and sidewalk layout present physical limitations that prevent compliance with accessibility standards.

The following guidelines provide some specific guidance related to a variety of accessibility-related matters:

Guidelines

- a) Modifications to buildings and public spaces are permitted and encouraged in order to improve accessibility. Depending on the scope of work, a heritage permit may be required.
- b) As outlined in the regulations associated with the *Accessibility for Ontarians with Disabilities Act*, the City is permitted to vary some of the standards associated with public walkways. Additional exceptions may be added in the future. It is important that any exceptions to compliance with standard accessibility requirements are implemented in such a manner as to not put people at risk.

ALL PROPERTIES

PART IV DESIGNATIONS

DEMOLITION & REMOVAL OF BUILDINGS &
STRUCTURES

ACCESSIBILITY

ENERGY CONSERVATION & SUSTAINABILITY

LOT CREATION & CONSOLIDATION

LANDS ADJACENT TO HCDs

- c) Entrance ramps may be permitted for barrier-free access in accordance with applicable legislation, but should not be physically attached in order to avoid damage to the heritage building fabric. In some circumstances, attachments may be permitted where they cause the least amount of damage to heritage building fabric. Care should be taken in these circumstances.
- d) Accessibility should be considered in the selection of materials and installation (refer to the *Accessibility for Ontarians with Disabilities Act* guidelines).
- e) It is important that any alterations or additions to the streetscape ensure that there is accommodation and safety for pedestrians, as well as for a wide variety of other users and in particular cyclists, public transit, and people with mobility limitations and partial vision.
- f) The underlying principle for additions and alterations to sidewalks is that they should sustain accessibility and barrier-free travel for pedestrians with a variety of challenges. Intersections may be altered with the addition of low contrast surface textures.
- g) There is a balance to be made between the smooth surface required by mobility devices and the identification of landings at intersections for those with partial vision. It is important that the choice of materials for alterations or additions complements the traditional streetscape now found within the District. Concrete continues to be well suited for the continuation for sidewalks, curbs, landings and other features in the streetscape.

ALL PROPERTIES

PART IV DESIGNATIONS

DEMOLITION & REMOVAL OF BUILDINGS &
STRUCTURES

ACCESSIBILITY

ENERGY CONSERVATION & SUSTAINABILITY

LOT CREATION & CONSOLIDATION

LANDS ADJACENT TO HCDs

9.4 Environmental Sustainability

Energy conservation and sustainability are often linked to each other. Energy conservation typically involves making buildings more efficient, and may also include installations of green energy projects. Energy conservation can also be thought of in the sense of sustainability, as retaining existing building fabric, including entire buildings as well as the features thereof (e.g. windows and doors) saves the energy required to fabricate new materials. Space is also saved in landfill sites in relation to construction debris if existing materials are retained. It is often said that the greenest building is the one that is already built. This HCD Plan permits the consideration of green energy and alternative energy projects. The following is provided to manage these projects and initiatives:

Guidelines

- a) The addition of personal wind turbines, solar panels or solar hot water heaters may be permitted on roofs but should not damage or remove heritage fabric (e.g. historic roof materials). The installation of this type of equipment should be in the same plane as the roof, with wiring / cabling placed in an inconspicuous location or not visible from the public right-of-way where possible. The removal of authentic heritage fabric shall be minimized, wherever feasible. Further, these alterations should be reversible as to not permanently impact heritage features.
- b) The installation of solar panels, geothermal systems, heat pumps, electric vehicle charging stations, and other mechanical and electrical systems are encouraged to be located in places that are generally out of view from the public right-of-way, wherever feasible.
- c) The replacement of original wood windows is discouraged. Home energy efficiency should be addressed by increasing interior insulation and through retrofitting existing historic wood windows by reglazing, weather stripping and adding historically appropriate wood storms.
- d) It is anticipated that technology related to renewable energy production will continue to evolve. The evaluation of future projects not specifically covered by these guidelines will be based on the protection and conservation of the cultural heritage value and attributes of the District.
- e) When undertaking landscape works, the use of native plant species, permeable surfaces such as pavers and gravel driveways, new tree plantings, and green space are encouraged.

ALL PROPERTIES

PART IV DESIGNATIONS

DEMOLITION & REMOVAL OF BUILDINGS &
STRUCTURES

ACCESSIBILITY

ENERGY CONSERVATION & SUSTAINABILITY

LOT CREATION & CONSOLIDATION

LANDS ADJACENT TO HCDs

9.5 Lot Creation and Consolidation

Lot creation and consolidation is governed by the policies of the Urban Hamilton Official Plan and zoning by-laws. However, severances and consolidated lots should not be permitted where it would result in adverse impacts to cultural heritage resources and the identified character of the area.

Policies

- a) Lot severances shall consider the context of the area, as described in this HCD Plan, as well as applicable components of the City's Zoning By-law.
- b) Any lot creation, severance, or consolidation shall be subject to a Heritage Impact Assessment, at the discretion of City staff, in order to identify potential adverse impacts, alternative development options, and mitigation recommendations. The lot creation, severance, or consolidation must be demonstrated to be in conformity with the goals and objectives of this HCD Plan.
- c) As a condition of a severance application, the City may require an archaeological assessment in accordance with municipal and Provincial policies to ensure archaeological resources are not affected.

9.6 Lands Adjacent to Heritage Conservation Districts

Lands adjacent to a heritage conservation district are not subject to the policies and guidelines contained within a heritage conservation district plan. This section outlines the requirements related to development adjacent to heritage properties, as well as how this topic is assessed in the City of Hamilton.

The goal is to design any future adjacent development without negatively impacting the heritage attributes of the District, as listed in Section 3.

9.6.1 Existing Policy Context Summary

The Provincial Planning Statement (PPS) provides direction for the development of properties adjacent to a protected heritage property. As noted earlier in this report, Section 4.6.3 of the PPS states that development and site alteration is not permitted on adjacent lands to protected heritage property except where it has been demonstrated that the heritage attributes of the property will be conserved.

ALL PROPERTIES

PART IV DESIGNATIONS

DEMOLITION & REMOVAL OF BUILDINGS &
STRUCTURES

ACCESSIBILITY

ENERGY CONSERVATION & SUSTAINABILITY

LOT CREATION & CONSOLIDATION

LANDS ADJACENT TO HCDs

For reference, the PPS defines adjacent as it relates to cultural heritage resources states: "*those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan*".

The existing Official Plan notes that for the purposes of protected heritage property, adjacent shall mean "*those lands contiguous to, or located within 50 metres of, a protected heritage property*". Given the definition, the City's criteria for 'adjacent' shall be utilized for the purposes of implementing the District Plan for adjacent lands.

In determining the negative impacts that may result from a proposed development on adjacent lands, the City will use the guidance of the Ontario Heritage Toolkit. Examples of possible negative impacts provided in the Ontario Heritage Toolkit include, but are not limited to, the following:

- Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings;
- Isolation of a heritage attribute from its surrounding environment, context or a significant relationship;
- Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features.

9.6.2 Requirements for Adjacent Properties

The Provincial Planning Statement sets the framework for addressing the potential impacts associated with development on lands adjacent to protected heritage properties. The designation of this Heritage Conservation District means that properties within the boundaries of the District are protected heritage properties.

Therefore, if development or site *alteration* is proposed on lands adjacent (meaning contiguous or located within 50 metres) to the heritage conservation district (see Figure 1), the proponent of such development shall be required to undertake the preparation of a *Heritage Impact Assessment*, as outlined in the Urban Hamilton Official Plan and the Province of Ontario in the Ontario Heritage Toolkit. City staff have the ability to scope or waive such studies accordingly, depending on the specifics of the development proposed. Where required, the report shall demonstrate how the proposed development is *compatible* with the *heritage attributes* and objectives of the HCD.

PUBLIC REALM

PARKS & PUBLIC SQUARES

STREETS

PARKING & UTILITIES

SIGNS

10.0 PUBLIC REALM

10.1 Parks and Public Spaces

Policies

- a) The parks and public open spaces within the District provide residents and visitors with opportunities to rest and enjoy the area. These areas should be maintained and made available for future enjoyment.
- b) Additional features can be considered by City staff in order to enhance the area and usage.

10.2 Streets

Sidewalks Guidelines

- h) The underlying principle for additions and alterations to sidewalks is that they should sustain accessibility and barrier-free travel for pedestrians with a variety of mobility needs. Intersections may be altered with the addition of low-contrast surface textures.
- i) There is a balance to be made between the smooth surface required by wheelchairs and the identification of landings at intersections for those with visual challenges. It is important that the choice of materials for alterations or additions complements the traditional streetscape now found within the District. Concrete continues to be well-suited for the continuation for sidewalks, curbs, landings and other features in the streetscape accented with decorative pavers.
- j) Sidewalks may be widened to better accommodate accessibility needs.

Street Trees Guidelines

- k) Street trees should be monitored to ensure that they remain in healthy condition.
- l) Trees deemed hazardous (e.g. dead, dying or structurally compromised) that are required to be removed should be replaced.
- m) It is important that dead trees be removed and replanted in prompt succession. This is to ensure that the vitality of the streetscape is maintained. Succession planning prior to the removal of existing trees is strongly encouraged. All other applicable City standards and by-laws for tree planting, removal, and maintenance will be followed.

PUBLIC REALM

PARKS & PUBLIC SQUARES

STREETS

PARKING & UTILITIES

SIGNS

Street Lighting Guidelines

- n) Pedestrian and street lighting within the District is encouraged.
- o) The replacement of street lighting shall be permitted.
- p) Replacement street lighting is not required to replicate historic light standards, but should be complementary to the HCD.

10.3 Public Parking and Utilities

Guidelines

- a) Should additional parking areas be added in the future, edges of parking lots should be clearly defined with hedges or low walls.

10.4 Signs

Guidelines

- a) Regulatory signs, such as traffic control signs, are permitted within the District.
- b) Additional signs that distinguish the area as a Heritage Conservation District are encouraged.
- c) Backlit box signs, neon, and directly lit LED lighting are discouraged. Instead, indirect lighting for signs is encouraged.
- d) Ground signs should be low to the ground.
- e) In addition to these guidelines, the City Sign By-law shall also be followed, including those specific to the HCD.

PART III

WORK NOT
REQUIRING A
HERITAGE PERMIT



11.0 EXEMPT ALTERATIONS

The *Ontario Heritage Act* allows a heritage conservation district plan to exempt some forms of alterations from the requirement for a heritage permit by providing that a heritage conservation district plan shall include:

“(e) a description of the alterations or classes of alterations that are minor in nature and that the owner of property in the heritage conservation district may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under section 42.2005, c.6,s.31.”

As such, this section includes a list of alterations that are considered to be “minor in nature” and that may be carried out without first obtaining a heritage permit. The various minor alteration types below have the same status as ‘policies’ found elsewhere in this document, in that they are required to be followed. These minor alterations have been guided generally by the principles of either being undertaken within a small area, confined to areas that are generally out of sight from the public right-of-way, constitute routine maintenance, or are easily reversible. It should be noted that some of the exemptions listed in this section may not apply to properties designated under Part IV of the *Ontario Heritage Act*, where features listed within this section are included as heritage attributes of the property.

Consultation with City of Hamilton Heritage Planning staff is required before commencing any minor alterations to property, in order to confirm that a heritage permit is not required. In addition, consultation with Building Division staff is recommended to determine if a building permit is required even if a Heritage Permit is not.

11.1 Exemptions for Contributing and Non-Contributing Properties

Alterations in accordance with City-approved heritage policies, such as the existing Masonry Restoration Guidelines do not require a heritage permit. Appendix D contains a summary of the requirements for convenience.

The following alterations which may be carried out without obtaining a heritage permit under Section 42 of the *Ontario Heritage Act* are subject to the discretion of Heritage Planning staff:

- a) **Interior modifications:** The interiors of buildings or structures are not subject to regulation within the Heritage Conservation District.

Note: Structural interventions, as well as those interior features designated under Part IV of the *Ontario Heritage Act* or interior features that have an exterior presence, such as windows and doors in building façades require a heritage permit.

- b) **Roof materials:** Replacement of existing non-historic roof materials in kind does not require a heritage permit, for example, replacement in kind or with supportable new material of an asphalt or metal-clad roof, replacement of asphalt with metal, or vice versa.

Note: Replacing or removing original roofing materials including metal, slates, tiles or wood shingles with other materials requires a heritage permit.

- c) **Eavestrough and downspouts:** The removal and/or installation of new eavestroughs and downspouts in the same material as the previously existing does not require a heritage permit. This includes the addition of supporting features such as rain barrels.

- d) **Solar panels:** The installation of solar panels located in the same plane as the roof where installation does not damage or remove heritage fabric does not require a heritage permit.

Note: Freestanding panels on poles or those requiring a structural frame for support, or result in damage / removal of heritage fabric, require a heritage permit.

- e) **Security lighting and alarm systems:** The installation of security lighting and/or alarm systems does not require a heritage permit.
- f) **Amenity lighting:** The installation of porch lighting or other amenity or seasonal lighting does not require a Heritage Permit.
- g) **Landscaping, soft:** The removal and/or installation of vegetative landscaping, such as planting beds, shrubbery and small ornamental trees and the pruning and maintenance of trees or the removal of dead branches or limbs does not require a heritage permit.
- h) **Landscaping, hard:** The replacement of hard landscaping, such as driveways, entranceways, paths and parking areas in the same area and dimensions as existing does not require a heritage permit. Driveways (i.e. access with a curb cut) may be widened by 10% without a heritage permit and walkways by 30% without a heritage permit if the change also complies with the City's Zoning By-laws.

Note: The widening or expansion of the footprint of an existing driveway or walkway beyond the percentages outlined above requires a heritage permit. The installation of a new driveway or walkway requires a heritage permit.

- i) **Fencing:** The removal of contemporary fencing does not require a heritage permit. The installation of fencing in the rear yard of a property and behind the mid-point of the side façade of a building does not require a heritage permit. The replacement of existing contemporary fencing in-kind does not require a heritage permit, regardless of where it is located.

Note: The removal of historic fencing visible from the public realm (e.g. in the front or side yards) requires a heritage permit. The installation of new fencing in the front yard of a property requires a heritage permit.

- j) **Porches, verandahs and decks:** The installation and/or removal of single-storey porches, verandahs and decks located within the rear yard and away from views from the street or, in the case of corner lots, the frontage of the property, do not require a heritage permit.

Note: The removal and/or installation of porches, verandahs and decks in the front yard or side yard that are visible from the public realm require a heritage permit.

- k) **Replacement windows and doors:** The replacement of non-historic windows and doors of the same size and dimensions does not require a heritage permit.
- l) **Storm windows and doors:** The seasonal installation and/or removal of storm windows and screen doors do not require a heritage permit.
- m) **Stairs and steps:** The removal of stairs or steps and replacement in kind (same dimensions and materials) does not require a heritage permit.
- n) **Signage:** The installation of street number signs on building façades or on free-standing supports does not require a heritage permit.
- o) **Maintenance:** Ongoing maintenance or small repairs to buildings, structures or small areas of paving that do not significantly affect the appearance of the outside of the property and do not involve the permanent removal or loss of heritage attributes do not require a heritage permit. This includes new installation or replacement of HVAC systems, utilities, EV chargers in an inconspicuous area of the property. Seasonal cleaning or power-washing of building exteriors does not require a heritage permit.

Note: The cleaning of any masonry facade surface (using any method of cleaning such as sandblasting, chemical cleaning, and pressurized water) requires a heritage permit. Carrying out test patches in any location for any cleaning method requires a heritage permit. The removal of any paintwork from a masonry building façade surface requires a heritage permit.

- p) **Cladding:** The replacement in-kind of non-historic cladding visible from the public right-of-way, such as vinyl or aluminum siding, does not require a heritage permit. The replacement of cladding not visible from the public right-of-way does not require a heritage permit.
- q) **Painting:** The painting of doors, window frames, muntins and mullions, trim, eavestroughs, downspouts, siding and minor architectural detailing do not require a heritage permit.

Note: The painting of any previously unpainted masonry materials requires a heritage permit.

11.2 Exemptions for Public Realm Properties

Alterations that may be carried out without obtaining a heritage permit under Section 42 of the *Ontario Heritage Act* are:

- a) ***Maintenance or minor repairs:*** Ongoing maintenance or minor repairs to road or sidewalks surfaces and areas of paving that do not significantly affect the appearance of the surface or change the surface material and that are exempt from review or pre-approval under the Municipal Class Environmental Assessment do not require a heritage permit.

Note: The installation of any streetscape device (not including traffic related signs), new road or sidewalk surfaces that increase the width, new crosswalk surfaces or motifs and new boulevards require a heritage permit.

- b) ***Installation and/or repair of underground utilities or services:*** Subsurface excavation for the installation and/or repair of utilities (water, sewage, gas, or communications) do not require a heritage permit provided that the surface is returned/restored to its original condition with like materials.
- c) ***Installation and/or repair of aboveground utilities or services:*** Work undertaken for the installation and/or repair of above-ground utilities (hydro, communications and lighting), including conduits, poles, associated boxes or covers, fire hydrants or meters, in accordance with this Plan do not require a heritage permit, provided that the surface is returned/restored to its original condition with like materials.
- d) ***Installation and/or repair of street furniture:*** Work undertaken for the installation and/or repair of non-permanent street furniture including but not restricted to seating, planters, tree grates, banners, hanging baskets, garbage receptacles and bike racks in accordance with this Plan.
- e) ***Landscaping, soft:*** The installation and removal of any soft or vegetative landscaping confined to boulevard installation and/or planting beds.
- f) ***Landscaping, hard:*** The removal and installation of hard landscaping, such as driveways, entranceways, paths and parking areas of the same area and dimensions as existing.

- g) **Trails and bicycle lanes:** The addition of bicycle lanes within the existing road right-of-way does not require a heritage permit, provided it only includes surface treatment. Should bollards, separated lanes, or additional features beyond surface treatment be necessary, a heritage permit may be required. The installation of trails on existing public open space does not require a heritage permit.

11.3 Emergency Work

In some extraordinary instances, emergency work may have to be carried out to public or private property without the benefit of a Heritage Permit or ascertaining whether such work is exempt from regulation. These extraordinary circumstances are as follows:

- Natural disasters (e.g. fire, flood, tornado, earthquake, etc.)
- Emergency health and safety circumstances where the time of repairs makes it impossible to consult with municipal staff.

Required emergency work may be permitted where the timing of repairs makes it impossible to consult with municipal staff regarding a Heritage Permit. Notwithstanding this provision, all work should be undertaken in a manner that does not destroy valued heritage building fabric. Photographs of 'before and after' should be taken to confirm the condition of the building or property and the nature of the finished repairs, and supplied to City staff as a record of the work.

Additionally, a retroactive Heritage Permit may be required. Where possible, an owner should consult with City staff before undertaking the work to discuss the scope and apply for approval of the work afterwards to come into compliance with the *Ontario Heritage Act*.



PART IV IMPLEMENTATION

12.0 IMPLEMENTATION DIRECTION

Successful implementation of a heritage conservation district and the management of change within a district is typically achieved through the review and approval of heritage permit applications under Section 42 of the *Ontario Heritage Act*. There are other mechanisms, tools and actions both under the *Ontario Heritage Act* as well as other Ontario statutes, such as the *Planning Act*, that can also help complement municipal heritage initiatives.

The successful implementation of the HCD will also rely on other initiatives and planning policies that directly support or provide a framework for focusing and implementing district conservation efforts. A number of initiatives are proposed in the following sections, to assist City staff, Council and the community in implementing the recommendations contained within the HCD Plan.

12.1 Heritage Permit Applications

The efficient administration of a heritage conservation district relies on both clear guidelines as well as a complementary system of processing heritage permit applications for alterations to property, the erection of buildings and structures and the demolition or removals of buildings and structures. Section 42 (1) of the *Ontario Heritage Act* requires that none of the foregoing may be undertaken “unless the owner obtains a permit from the municipality to do so”.

Section 42(3) also requires that where Council receives such an application a notice of receipt shall be served on the applicant. Notice of receipt essentially starts the formal maximum 90 day review process during which a decision must be made by Council. Only with the adoption of a heritage permit application form can a permit be appropriately tracked and processed from submission to decision.

The following lists provide direction on which activities undertaken within the HCD Boundary require a Heritage Permit from the City and which activities are exempt from obtaining permission.

Activities that do not require a permit include:

- Exterior works not visible from the public right-of-way;
- Interior works;
- Works listed in the ‘exemption’ table.

Where a heritage permit is required, the process shall follow the typical process undertaken by municipalities across Ontario. This involves an

applicant submitting a heritage permit application, City staff review of the application materials, consultation with the Municipal Heritage Committee as appropriate, and Council consultation where necessary.

Regarding heritage permit review, it is recommended that the: Heritage Permit Review Subcommittee By-law and Terms of Reference be updated to include representation from the new district on the Subcommittee.

12.2 Municipal Policy Framework

As part of the preparation of the Melville Street Heritage Conservation District Study and Plan, a review was undertaken of municipal policies and regulations, in order to identify any significant conflicts or inconsistencies between the conservation initiatives anticipated in the HCD Plan and those broader municipal objectives and strategies. The following summarizes the results of this analysis.

Official Plan Policies

The City currently has two Official Plans – the Rural Hamilton Official Plan and the Urban Hamilton Official Plan. The UHOP applies to land within the Urban Boundary, including the former communities of Dundas, Ancaster, Waterdown Binbrook and the new Urban Expansion Areas. Designations in the UHOP include various residential, commercial, and mixed use, and employment areas, as well as urban nodes, urban corridors, major transit station areas and major activity centres.

The UHOP, which applies the Study Area, was adopted by Council on July 9, 2009, approved by the Ministry of Municipal Affairs and Housing on March 16, 2011, and in full force and effect as of August 16, 2013.

Many policy changes have been introduced or amended by the Provincial government in recent years. As a result, several of the City's policy documents, guidelines and application processes will be updated or amended to address these changes. As a result, modifications to policies surrounding the protection of heritage resources, what qualifies as a heritage resource, along with requirements and permissions for assessing properties may be impacted. There may be an opportunity for the City to utilize more generalized wording in order to ensure that any current or future Heritage Conservation Districts are included in any specific requirements or processes.

Additionally, it is recommended that the City continue to monitor development applications within the District in the coming years. It may be appropriate for the City to implement additional policies and guidelines within the Established Historical Neighbourhoods policy section of the UHOPA to further enforce and ensure compatible built

form.

Zoning By-law Regulations

As a result of the review undertaken during the HCD Study process and further through the HCD Plan preparation, no significant concerns were identified through the review of the existing zoning within the HCD boundary. The zones generally provide for a range of appropriate regulations related to building location and orientation within the proposed district, and the proposed HCD Plan provides additional direction regarding development.

Planning and Development Applications

In some instances, building or heritage permits within the Heritage Conservation District may be preceded by applications for a planning approval pursuant to the *Planning Act*, e.g., plans of subdivisions, severances, minor variances, etc. These planning applications may involve development that has the potential to affect the character of the districts. It is important that appropriate heritage planning input be gained at the earliest opportunity, prior to any approvals that may compromise consideration of a heritage permit application, later in the approvals process.

Accordingly, it is recommended that where any application or proposal for one of the following is located within or partially within the designated district:

- a variance or a consent;
- a plan of subdivision;
- zoning amendment;
- road closure/widening; or
- any public works and improvements by a municipal authority or local utility,

that the municipal heritage committee/Planning staff will be consulted and provide advice regarding the application given the intent of the HCD Plan.

12.3 Tree preservation

Tree Preservation By-law 4513-99 that applies to specific areas within Dundas would be required to be amended to include any new Heritage Conservation District boundaries as a result of designating this new District. Given mature vegetation is typically an attribute that contributes to the character of an HCD, should the City of Hamilton proceed with a City-Wide Tree Preservation By-law, it is suggested that wording be included that speaks to Heritage Conservation Districts in general, rather than specific mention of each district. This would reduce the administrative tasks associated with amending the By-law as new Heritage Conservation Districts are approved.

12.4 Financial Incentives

Introduction

Successful HCDs typically include two key components:

- 1) A system for regulating change to the cultural heritage resource, such as the process laid out in this HCD Plan
- 2) A complementary program of financial assistance to aid in conserving valued heritage resources. Financial incentives vary across municipalities, often dependent on municipal or provincial budget commitments that may change from year to year.

Types of Financial Incentives

The City of Hamilton offers a number of municipal incentive programs to assist property owners and developers in off-setting costs of improvements and developments. There are two programs that would apply to Contributing A and B properties designated under Part V of the OHA to assist with costs associated with the restoration and conservation of designated heritage features.

Existing programs

Heritage Revitalization Loan Program: This program offers a 0% interest loan up to a maximum of \$100,000 for properties and buildings designated under Part IV or V of the OHA. This loan would apply to work associated with the restoration and conservation of designated heritage features.

Heritage Revitalization Grant: This program provides financial assistance for conserving, developing and reusing designated heritage properties. For certain residential properties, such as single-detached homes, a matching grant of up to \$10,000 is available for eligible work and a grant of up to \$1,500 for eligible reports. For all other types of

properties (e.g. institutional, commercial, etc.), the program provides a matching grant of up to \$150,000 for eligible work and up to \$20,000 for eligible reports.

Other incentives

Another potential financial incentive that may apply to properties within the District include Development Charge (DC) exemptions. A variety of exemptions apply to affordable housing, rental housing, secondary dwelling units (SDUs), places of worship (excluding revenue generating space), and the adaptive reuse of heritage buildings within existing building envelopes (excluding sections that are not covered by heritage designation).

Recommendation

It is recommended that the City of Hamilton monitor the existing financial incentives programs in place as it relates to properties within the District. Should existing levels of funding not be appropriate for the demand, further expansion of the program could be considered as municipal budgets allow. It should be noted that any work that conserves or enhances the heritage attributes of the District or identified in Part IV designating by-laws should be capable of being grant assisted.

In combination with a grants program that potentially targets specific work on properties, the City could also investigate an expanded financial incentive program that includes property tax incentives. This could complement the grants program in order to provide a comprehensive set of financial incentives available to property owners.

12.5 Periodic Review of this Plan

It is recommended that the City of Hamilton revisit the HCD Plan every 5-7 years, in order to assess the success of the implementation and respond to any new/emerging issues or as provincial legislative changes may require. In addition, the City should plan on comprehensively updating the HCD Plan a minimum every 20 years in order to align with existing planning objectives and policy framework.

APPENDIX A

LISTING OF
'CONTRIBUTING' AND
'NON-CONTRIBUTING'
PROPERTIES

| <i>Address</i> | <i>Contributing Status</i> |
|-----------------------|-----------------------------------|
| 35 Albert St | Non-contributing |
| 36 Albert St | Contributing B |
| 42 Albert St | Contributing A |
| 46 Albert St | Contributing A |
| 50 Albert St | Contributing A |
| 52 Albert St | Contributing A |
| 56 Albert St | Contributing B |
| 21 Brock St N | Contributing A |
| 23 Brock St N | Contributing A |
| 25 Brock St N | Non-contributing |
| 27 Brock St N | Non-contributing |
| 10 Church St | Contributing A |
| 11 Church St | Contributing B |
| 15 Church St | Contributing A |
| 17 Church St | Contributing A |
| 6 Elgin St | Contributing A |
| 7 Elgin St | Non-contributing |
| 39 Elgin St | Contributing A |
| 0 Market St N | Non-contributing |
| 8 Market St N | Contributing A |
| 11 Market St N | Contributing B |
| 13 Market St N | Contributing B |
| 14 Market St N | Contributing A |
| 17 Market St N | Contributing B |
| 18 Market St N | Non-contributing |
| 20 Market St N | Non-contributing |
| 21 Market St N | Non-contributing |
| 22 Market St N | Contributing A |
| 23 Market St N | Contributing A |

| <i>Address</i> | <i>Contributing Status</i> |
|-----------------------|-----------------------------------|
| 24 Market St N | Contributing A |
| 28 Market St N | Non-contributing |
| 35 Market St N | Non-contributing |
| 37 Market St N | Non-contributing |
| 38 Market St N | Non-contributing |
| 39 Market St N | Non-contributing |
| 40 Market St N | Contributing B |
| 41 Market St N | Contributing B |
| 43 Market St N | Contributing B |
| 45 Market St N | Non-contributing |
| 47 Market St N | Contributing A |
| 8 Matilda St N | Contributing B |
| 10 Matilda St N | Contributing B |
| 11 Matilda St N | Contributing A |
| 12 Matilda St N | Contributing A |
| 48 Melville St | Contributing A |
| 54 Melville St | Contributing B |
| 56 Melville St | Contributing A |
| 58 Melville St | Contributing A |
| 60 Melville St | Contributing A |
| 70 Melville St | Contributing A |
| 72 Melville St | Contributing A |
| 73 Melville St | Contributing A |
| 78 Melville St | Contributing A |
| 84 Melville St | Contributing A |
| 92 Melville St | Contributing A |
| 93 Melville St | Contributing A |
| 96 Melville St | Contributing A |
| 99 Melville St | Contributing A |

| <i>Address</i> | <i>Contributing Status</i> |
|-----------------------|-----------------------------------|
| 100 Melville St | Contributing A |
| 101 Melville St | Contributing A |
| 106 Melville St | Contributing A |
| 107 Melville St | Contributing A |
| 112 Melville St | Contributing A |
| 113 Melville St | Contributing A |
| 114 Melville St | Contributing A |
| 116 Melville St | Contributing B |
| 117 Melville St | Contributing A |
| 118 Melville St | Contributing B |
| 119 Melville St | Contributing A |
| 120 Melville St | Contributing A |
| 122 Melville St | Contributing A |
| 124 Melville St | Contributing B |
| 125 Melville St | Contributing B |
| 132 Melville St | Contributing A |
| 134 Melville St | Contributing A |
| 136 Melville St | Non-contributing |
| 137 Melville St | Contributing A |
| 138 Melville St | Non-contributing |
| 141 Melville St | Contributing A |
| 144 Melville St | Contributing A |
| 149 Melville St | Contributing A |
| 150 Melville St | Contributing B |
| 151 Melville St | Contributing B |
| 152 Melville St | Contributing B |
| 153 Melville St | Non-contributing |
| 154 Melville St | Contributing A |
| 156 Melville St | Contributing A |

| <i>Address</i> | <i>Contributing Status</i> |
|-----------------------|-----------------------------------|
| 157 Melville St | Contributing B |
| 158 Melville St | Contributing A |
| 160 Melville St | Contributing B |
| 161 Melville St | Contributing A |
| 162 Melville St | Contributing A |
| 163 Melville St | Contributing B |
| 166 Melville St | Contributing A |
| 171 Melville St | Contributing A |
| 172 Melville St | Contributing B |
| 174 Melville St | Contributing A |
| 179 Melville St | Contributing B |
| 181 Melville St | Contributing B |
| 182 Melville St | Contributing A |
| 183 Melville St | Contributing B |
| 185 Melville St | Contributing B |
| 188 Melville St | Contributing B |
| 189 Melville St | Contributing B |
| 190 Melville St | Contributing A |
| 191 Melville St | Non-contributing |
| 197 Melville St | Contributing B |
| 201 Melville St | Contributing B |
| 204 Melville St | Contributing B |
| 208 Melville St | Non-contributing |
| 209 Melville St | Contributing B |
| 214 Melville St | Contributing A |
| 215 Melville St | Contributing B |
| 216 Melville St | Contributing A |
| 218 Melville St | Contributing B |
| 221 Melville St | Contributing B |

| <i>Address</i> | <i>Contributing Status</i> |
|-----------------------|-----------------------------------|
| 222 Melville St | Contributing B |
| 223 Melville St | Contributing B |
| 224 Melville St | Contributing B |
| 226 Melville St | Contributing B |
| 227 Melville St | Contributing B |
| 230 Melville St | Non-contributing |
| 233 Melville St | Contributing B |
| 235 Melville St | Non-contributing |
| 238 Melville St | Contributing A |
| 239 Melville St | Contributing B |
| 242 Melville St | Non-contributing |
| 250 Melville St | Contributing A |
| 252 Melville St | Contributing B |
| 263 Melville St | Contributing B |
| 265 Melville St | Contributing B |
| 267 Melville St | Contributing B |
| 269 Melville St | Contributing B |
| 271 Melville St | Contributing B |
| 273 Melville St | Contributing B |
| 275 Melville St | Contributing B |
| 277 Melville St | Contributing A |
| 280 Melville St | Non-contributing |
| 281 Melville St | Contributing B |
| 282 Melville St | Non-contributing |
| 283 Melville St | Non-contributing |
| 284 Melville St | Non-contributing |
| 9 Napier St N | Contributing B |
| 11 Napier St N | Contributing B |
| 12 Napier St N | Non-contributing |

| <i>Address</i> | <i>Contributing Status</i> |
|-----------------------|-----------------------------------|
| 13 Napier St N | Contributing B |
| 15 Napier St N | Contributing B |
| 16 Napier St N | Contributing B |
| 17 Napier St N | Contributing B |
| 24 Napier St N | Contributing A |
| 27 Napier St N | Non-contributing |
| 31 Napier St N | Contributing A |
| 90 Park St W | Non-contributing |
| 91 Park St W | Non-contributing |
| 93 Park St W | Non-contributing |
| 96 Park St W | Contributing A |
| 97 Park St W | Contributing A |
| 100 Park St W | Contributing A |
| 101 Park St W | Contributing A |
| 102 Park St W | Contributing A |
| 101 Park St W | Contributing A |
| 104 Park St W | Contributing A |
| 108 Park St W | Contributing A |
| 109 Park St W | Non-contributing |
| 115 Park St W | Contributing B |
| 117 Park St W | Contributing B |
| 118 Park St W | Contributing B |
| 121 Park St W | Contributing A |
| 122 Park St W | Non-contributing |
| 125 Park St W | Contributing A |
| 128 Park St W | Contributing B |
| 130 Park St W | Contributing B |
| 132 Park St W | Contributing B |
| 133 Park St W | Contributing A |

| <i>Address</i> | <i>Contributing Status</i> |
|-----------------------|-----------------------------------|
| 134 Park St W | Contributing B |
| 138 Park St W | Contributing A |
| 143 Park St W | Contributing A |
| 146 Park St W | Contributing A |
| 147 Park St W | Contributing A |
| 152 Park St W | Contributing B |
| 153 Park St W | Non-contributing |
| 154 Park St W | Contributing B |
| 155 Park St W | Contributing B |
| 161 Park St W | Contributing A |
| 163 Park St W | Contributing A |
| 165 Park St W | Non-contributing |
| 169 Park St W | Contributing B |
| 170 Park St W | Contributing A |
| 171 Park St W | Contributing B |
| 172 Park St W | Contributing A |
| 174 Park St W | Non-contributing |
| 175 Park St W | Non-contributing |
| 176 Park St W | Contributing A |
| 178 Park St W | Contributing A |
| 179 Park St W | Contributing B |
| 180 Park St W | Contributing A |
| 181 Park St W | Contributing A |
| 183 Park St W | Contributing A |
| 184 Park St W | Contributing B |
| 214 Park St W | Contributing A |
| 215 Park St W | Contributing B |
| 217 Park St W | Contributing B |
| 218 Park St W | Contributing A |

| Address | Contributing Status |
|----------------|----------------------------|
| 219 Park St W | Contributing B |
| 220 Park St W | Non-contributing |
| 223 Park St W | Contributing A |
| 224 Park St W | Non-contributing |
| 226 Park St W | Non-contributing |
| 229 Park St W | Non-contributing |
| 233 Park St W | Contributing A |
| 239 Park St W | Contributing B |
| 241 Park St W | Non-contributing |
| 245 Park St W | Contributing A |
| 246 Park St W | Non-contributing |
| 248 Park St W | Non-contributing |
| 249 Park St W | Contributing A |
| 251 Park St W | Contributing A |
| 252 Park St W | Non-contributing |
| 253 Park St W | Contributing B |
| 263 Park St W | Contributing A |
| 265 Park St W | Contributing B |
| 267 Park St W | Non-contributing |
| 269 Park St W | Contributing B |
| 270 Park St W | Contributing B |
| 271 Park St W | Non-contributing |
| 274 Park St W | Contributing A |
| 275 Park St W | Contributing A |
| 276 Park St W | Non-contributing |
| 278 Park St W | Non-contributing |
| 279 Park St W | Contributing B |
| 280 Park St W | Contributing B |
| 283 Park St W | Contributing B |

| <i>Address</i> | <i>Contributing Status</i> |
|-----------------------|-----------------------------------|
| 284 Park St W | Contributing B |
| 287 Park St W | Contributing A |
| 288 Park St W | Non-contributing |
| 289 Park St W | Contributing A |
| 293 Park St W | Contributing B |
| 295 Park St W | Non-contributing |
| 296 Park St W | Contributing A |
| 297 Park St W | Contributing B |
| 300 Park St W | Contributing B |
| 301 Park St W | Non-contributing |
| 302 Park St W | Non-contributing |
| 303 Park St W | Non-contributing |
| 304 Park St W | Contributing B |
| 307 Park St W | Non-contributing |
| 308 Park St W | Contributing A |
| 309 Park St W | Contributing B |
| 311 Park St W | Contributing B |
| 314 Park St W | Contributing B |
| 315 Park St W | Contributing B |
| 321 Park St W | Contributing A |
| 325 Park St W | Contributing A |
| 327 Park St W | Contributing A |
| 329 Park St W | Contributing B |
| 333 Park St W | Non-contributing |
| 337 Park St W | Contributing A |
| 8 Peel St N | Non-contributing |
| 10 Peel St N | Non-contributing |
| 11 Peel St N | Non-contributing |
| 14 Peel St N | Contributing A |

| <i>Address</i> | <i>Contributing Status</i> |
|-----------------------|-----------------------------------|
| 24 Peel St N | Non-contributing |
| 5 Princess St | Non-contributing |
| 7 Princess St | Contributing A |
| 19 Princess St | Contributing A |
| 23 Princess St | Contributing A |
| 25 Princess St | Non-contributing |
| 26 Princess St | Contributing A |
| 31 Princess St | Contributing A |
| 32 Princess St | Contributing A |
| 36 Princess St | Contributing A |
| 16 Sydenham St | Contributing A |
| 20 Sydenham St | Non-contributing |
| 24 Sydenham St | Contributing A |
| 26 Sydenham St | Contributing A |
| 30 Sydenham St | Contributing A |
| 32 Sydenham St | Contributing A |
| 34 Sydenham St | Contributing A |
| 38 Sydenham St | Contributing A |
| 64 Sydenham St | Contributing A |
| 66 Sydenham St | Non-contributing |
| 68 Sydenham St | Contributing B |
| 53 Victoria St | Contributing A |
| 55 Victoria St | Contributing A |
| 57 Victoria St | Contributing A |
| 59 Victoria St | Contributing A |
| 61 Victoria St | Contributing B |
| 63 Victoria St | Non-contributing |
| 65 Victoria St | Contributing B |
| 69 Victoria St | Contributing A |

| <i>Address</i> | <i>Contributing Status</i> |
|-----------------------|-----------------------------------|
| 73 Victoria St | Contributing A |
| 75 Victoria St | Contributing B |
| 79 Victoria St | Contributing B |
| 82 Victoria St | Contributing A |
| 83 Victoria St | Contributing A |
| 84 Victoria St | Contributing A |
| 87 Victoria St | Non-contributing |
| 88 Victoria St | Contributing A |
| 90 Victoria St | Contributing A |
| 91 Victoria St | Non-contributing |
| 93 Victoria St | Non-contributing |
| 99 Victoria St | Non-contributing |
| 100 Victoria St | Contributing A |
| 102 Victoria St | Contributing A |
| 103 Victoria St | Non-contributing |
| 105 Victoria St | Contributing A |
| 106 Victoria St | Contributing B |
| 107 Victoria St | Non-contributing |
| 108 Victoria St | Contributing B |
| 109 Victoria St | Contributing A |
| 110 Victoria St | Non-contributing |
| 113 Victoria St | Non-contributing |
| 115 Victoria St | Non-contributing |
| 116 Victoria St | Non-contributing |
| 118 Victoria St | Non-contributing |
| 119 Victoria St | Contributing B |
| 121 Victoria St | Contributing A |
| 123 Victoria St | Contributing A |
| 125 Victoria St | Contributing A |

| <i>Address</i> | <i>Contributing Status</i> |
|-----------------------|-----------------------------------|
| 9 Wellington St N | Non-contributing |
| 11 Wellington St N | Contributing B |
| 12 Wellington St N | Non-contributing |
| 14 Wellington St N | Contributing B |
| 22 Wellington St N | Non-contributing |
| 24 Wellington St N | Contributing B |
| 26 Wellington St N | Contributing B |
| 27 Wellington St N | Contributing A |
| 28 Wellington St N | Non-contributing |
| 29 Wellington St N | Contributing A |
| 0 Wilson's Lane | Non-contributing |
| 70 Witherspoon St | Non-contributing |

APPENDIX B

GLOSSARY



Glossary

The following comprises a list of some of the more commonly used terms and definitions in this District Plan. Where applicable, sources are indicated to show where the term has been derived.

Alter: To change in any manner and includes to restore, renovate, repair or disturb and “***alteration***” has a corresponding meaning (Source: *Ontario Heritage Act*).

Built heritage resource: A building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. (Source: 2024 Provincial Planning Statement)

Buffering: Allowing filtered views through material such as a deciduous shrub border or a partially enclosed fence (e.g. picket fencing). “***Buffer***” has a corresponding meaning.

Character: The collective physical qualities and visual attributes that distinguish a particular area or neighbourhood.

Compatible: Land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area without causing unacceptable adverse effects, adverse environmental impacts or adverse impacts. Compatible should not be narrowly interpreted to mean ‘the same as’ or even as ‘being similar to’. “***Compatibility***” has a corresponding meaning.

Conservation: All actions or processes that are aimed at safeguarding the character-defining elements of a cultural resource so as to retain its heritage value and extend its physical life. This may involve “***Preservation,***” “***Rehabilitation,***” “***Restoration,***” or a combination of these actions or processes. (Source: Standards and Guidelines for the Conservation of Historic Places in Canada)

Conserved: 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. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments. (Source: 2024 Provincial Planning Statement)

Cultural heritage landscape: 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 Indigenous community. The area may include features such as

buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. (Source: 2024 Provincial Planning Statement)

Effects, adverse: Include those conditions resulting in the attrition of protected heritage properties and include: the destruction, loss, removal or incompatible alteration of all or part of a protected heritage property; the isolation of a protected heritage property from its surrounding streetscape or setting; or the introduction of physical, visual, audible or atmospheric elements that are not in character with a heritage property and/or its setting. “Adversely affected” and “adversely affects” have a corresponding meaning.

Effects, beneficial: Include those conditions resulting in: the protection of heritage properties from demolition or removal; the retention of a protected heritage property in situ in a structurally stable and sound condition or state of repair; accurate restoration of a protected heritage property; the sympathetic alteration or repair of a protected heritage property to permit an existing or new use; enhancement of a protected heritage property by accommodating compatible new development; or maintenance of a protected heritage property through the repair and replacement of worn-out components and using compatible materials and techniques.

Fenestration: The placement, size, and type of windows within a building.

Heritage attributes: In relation to real property and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest (Source: *Ontario Heritage Act*).

Heritage building fabric: The physical components relating to the layout, materials and details of built and landscape heritage resources.

Heritage value: The aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations. The heritage value of an historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings. (Source: Standards and Guidelines for the Conservation of Historic Places in Canada)

Infill development: The construction of new buildings on vacant lands located within previously built-up areas of urban settlements. Infill often occurs within residential neighbourhoods or historic commercial areas.

Preservation: The action or process of protecting, maintaining, and/or stabilizing the existing materials, form, and integrity of a historic place or of an individual component, while protecting its heritage value. (Source: Standards and Guidelines for the Conservation of Historic Places in Canada)

Principal Façade: The sides of a building which face the public street or sidewalk.

Property: Real property and includes all buildings and structures thereon (Source: *Ontario Heritage Act*).

Protected heritage property: Property designated under Part IV or VI of the *Ontario Heritage Act*; property included in an area designated as a heritage conservation district under Part V of the *Ontario Heritage Act*; property subject to a heritage conservation easement or covenant under Part II or IV of the *Ontario Heritage Act*; property identified by a provincial ministry or a prescribed public body as a property having cultural heritage value or interest under the Standards and Guidelines for the Conservation of Provincial Heritage Properties; property protected under federal heritage legislation; and UNESCO World Heritage Sites. (Source: 2024 Provincial Planning Statement)

Rehabilitation: The action or process of making possible a continuing or compatible contemporary use of a historic place or an individual component, while protecting its heritage value. (Source: Standards and Guidelines for the Conservation of Historic Places in Canada)

Restoration: The action or process of accurately revealing, recovering or representing the state of a historic place or of an individual component, as it appeared at a particular period in its history, while protecting its heritage value. (Source: Standards and Guidelines for the Conservation of Historic Places in Canada)

Screening: The blocking of views through the use of solid fencing or evergreen material.

Significant: In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act. (Source: 2024 Provincial Planning Statement)

Subordinate: Designed in such a way that there is no distraction from original building features. Typically used in describing design direction for building additions.

APPENDIX C

ADJACENT PROPERTIES FIGURE





Legend

- Approved Melville-Park West HCD
- Property Bordering HCD



APPENDIX D

SUMMARY OF WORKS
NOT REQUIRING A
HERITAGE PERMIT

When is a heritage permit not required?

The following summarizes the contents of Part III of the Melville-Park West HCD Plan, identifying types of work not requiring a Heritage Permit. While this summary aims to capture the various elements of Part III, reference should be made to the full HCD Plan sections in order to confirm requirements. Consultation with City of Hamilton Heritage Planning staff is required before commencing any alterations to the property to confirm that a heritage permit is not required.

Exempt alterations for Contributing and Non-Contributing Properties

Alterations which may be carried out without obtaining a Heritage Permit under Section 42 of the *Ontario Heritage Act* are:

| | Type of Work | Notes |
|----|---|--|
| a) | Interior modifications. | See HCD Plan (11.1.a) for exceptions, which include interiors included in Part IV designation. |
| b) | Roof materials replacement, where non-historic / in-kind. | See HCD Plan (11.1.b) for specifics and exceptions, which includes changing historic materials. |
| c) | Eavestrough and downspouts removal or installation. | See HCD Plan (11.1.c) for specifics, which includes same materials. |
| d) | Solar panel installation, located in same plane as roof. | See HCD Plan (11.1.d) for specifics (e.g. not damaging historic fabric) and exceptions (e.g. freestanding panels). |
| e) | Security lighting and alarm systems installation. | See HCD Plan (11.1.e). |
| f) | Amenity lighting installation. | See HCD Plan (11.1.f) for specifics, which includes porch or seasonal lighting. |
| g) | Vegetative landscaping installation or removal (e.g. planting beds, shrubbery) and tree husbandry. | See HCD Plan (11.1.g) for specifics and additional details regarding exempted work. |
| h) | Hard landscaping removal or installation (i.e. driveways, walkways) of same area / location, or minimal permitted widening. | See HCD Plan (11.1.h) for specifics and exceptions, including criteria for enlarging driveways / walkways. |

| | | |
|----|--|--|
| i) | Fencing removal (where non-historic), installation (in rear yard or portions of side yard), and replacement in-kind. | See HCD Plan (11.1.i) for specifics, including definition of yard areas. |
| j) | Porches, verandahs or deck installation or removal within the rear yard and not visible from the public realm. | See HCD Plan (11.1.j) for specifics and exceptions, including where abutting the street. |
| k) | Window and door replacement, where non-historic and same size. | See HCD Plan (11.1.k) for specifics, including maintaining same size and dimensions. |
| l) | Storm window and door installation or removal (e.g. seasonal). | See HCD Plan (11.1.l). |
| m) | Stairs and steps, removal / replacement in-kind. | See HCD Plan (11.1.m) for specifics, including maintaining dimensions and area. |
| n) | Street number sign installation. | See HCD Plan (11.1.n) for specifics, including location and support guidance. |
| o) | Maintenance or minor repairs, where no removal or loss of heritage attributes. | See HCD Plan (11.1.o) for specifics and exceptions, including details for cleaning masonry surfaces. |
| p) | Cladding replacement, where in-kind and non-historic. Any cladding in rear yard also exempt from permit. | See HCD Plan (11.1.p) for specifics, including visibility from public right-of-way. |
| q) | Painting of building features (e.g. doors, windows, eavestrough / downspouts, siding). | See HCD Plan (11.1.q) for specifics and exceptions, including painting of unpainted masonry. |

Exempt alterations for Public Realm Properties

Alterations which may be carried out without obtaining a Heritage Permit under Section 42 of the *Ontario Heritage Act* are:

| | Activity | Notes |
|----|---|---|
| a) | Maintenance or minor repairs (e.g. to roads or sidewalks) where appearance or surface not significantly affected. | See HCD Plan (11.2.a) for exceptions, which include new streetscape device, new / expanded road or sidewalks. |

| | | |
|----|---|---|
| b) | Underground utility installation or repairs. | See HCD Plan (11.2.b) for examples, including subsurface excavation of water / gas / sewer / communications. |
| c) | Aboveground utilities or services installation or repair, where surface restored with like materials. | See HCD Plan (11.2.c) for examples, including hydro, lighting, communications, fire. |
| d) | Street furniture installation or repair (e.g. seating, planters, tree grates, garbage, bike racks). | See HCD Plan (11.2.d) for full list of examples. |
| e) | Landscaping installation or removal, when confined to boulevard and/or same area. | See HCD Plan (11.2.e & 11.2.f) for examples, including vegetative landscaping, driveways, paths, parking). |
| f) | Trails and bicycle lanes. | See HCD Plan (11.2.g) for specifics, including addition of bike lanes in current ROW and trails in existing open space areas. |



Hamilton