

## BYLAW NO. 4212

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**A BYLAW OF THE CITY OF MEDICINE HAT** to designate a specific part of the City of Medicine Hat as a Municipal Historic Area.

**WHEREAS** under section 27(1) of the *Historical Resources Act*, R.S.A. 2000 c. H-9 (the "Act") if the Council of the City of Medicine Hat is of the opinion that the preservation of the historical character of any part of the municipality is in the public interest, Council may by bylaw designate that part of the municipality as a Municipal Historic Area and prohibit or regulate and control the use and development of land and the demolition, removal, construction, or reconstruction of buildings within that Municipal Historic Area;

**AND WHEREAS** the Council of the City of Medicine Hat is of the opinion that certain municipally owned portions of and around First Street SE and First Street SW, as more particularly described in section 2 of this bylaw, possess historical character and preservation of that historical character is in the public interest;

**AND WHEREAS** a bylaw made under section 27(1) of the Act is deemed to form part of the City of Medicine Hat's Land Use Bylaw;

**AND WHEREAS** Part 17 of the *Municipal Government Act*, R.S.A. c. M-26 relating to a land use bylaw applies to a bylaw made under section 27(1) of the Act;

**NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:**

### **SHORT TITLE**

1. This Bylaw may be cited as the "First Street South Municipal Historic Area Designation Bylaw".

### **LAND DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE**

2. The lands municipally described as the municipally owned portions of First Street South from 4th Avenue SE to east of Chinook Drive SW, including all avenues north of First Street in the region as well as the public areas that adjoin the public roadways, and more particularly known and legally described as:

#### **Firstly**

Plan 833M  
Block 1  
Lots 1-43 Inclusive;

Road Plan 4695C:

That portion of James St. (municipally known as 1st Street SW) which lies West of Plan 32580 and East of the SW  $\frac{1}{4}$  Section 36 Township 12 Range 6 West of 4th Meridian;

Plan 1807M:  
Block F  
Lots 1-9 Inclusive;

Plan 9112244:  
Block D  
Lots 13ER (Environmental Reserve) and 14PUL (Public Utility Lot);

Plan 32380:  
Those portions of Streets (municipally known as 1st Street SW and 2nd Avenue SW) lying North of the westerly production of the North boundary of the Lane, Block E;

Plan 23560:  
Those portions of Streets (municipally known as 1st Street SW and 1st Avenue SW) lying North of the westerly production of the North boundary of the Lane, Block B; and

Plan 741 0061:  
Block A  
Lot R1 (Reserve)  
in the SE 1/4 Section 36 Township 12 Range 6 West of the 4th Meridian

**Secondly:**

Plan 4455JK:  
Block A  
Lot R1 (Community Reserve);

Plan 36556:  
South River Street (municipally known as 1st Street SE);

Plan 1491:  
That portion of South River Street (municipally known as 1st Street SE) lying West of a line drawn from the Northwest corner of Lot 21, Block 4, Plan 0311838 to the Southwest corner of Lot 14, Block B, Plan 9211125,

That portion of Eighth Avenue (municipally known as 2nd Avenue SE) lying North of the westerly production of the North boundary of lane in Block 2,

That portion of Seventh Avenue (municipally known as 3rd Avenue SE) lying North of a line drawn from the SE corner of Lot 10, Block 2 to the SW corner of Lot 1, Block 3, and

That portion of Sixth Avenue (municipally known as 4th Avenue SE) lying North of the easterly production of the North boundary of the lane in Block 3;

Plan 2658JK:  
Block 2  
Lane; and  
Plan 47748:  
Sixth Avenue (municipally known as 4th Avenue SE) in the W ¼ Section 31 Township 12 Range 5 West of the 4th Meridian;

**Thirdly:**

That portion of the intervening Government Road Allowance lying South of the right bank of the South Saskatchewan River and North of the easterly production of the North boundary of the Jane in Block B, Plan 23560;

**Fourthly:**

Plan 833M

Lot Z

Excepting Thereout All Mines and Minerals

*(Hereinafter collectively referred to as the "Historic Area")*

3. For greater certainty, the Historic Area does not include any privately owned land or property.
4. An approximate outline of the Historic Area is attached as Schedule "A" and entitled 'Approximate Outline of the Historic Area '. The Approximate Outline of the Historic Area is attached strictly for illustrative purposes and shall not affect the interpretation or determination of the actual Historic Area. In determining the actual Historic Area, the detailed written descriptions in section 2 of this bylaw shall govern.
5. The historical character of the Historic Area is hereby described in the attached Schedule "B", entitled the 'Historic Area Statement of Significance'.
6. The Historic Area is hereby designated as a Municipal Historic Area as defined in the Act.

**REGULATED PORTIONS**

7. The specific elements of the Historic Area considered to possess historical character are specifically described and identified in the attached Schedule "C", entitled, 'The Regulated Portions of the Historic Area', and are hereby known as the "Regulated Portions".
8. Council considers the preservation of the Regulated Portions to be in the public interest.

**REPAIRS AND REHABILITATION OF REGULATED PORTIONS**

9. Subject to section 10, no person shall destroy, disturb, alter, restore or repair or otherwise affect the Regulated Portions unless that person has obtained the prior written approval of the City's Chief Administrative Officer (CAO).
10. Departments of the City of Medicine Hat may carry out any and all work that is necessary or desirable, in the opinion of the General Manager of the department that wishes to carry out the work, for the operation, maintenance, inspection, construction, installation, repair, upgrade, or replacement of any municipally owned lines, utilities, facilities, infrastructure, roads, vegetation, or Buildings located on, under, or over the Regulated Portions and for which that particular department is responsible.

11. When considering any application under section 9 of this Bylaw, the CAO shall take into consideration the terms of the Parks Canada 2003 publication 'Standards and Guidelines for the Conservation of Historic Places in Canada' (as replaced or amended from time to time) as referenced and summarized in the attached Schedule "D" entitled 'Standards and Guidelines for the Conservation of Historic Places in Canada'.

### **NON-REGULATED PORTIONS OF THE HISTORIC AREA**

12. All portions or features of the Historic Area which are not specifically described or identified as Regulated Portions (the "Non-Regulated Portions"), even if such portion is a character-defining element of the Historic Area, may be disturbed, altered, restored, repaired, or otherwise affected provided that such action does not impact the Regulated Portions and that all permits or approvals required to do such work have been obtained from the authority having jurisdiction. Without limiting the generality of the foregoing definition of Non-Regulated Portions, the following portions or features of, or infrastructure within, the Historic Area are considered Non-Regulated Portions:
  - (a) views of mature landscaping including lawns, shrubs, trees, flower beds and other landscape features;
  - (b) views of the river valley both up and down river;
  - (c) the surface and subsurface materials of roads and alleys; or
  - (d) any municipally owned lines, utilities, facilities, infrastructure, vegetation, or Buildings.
13. Any portion of the Historic Area that encroaches onto any adjacent land, other than land owned by the City of Medicine Hat, shall be considered Non-Regulated Portions. Any portion of any Building that encroaches onto the Historic Area shall not be affected by this Bylaw.

### **COMPENSATION**

14. No compensation pursuant to the Act or otherwise is owing to the owner of the Historic Area or any other person.

### **RECITALS AND SCHEDULES**

15. The recitals and Schedules "A", "B", "C" and "D" attached to this Bylaw form a part of it.

### **INTERPRETATION**

16. The headings in this Bylaw are for ease of reference only and are not intended to be taken into account in the construction or interpretation of this Bylaw.
17. The term "Building" has the same meaning given to that term in the City of Medicine Hat's Land Use Bylaw.
18. A reference to a statute or regulation or a provision thereof means the statute or regulation or provision as amended or superseded from time to time.

**COMING INTO FORCE**


19. This Bylaw comes into force at the beginning of the day it is passed.

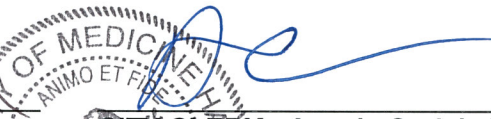
**READ A FIRST TIME** in open Council on December 15, 2014.

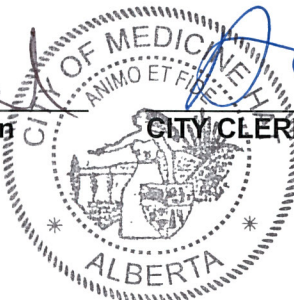
**READ A SECOND TIME** in open Council on March 7, 2016.

**READ A THIRD TIME** in open Council on March 7, 2016.

**SIGNED AND PASSED** on March 8, 2016.

  
MAYOR: Keith E. (Ted) Clugston

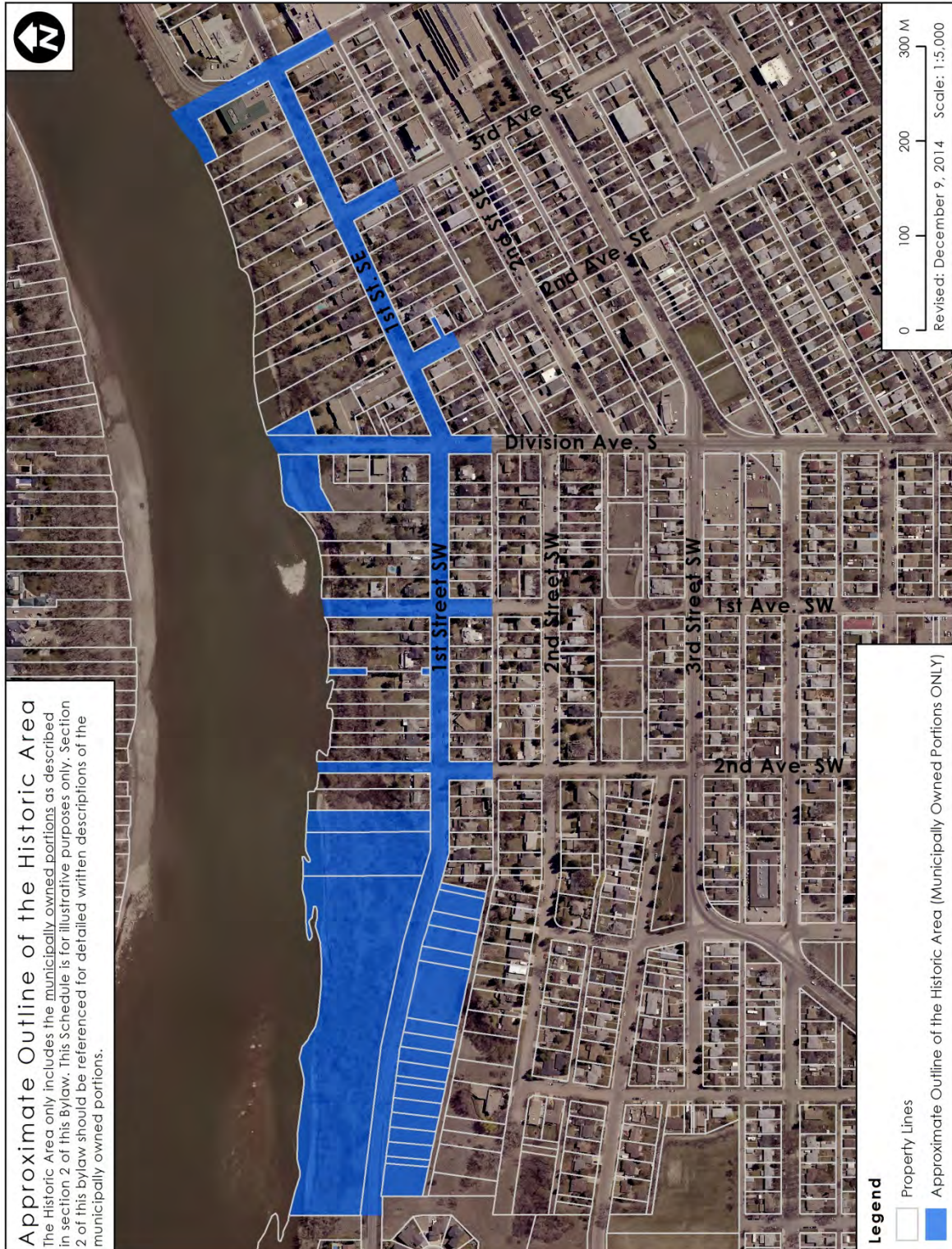
  
CITY CLERK: Angela Cruickshank





# SCHEDULE "A"

## APPROXIMATE OUTLINE OF THE HISTORIC AREA



**SCHEDULE "B"**  
**THE HISTORIC AREA**  
**STATEMENT OF SIGNIFICANCE**

**FIRST STREET SOUTH MUNICIPAL HISTORIC AREA**

**1. Description of Heritage Resource**

The First Street Municipal Historic Area is one of the oldest residential districts in Medicine Hat and is located immediately west of downtown along the first street running south of and parallel to the South Saskatchewan River. The boundaries include the publicly-owned area with views of the homes on both sides of First Street, from Fourth Avenue SE to the western end of the Harlow Tangle which fronts on First Street SW (i.e. immediately east of Chinook Drive intersection). Formerly known as "Esplanade", it is a tree-lined street of mainly single-family houses in an evolving mix of ages and styles, ranging in age from the late 1800s to the present, and well set back from the street with wide boulevards and mature landscaping. The canopy of mature trees in the boulevard that forms an arch over the roadway and changes colour with the season. This area includes one Registered Historic Resource, one Provincial Historic Resource as well as candidates for municipal designation due to architectural and historical interest.

**2. Heritage Values:**

The First Street Municipal Historic Area is significant to the City of Medicine Hat for its embodiment of a broad range of aesthetic, historical, and social values.

The First Street Municipal Historic Area is significant for its aesthetics: the variety of size and style of single family homes, some quite majestic, others modest, visible from the street; the view of the mature landscaping and wide boulevards in front of the homes; the picturesque vistas of the South Saskatchewan River and Finlay Bridge; the larger lot sizes; and the range of mainly traditional building materials, particularly brick, stucco and wood siding apparent from the street and sidewalk.

The area is also known for its cultural and historic values. First Street SE and SW west of downtown was historically known as the Esplanade. This was the neighbourhood where many of the city's early citizens chose to build. Backing onto the river, Esplanade was the city's first street with tree-lined boulevards along which grand homes were intermixed with more modest residences. Construction began as early as 1886 and redevelopment has continued to the present.

In terms of social value, the street creates an impressive entrance to the downtown from the west; provides a beautiful walkway under a canopy of trees with a sidewalk separated from the street by a boulevard; provides views of the river valley and natural vegetation of city's fringe in the Harlow Tangle. The dignified character of the Esplanade remains due to the profusion of trees, boulevards, spacious lawns and mature landscaping, deeper than normal residential setbacks from the street and architectural variety.



**3. Character Defining Elements**

The heritage values of the First Street Municipal Historic Area are expressed in character-defining elements such as:

- tree canopy of mainly elms and ash trees arching over the street
- boulevards between the street and the sidewalk
- natural vegetation on the river bank and in the natural areas





## **SCHEDULE "C"**

### **THE REGULATED PORTIONS OF THE HISTORIC AREA**

#### **FIRST STREET SOUTH MUNICIPAL HISTORIC AREA**

The purpose of this Schedule is to identify by written description and photograph, those portions of the area known as the First Street South Municipal Historic Area, which must be preserved.

The following municipally owned elements located entirely within the Historic Area are Regulated Portions:

- tree canopy of mainly elms and ash trees arching over the street
- boulevards between the street and the sidewalk
- natural vegetation on the river bank and in the natural areas



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## **SCHEDULE "D"**

### **STANDARDS AND GUIDELINES FOR THE CONSERVATION OF HISTORIC PLACES IN CANADA**

The primary purpose of the 2003 Standards and Guidelines for the Conservation of Historic Places in Canada ('Standards and Guidelines') is to provide sound, practical guidance to achieve good conservation practice. They are used to assess proposed changes to designated Municipal Historical Resources and Municipal Historic Areas and form the basis for review and assessment for the approved rehabilitation program.

The Standards and Guidelines were developed by Parks Canada and have been adopted as national standards for the conservation of designated historic structures. They provide a philosophical consistency for project work; and while neither technical nor case-specific, they provide the framework for making essential decisions about those features of a historic place, which should be maintained and can be altered.

#### **The Standards and Guidelines**

The Standards and Guidelines are not presented in a sequential or hierarchical order, and as such, equal consideration should be given to each. All Standards and Guidelines for any given type of treatment must therefore be applied simultaneously to a project.

#### **General Standards and Guidelines (all projects)**

1. Conserve the heritage value of a historic place. Do not remove, replace, or substantially alter its intact or repairable character-defining elements. Do not move a part of a historic place if its current location is a character-defining element.
2. Conserve changes to a historic place which, 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 Area that never coexisted.
5. Find a use for a historic place that requires minimal or no change to its character-defining elements.
6. Protect and, if necessary, stabilize a historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbance of 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 gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.

8. Maintain character-defining elements on an on-going 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 and identifiable upon close inspection and document any intervention for future reference.

#### **Additional Standards and Guidelines 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 a 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 a historic place will not be impaired if the new work is removed in the future.

#### **Additional Standards and Guidelines 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.

#### **Standards and Guidelines**

The full text of the Standards and Guidelines for the Conservation of Historic Places in Canada is available from:

**City of Medicine Hat**  
Planning Department  
580 First Street S.E.  
Medicine Hat, AB T1A 8E6

**Parks Canada National Office**  
25 Eddy Street  
Gatineau, Quebec K1A 0M5