

Appendix G

City of Hamilton Official Plan Policy Framework

APPENDIX G

Official Plan Policy Excerpts

The following is an overview of the general policies pertaining to Cultural Heritage Resources as found within Volume 1, Chapter B of the City of Hamilton Urban Hamilton Official Plan, as they may apply to the Study Area:

RESIDENTIAL INTENSIFICATION AND CULTURAL HERITAGE RESOURCES POLICIES

The following policies address residential intensification as it applies to cultural heritage resources, including neighbourhoods established historical neighbourhoods such as those within the Study Area. These policies are supported through recent changes in Provincial policy that aim to provide more opportunity for residential intensification. These policies may also assist in providing guidance and other opportunities to ensure appropriate intensification in specific areas through additional studies or plans.

- 2.4.3.1 Residential intensification involving cultural heritage resources shall be in accordance with Section B.3.4 – Cultural Heritage Resources Policies.*
- 2.4.3.2 Residential intensification in established historical neighbourhoods shall be in accordance with Policy B.3.4.3.6 and Policy B.3.4.3.7.*

FACILITATION RESIDENTIAL INTENSIFICATION POLICIES

- 2.4.4 The City, when reviewing or developing new secondary plans or corridor studies, shall identify opportunities for residential intensification to support the intensification targets and related policies.*
- 2.4.5 The City shall establish zoning that permits residential intensification generally throughout the built-up area, in accordance with this Plan.*
- 2.4.6 The City shall prepare detailed design guidelines for residential intensification projects in a variety of contexts.*
- 2.4.7 The City shall consider the creation of new, or expansion of existing programs, including public transit, to encourage and/or facilitate residential intensification.*
- 2.4.8 The City may facilitate the development of residential intensification projects In accordance with Section F.4.0 – Municipal Land and Building Acquisition.*
- 2.4.9 The City shall consider the disposition of surplus City owned lands/buildings for the purposes of facilitating residential intensification*

projects where appropriate, with preference for affordable housing initiatives.

- 2.4.10 The City shall partner with the Hamilton-Halton Home Builders Association and other provincial, regional and community organizations to provide educational opportunities about residential intensification for the public and the building and development industry.*

GENERAL CULTURAL HERITAGE POLICIES

- 3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:*
- a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.*
 - b) Identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources.*
 - c) Promote awareness and appreciation of the City's cultural heritage and encourage public and private stewardship of and custodial responsibility for the City's cultural heritage resources.*
 - e) Encourage the ongoing care of individual cultural heritage resources and the properties on which they are situated together with associated features and structures by property owners, and provide guidance on sound conservation practices.*
 - f) Support the continuing use, reuse, care, and conservation of cultural heritage resources and properties by encouraging property owners to seek out and apply for funding sources available for conservation and restoration work.*
 - g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act, R.S.O., 1990 c. P.13 either through appropriate planning and design measures or as conditions of development approvals.*
 - h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.*
 - i) Use all relevant provincial legislation, particularly the provisions of the Ontario Heritage Act, the Planning Act, R.S.O., 1990 c. P.13, the Environmental Assessment Act, the Municipal Act, the Niagara Escarpment*

Planning and Development Act, the Cemeteries Act, the Greenbelt Act, the Places to Grow Act, and all related plans and strategies in order to appropriately manage, conserve and protect Hamilton's cultural heritage resources.

- j) Incorporate the conservation practices and principles of the Standards and Guidelines for the Conservation of Historic Places in Canada and the Eight Guiding Principles In The Conservation Of Built Heritage Properties, prepared by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. (OPA 167)*

3.4.2.2 The City consists of many diverse districts, communities, and neighbourhoods, each with their own heritage character and form. The City shall recognize and consider these differences when evaluating development proposals to maintain the heritage character of individual areas.

HERITAGE DESIGNATION POLICIES

3.4.2.3 The City may by by-law designate individual and groups of properties of cultural heritage value under Parts IV and V respectively of the Ontario Heritage Act, including buildings, properties, cultural heritage landscapes, heritage conservation districts, and heritage roads or road allowances.

3.4.2.4 The City shall maintain, pursuant to the Ontario Heritage Act, a Register of Property of Cultural Heritage Value or Interest. In considering additions and removals of non-designated cultural heritage property to or from this Register, the City shall seek and consider advice from its Municipal Heritage Committee.

3.4.2.5 In addition to the provisions of the Ontario Heritage Act respecting demolition of buildings or structures located on cultural heritage properties contained in the Register, the City shall ensure that such properties shall be conserved in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act, R.S.O., 1990 c. P.13. (OPA 167)

CULTURAL HERITAGE IMPACT ASSESSMENTS POLICIES

3.4.2.11 A cultural heritage impact assessment: (OPA 57 and OPA 64)
a) shall be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act, R.S.O., 1990 c. P.13 where the proposed development, site alteration, or redevelopment of

lands (both public and private) has the potential to adversely affect the following cultural heritage resources through displacement or disruption:

- i. Properties designated under any part of the Ontario Heritage Act or adjacent to properties designated under any part of the Ontario Heritage Act;*
- ii. Properties that are included in the City's Register of Property of Cultural Heritage Value or Interest or adjacent to properties included in the City's Register of Property of Cultural Heritage Value or Interest;*
- iii. A registered or known archaeological site or areas of archaeological potential;*
- iv. Any area for which a cultural heritage conservation plan statement has been prepared; or,*
- v. Properties that comprise or are contained within cultural heritage landscapes that are included in the Register of Property of Cultural Heritage Value or Interest.*

b) may be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act, R.S.O., 1990 c. P.13 where the proposed development, site alteration, or redevelopment of lands (both public and private) has the potential to adversely affect cultural heritage resources included in the City's Inventory of Buildings of Architectural or Historical Interest through displacement or disruption.

3.4.2.12 Cultural heritage impact assessments shall be prepared in accordance with any applicable guidelines and Policy F.3.2.3 – Cultural Heritage Impact Assessments. The City shall develop guidelines for the preparation of cultural heritage impact assessment.

3.4.2.13 Where cultural heritage resources are to be affected, the City may impose conditions of approval on any Planning Act, R.S.O., 1990 c. P.13 application to ensure their continued protection prior to site alteration or soil disturbance. In the event that rehabilitation and reuse of the resource is not viable and this has been demonstrated by the proponent, the City may require that affected resources be thoroughly documented for archival purposes, and heritage features salvaged, where feasible or appropriate, at the expense of the applicant prior to demolition. (OPA 167)

3.4.2.14 Prior to site alteration or soil disturbance relating to a Planning Act, R.S.O., 1990 c. P.13 Application, any required cultural heritage impact assessment must be approved, in writing by the City, indicating that there are no further cultural heritage concerns with the property or concurring

with the final resource management strategy to be implemented. The City may also require a higher standard of conservation, care and protection for cultural heritage resources based on prevailing conditions and circumstances within the City. (OPA 167)

PUBLIC AWARENESS POLICIES

- 3.4.2.15 Public awareness and enjoyment of the City of Hamilton's cultural heritage shall be promoted. In order to enhance opportunities for conserving cultural heritage resources, the City may:*
- a) participate in cultural heritage programs, including management, planning, and funding programs, of other levels of government or any other agencies and groups, that are intended to conserve, restore, protect, interpret, or communicate or otherwise assist in the management of cultural heritage resources;*
 - b) initiate or support public programmes or heritage interpretation activities intended to increase community awareness and appreciation of the City's heritage, including its recent history and distant past in order to represent either popular or under-represented stories, themes and histories of people or groups;*
 - c) participate in public programmes or heritage interpretation activities of other levels of government or other agencies and groups;*
 - d) encourage active citizen participation in cultural heritage conservation activities; and,*
 - e) name roads, streets, water courses, and other public places and facilities to recognize all persons, groups, themes, activities, landscapes, or landmarks of interest in the City that have contributed to the cultural heritage and diversity of Hamilton's history*

GENERAL CULTURAL HERITAGE POLICIES FOR URBAN AREAS POLICIES

Downtowns

The eastern portion of the Study Area, east of Market Street North is identified as a Community Node in the Official Plan, which would be subject to the following policies:

- 3.4.3.1 The City includes several downtown areas that are historical centres of the community and typically contain a high concentration of cultural heritage resources and associated historical streetscapes, including buildings, such as town halls, landmark institutional buildings, commercial terraces,*

churches, railway stations, parks, and distinctive residential areas. These downtowns are generally located within the Downtown Urban Growth Centre and the Community Nodes associated with the downtowns of the former municipalities of Ancaster, Dundas, Stoney Creek, and Waterdown. The City shall define downtown boundaries through secondary planning processes or other detailed planning initiatives.

3.4.3.2 Within these downtown areas, the City shall conserve individual cultural heritage properties and areas of heritage value, including streetscape features, traditional circulation patterns, and important views, and ensure that new development respects and reflects the design of surrounding heritage buildings.

3.4.3.3 New development or redevelopment in downtown areas containing heritage buildings or adjacent to a group of heritage buildings shall:

- a. encourage a consistent street orientation in any new building forms;*
- b. maintain any established building line of existing building(s) or built form by using similar setbacks from the street;*
- c. support the creation of a continuous street wall through built form on streets distinguished by commercial blocks or terraces;*
- d. encourage building heights in new buildings that reflect existing built form wherever possible or encourage forms that are stepped back at upper levels to reflect established cornice lines of adjacent buildings or other horizontal architectural forms or features; and,*
- e. reflect the character, massing, and materials of surrounding buildings.*

3.4.3.4 The City shall encourage the use of contemporary architectural styles, built forms, and materials which respect the heritage context.

3.4.3.5 Where alterations are proposed to built heritage resources within the Downtown areas, the following principles shall be followed:

- a. maintain the basic relations of the horizontal divisions of the building;*
- b. maintain original façade components and materials wherever possible;*
- c. replicate the original parts and materials wherever possible; and*
- d. remove elements that are not part of or hide the original design.*

Established Historical Neighbourhoods:

The Official Plan defines established historical neighbourhoods are neighbourhoods that were substantially built prior to 1950. These neighbourhoods exhibit unique character, provide examples of historical development patterns, and contain concentrations of cultural heritage resources.

3.4.3.6 *The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.*

3.4.3.7 *Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.*

HERITAGE CONSERVATION DISTRICTS POLICIES

3.4.6.3 *The City, in consultation with its Municipal Heritage Committee, may designate properties including cultural heritage landscapes as Heritage Conservation Districts under the Ontario Heritage Act where it has been determined that the district possesses one or more of the following attributes:*

- a. a group of buildings, features, and spaces that reflect an aspect of local history, through association with a person, group, or activity;*
- b. buildings and structures that are of architectural or vernacular value or interest; and,*
- c. important physical and aesthetic characteristics that provide an important context for cultural heritage resources or associations within the district, including features such as buildings, structures, landscapes, topography, natural heritage, and archaeological sites.*

3.4.6.4 *The City shall in accordance with the Ontario Heritage Act:*

- a. define and examine Study Areas for future Heritage Conservation District designations;*
- b. prepare area studies of prospective Heritage Conservation Districts; and,*
- c. prepare Heritage Conservation District plans.*

3.4.6.5 *The City may in accordance with the Ontario Heritage Act by by-law prohibit or set limitations with respect to property alteration, erection, demolition, or removal of buildings or structures, or classes of buildings or structures, within the Heritage Conservation District Study Area.*