

Authority: Item 17, Economic Development
and Planning Committee
Report 10-017 (PED10199)
CM: September 15, 2010

Bill No. 218

CITY OF HAMILTON

BY-LAW NO. 10-218

To Adopt:

Amendment No. 5 to the Downtown and Community Renewal
Community Improvement Plan

WHEREAS Section 28 of the *Planning Act* entitled Community Improvement states where a by-law has been passed to designate a community improvement project area, the Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area;

AND WHEREAS By-law 07-061, as amended, passed on the 28th day of February 2007, designated the Downtown and Community Renewal Community Improvement Project Area;

AND WHEREAS By-law 07-062, as amended, passed on the 28th day of February 2007 adopted and approved the Downtown and Community Renewal Community Improvement Plan;

AND WHEREAS Council, by its Economic Development and Planning Committee, held a public meeting on September 7, 2010 to discuss and receive public input regarding an amendment to the Downtown and Community Renewal Community Improvement Plan, and has taken other steps required to amend the Plan, prior to the enactment of this by-law, as required by the *Planning Act*.

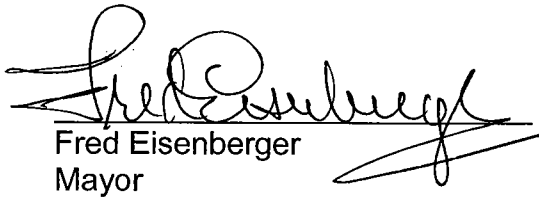
AND WHEREAS the City has prepared an amendment to the Downtown and Community Renewal Community Improvement Plan, attached hereto as Schedule 1 and forming part of this By-law.

Amendment to the Downtown and Community Renewal Plan
Page 2 of 9

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 5 to the Downtown and Community Renewal Community Improvement Plan, consisting of Schedule 1 hereto annexed and forming part of this by-law, is hereby adopted and approved.
2. Schedule 'A' to By-law 07-062, as amended, is further amended as set out in Schedule 1 to this By-law.

PASSED this 15th day of September, 2010



Fred Eisenberger
Mayor



Rose Caterini
City Clerk

Schedule 1 to By-law 10-218

Amendment No. 5

to the

Downtown and Community Renewal
Community Improvement Plan

The following text constitutes Amendment No. 5 to the Downtown and Community Renewal Community Improvement Plan.

Purpose

- To add the Hamilton Heritage Property Grant Program.

Location

The lands affected by the amendment are contained within the Downtown and Community Renewal Community Improvement Project Area, designated by By-law 07-61, as amended.

Basis

- The addition of the Hamilton Heritage Property Grant Program is consistent with the goals and objectives of the Community Improvement Plan, including encouraging the preservation and enhancement of significant heritage resource and stimulating private property reinvestment.

Actual Changes

1. **Section 8.0** is amended as follows:
 - a) After the last paragraph of Section 8.1.5., a new section is added as follows:

“Section 8.1.6. Hamilton Heritage Property Grant Program

The Hamilton Heritage Property Grant Program (HHPGP) provides financial assistance for structural/stability work required to conserve and restore heritage features of properties; the conservation and restoration of heritage features of properties; and, for heritage studies/reports/assessments that are designated under Parts IV or V of the Ontario Heritage Act. Eligible properties must be located within the Downtown Hamilton Community Improvement Project Area or within active Business Improvement Areas within the City of Hamilton.

Amendment to the Downtown and Community Renewal Plan
Page 4 of 9

The applicant must be the property owner or any person whom the owner has been assigned the right to receive the grant to be eligible to apply for the grant program. The grant is contingent on properties being designated under Parts IV or V of the Ontario Heritage Act or are eligible for designation pursuant to Ontario Regulation 9/06. A condition of the grant is that the property is designated under Parts IV or V of the Ontario Heritage Act prior to grant monies flowing to the applicant.

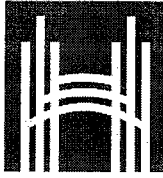
The grant will be based on 25% of the total cost of regeneration of the property to a maximum City grant of \$150,000 for eligible work under the program. The heritage related reports/assessments/studies component provides an additional grant that will fund 100% of the cost of the document(s) to a maximum of \$20,000 per property.

Council has adopted by resolution the detailed implementation measures to allow for the efficient administration of this program. These administration procedures are appended in Appendix 'F' to this C.I.P."

Implementation

The provisions of Section 6A of the former Hamilton-Wentworth Official Plan and Section 28 of the Planning Act give effect to this amendment.

This amendment constitutes Schedule 1 to By-law No. 10-218 passed on the 15th day of September, 2010.



Hamilton

Planning and Economic Development Department
Downtown & Community Renewal Division
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HAMILTON HERITAGE PROPERTY GRANT PROGRAM

Program Description:

The Hamilton Heritage Property Grant Program (HHPGP) is intended to provide financial assistance in the form of a grant for structural/stability work required to conserve and restore heritage features of properties; the conservation and restoration of heritage features of properties; and for heritage studies/reports/assessments for properties that are designated under Parts IV or V of the Ontario Heritage Act. Eligible properties must be located within the Downtown Hamilton Community Improvement Project Area or within an active* Business Improvement Area within the City of Hamilton.

The objective of the Program is to assist in developing and re-using heritage properties. City Council values heritage properties as important to the urban revitalization and regeneration of the Downtown Core and Business Improvement Areas. Conservation and restorative initiatives must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, relevant Urban Design Guidelines, regulations contained within applicable Zoning By-laws as well as any other applicable City Council approved policies/regulations.

Terms of the Program:

- The applicant must be the property owner of a historically designated property or, any person whom the owner of such property has assigned the right to receive the grant, to be eligible to apply for the program.
- The grant is contingent on properties being designated under Parts IV or V of the Ontario Heritage Act or are eligible for designation pursuant to Ontario Regulation 9/06.
- A condition of the grant is that the property is designated under Parts IV or V of the Ontario Heritage Act *prior to grant monies flowing to the applicant.*

Amendment to the Downtown and Community Renewal Plan

Page 6 of 9

* An active B.I.A. is not considered dormant as defined in the Dormant Business Improvement Area Status Procedure as approved by City Council at its meeting held November 11, 2009.

- An application fee of \$310 is to accompany the application. The rate of the fee may be changed from time to time as approved by City Council.
- Proposed work cannot commence prior to: a Heritage Permit; or easement approval; or other City approval, being issued for the heritage component.
- Proposed work cannot commence prior to all planning and building code approvals required for structural/stability works.
- The Downtown and Community Renewal Division reserves the right to recommend works that are integral to the preservation of the building required to preserve/conservate the heritage features.
- Proposed work is to be completed within two calendar years of the date of approval of the General Manager of the Planning and Economic Development Department to be eligible for payment. A one year extension can be authorized by the Director of Downtown and Community Renewal.
- Payment will be made by the City upon proof by an architect or engineer confirming the value of the work completed and the compliance with all applicable regulations/legislation or upon proof satisfactory to the City confirming the value of the work completed.
- Realty taxes must be paid current and in good standing.
- Notwithstanding the above, upon completion of the improvements on condominium properties, the Downtown and Community Renewal Division will set a deadline to the condominium corporation as to when all taxes on the property are to have been paid as billed and, if on that date 100% of the taxes are not paid, the grant will be advanced proportionately based upon the percentage of paid taxes. The remainder of the grant will be cancelled.
- Funding will not be applied retroactively to any work undertaken prior to grant approval.
- The grant will be based on 25% of the total cost of regeneration of the property to a maximum City grant of \$150,000 for eligible work under the program.
- Work completed must comply with estimates, and work proposed and identified within the application unless previously approved by the Downtown and Community Renewal Division.
- The grant is not transferable upon sale of the property.
- The heritage grants may be received by an owner in conjunction with any other City heritage program available including the Commercial Heritage Property Restoration Program and the Community Heritage Trust Program. Funding under these programs will not fund the same work *and* will be contingent on total financing under all heritage programs not exceeding 50% of the total cost of the restoration/conservation work.

Amendment to the Downtown and Community Renewal Plan
Page 7 of 9

- The heritage grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment/development of the property including the City's Hamilton Downtown Multi Residential Property Investment Program; the Hamilton Downtown Property Improvement Grant Program, the Commercial Corridor Housing Loan and Grant Program and the Commercial Property Improvement Grant Program. Funding under these programs will not fund the same work.
- Whether or not an Applicant satisfies the requirements of the Program, the City may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City.
- Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).

Heritage Related Reports/Assessments/Studies Component:

- The heritage related reports/assessments/studies component provides an additional grant that will fund 100% of the cost of the document(s) to a maximum of \$20,000 per property.
- The applicant shall retain a qualified consultant to complete the heritage related reports/assessments/studies, who is acceptable to the City (Downtown and Community Renewal and Community Planning and Design).
- The final document is to meet the satisfaction of the City (Downtown and Community Renewal and Community Planning and Design).
- Copies of the final document shall be provided to the City (Downtown and Community Renewal and Community Planning and Design) and may be used as the basis for future work on the property by a future owner should the ownership of the property change.

Eligible structural/stability work:

- Work necessary to restore the building to structural soundness e.g., the correction of serious structural faults that threaten the building's survival; stabilization works to retain portions of the property; underpinning of building structures; repair/new roofs.

Eligible conservation work:

- Any work that conserves or enhances elements specified in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes* accompanying the designating by-law under the Ontario Heritage Act.
- The **conservation** of significant architectural features is eligible. This may include the conservation or restoration of: doors, windows, verandahs,

cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes*.

- The **conservation** of fences and outbuildings if specifically referred to in *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes*.
- The **conservation** or renewal of original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). Eligible work also includes removal of a modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials.
- The **reconstruction** of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.) is eligible.
- The **reconstruction** of store fronts which have been altered or replaced. The documentation should be in the form of historic photographs or drawings clearly showing the feature(s) to be reconstructed.
- Cleaning of masonry buildings may be eligible if it is necessary for the building's preservation. **Under no circumstances will grants be paid for any form of abrasive cleaning, (e.g., sandblasting or sodablasting) or high-pressure water cleaning. Heritage Staff approval is required as to cleaning method to be employed before work is undertaken.**
- Exterior painting in documented original colours. Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area. Painting of unpainted masonry is not eligible.

Non-eligible works:

The following works, including repair, maintenance, reconstruction or improvements to the following are ineligible for grant assistance:

- Short-term, routine *maintenance*. This includes minor repairs (such as repairing a broken step or a broken window); repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.)
- Landscaping
- Work on modern additions
- Work on sheds or outbuildings not specifically referred to in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes*
- Installation of modern doors and windows unless replicas of the original

Amendment to the Downtown and Community Renewal Plan
Page 9 of 9

- Installation of new storm or screen doors and windows
- Chimney repairs other than restoration of a significant chimney
- Repair of eavestrough unless its nature is such that it is significant to the heritage of the structure
- Repairs to or renewal of modern materials
- Painting previously unpainted masonry
- Interior Work
- Abrasive cleaning (e.g. sandblasting or sodablasting) or high-pressure water cleaning