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Item No. 9.1
Heritage Advisory Committee
March 28, 2018

**Halifax & West Community
Council** April 17, 2018

**Community Planning and
Economic Development
Standing Committee**
April 19, 2018

**Halifax & West Peninsula
Planning Advisory Committee**
April 23, 2018

TO: Chairs and Members of the:
Halifax & West Peninsula Planning Advisory Committee
Heritage Advisory Committee
Halifax & West Community Council
Community Planning and Economic Development Standing Committee

-Original Signed-

SUBMITTED BY:

Kelly Denty, Acting Director, Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: March 6, 2018

SUBJECT: **Case H00445: Schmidville Heritage Conservation District Plan, Bylaw, and Amendments to the Halifax Municipal Planning Strategy and the Land Use Bylaw for Halifax Peninsula**

ORIGIN

On April 14, 2015, Halifax Regional Council passed the following motion:

Accept the background studies contained in Attachments A and B to initiate the process to establish a Heritage Conservation District in Schmidville.

Recommendations on page 3

LEGISLATIVE AUTHORITY

Heritage Property Act, including section "19A (1) A municipality may establish a heritage conservation district by concurrently adopting a heritage conservation district plan and a heritage conservation district by-law for a part of the municipality and there may be different conservation plans and conservation by-laws for different parts of the municipality."

Heritage Conservation Districts Regulations

Halifax Regional Municipality Charter, Part VIII

Halifax Regional Municipality Charter, 32 (3) The powers and duties of a community committee may include:

- (c) making recommendations to the Council respecting any matter intended to improve conditions in the area for which the committee is responsible including, but not limited to, recommendations respecting... (ii) by-laws or regulations, including those regarding planning, that are required, and

Administrative Order One, Schedule 3, Terms of Reference, The Community Planning and Economic Development Standing Committee:

- 5. The Community Planning and Economic Development Standing Committee shall oversee the Municipality's Community building initiatives in the areas of arts, culture, recreation and heritage and related facilities strategies by:
 - (a) promoting and enabling an inclusive range of arts, culture, recreation and heritage opportunities in the municipality;
 - (b) promoting and enabling access to arts, cultural, recreation and heritage facilities that support the Municipality's Community Outcome areas; and
- 5A. "Heritage" for the purposes of community building initiatives relates to overseeing policy matters respecting heritage and, for greater certainty, excludes oversight of a specific application respecting a municipal heritage property, such as an application for a registration, deregistration, substantial alteration, demolition or heritage incentive.

Terms of Reference, Halifax & West Halifax Peninsula Planning Advisory Committee

- 4. To advise the Halifax & West Community Council with respect to the preparation or amendment of planning documents within or affecting (all or portions of) Polling Districts 7, 8 and 9 incorporated into the Halifax & West Community Council. The term "planning documents" shall be as defined in clause m of section 209 of the Halifax Regional Municipality Charter.

By-law H-200, Heritage Property By-law

- 4 The Committee shall, within the time limits prescribed by Council or the Act, advise the Region respecting:
 - (d) the preparation, amendment, revision or repeal of a conservation plan and conservation by-law;
 - (g) building or other regulations that affect the attainment of the intent and purpose of the Act;
 - (h) applications for heritage agreement, development agreements or amendments to a Land Use Bylaw which may affect a registered heritage property or amendments to a Municipal Planning Strategy affecting heritage policies;

- (q) and other matters conducive to the effective carrying out of the intent and purpose of the Act.

RECOMMENDATIONS

Halifax & West Peninsula Planning Advisory Committee

It is recommended that the Halifax & West Peninsula Planning Advisory Committee recommend that the Halifax and West Community Council recommend that Regional Council:

1. Give First Reading to consider the amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula, as contained in Attachments C and D, and schedule a public hearing; and
2. Adopt the amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula as set out in Attachments C and D.

Halifax & West Community Council

It is recommended that the Halifax & West Community Council recommend that Halifax Regional Council:

1. Give First Reading to consider the amendments to the Municipal Planning Strategy for Halifax and the amendments to the Land Use By-law for Halifax Peninsula as contained in Attachments C and D, and schedule a public hearing.
2. Give First Reading to consider the Schmitdville Heritage Conservation District Plan and the Schmitdville Heritage Conservation District Bylaw as contained in Attachments A and B, and schedule a public hearing; and
3. Adopt the amendments to the Municipal Planning Strategy for Halifax, the Land Use By-law for Halifax Peninsula, the Schmitdville Heritage Conservation District Plan, and the Schmitdville Heritage Conservation District Bylaw, as set out in Attachments A, B, C, and D.

Heritage Advisory Committee

It is recommended that the Heritage Advisory Committee recommend that Halifax Regional Council:

1. Give First Reading to consider the amendments to the Municipal Planning Strategy for Halifax and the amendments to the Land Use By-law for Halifax Peninsula as contained in Attachments C and D and schedule a public hearing;
2. Give First Reading to consider the Schmitdville Heritage Conservation District Plan and the Schmitdville Heritage Conservation District Bylaw as contained in Attachments A and B, and schedule a public hearing; and
3. Adopt the amendments to the Municipal Planning Strategy for Halifax, the Land Use By-law for Halifax Peninsula, Schmitdville Heritage Conservation District Plan, and the Schmitdville Heritage Conservation District Bylaw as set out in Attachments A, B, C, and D.

Community Planning and Economic Development Standing Committee

It is recommended that the Community Planning and Economic Development Standing Committee recommend that Halifax Regional Council:

1. Give First Reading to consider the Schmitdville Heritage Conservation District Plan and the Schmitdville Heritage Conservation District Bylaw as contained in Attachments A and B, and schedule a public hearing; and
2. Adopt the amendments to the Schmitdville Heritage Conservation District Plan and the Schmitdville Heritage Conservation District Bylaw as set out in Attachments A, and B.

BACKGROUND

The Halifax Regional Municipality currently has one Heritage Conservation District in place: the Barrington Street Heritage Conservation District. However, there are concentrations of heritage resources in many areas throughout the region that merit protection and conservation measures. The municipality has formally identified three areas that warrant consideration for formal designation as heritage conservation districts: Schmitdville is one of these areas.

A Heritage Conservation District is an urban or rural area with historic or architectural value that is established as a heritage conservation district pursuant to the *Heritage Property Act* to guide exterior alteration and applications for demolition. Financial incentives may apply within a District to assist in restoration or renovation of properties within a heritage conservation district. A heritage conservation plan and bylaw works with the local municipal planning strategy and land use bylaw to achieve its objectives.

Registered heritage properties within a District will continue to be registered. As such, provisions of the *Act* relating to substantial alteration, demolition, and deregistration will continue to apply to these properties. However, Section 18 of the *Act*, which allows for alteration or demolition of a registered heritage property after three years where the municipality does not approve the application, does not apply within a District. Also, no further property within a District shall be registered as a municipal heritage property. All other properties within a District, which are not registered heritage properties, shall be subject to the provisions and processes specified in the Heritage Conservation District Plan and By-law as these relate to alterations, demolitions, and other conservation measures.

Background Study

On April 14, 2015, Regional Council initiated a process to prepare a Heritage Conservation District plan and by-law for the Schmitdville neighbourhood. A background study was accepted by both Regional Council and the Minister responsible for the *Heritage Property Act* for their endorsement and initiation of the process to develop a Heritage Conservation District.

In accordance with the *Heritage Property Act*, the content of the background study must support the content of the heritage conservation plan and by-law. The background study addressed the requirements of the *Heritage Conservation Districts Regulations* in preparation for a heritage conservation plan and by-law as follows:

- a) *the rationale or justification for heritage conservation measures in the district;*
- b) *the rationale for the boundaries of the district;*
- c) *the relationship of a conservation plan and conservation by-law with any municipal planning strategy, land-use by-law or provincial land-use policy or regulation in effect for the district; and*
- d) *an analysis of the social and economic implications of the establishment of the district, as these relate to clause (a).*

Rationale for Heritage Conservation Measures and District Boundaries

Schmitdville is the first private subdivision in Halifax. The neighbourhood is valued as a largely intact area of traditional architectural character and for its association with the early settlement of Nova Scotia as one of Halifax's first suburbs outside the fortified fences. Schmitdville is also valued for its association with the economic and social history of Halifax, revealed through its existing character. Schmitdville buildings have strong associations with the Georgian and Victorian eras and most buildings exemplify these architectural traditions.

Heritage conservation measures are justified in Schmidville because of its existing heritage character and the increasing pressure for redevelopment in and around this area. In terms of the boundaries, the proposed Schmidville Heritage Conservation District includes three of the original blocks of Schmidville, planned and subdivided in 1830, and additional areas that evolved adjacent to the original planned area but remain an integral part of the historic neighbourhood.

The purpose of the Schmidville Heritage Conservation District plan is to encourage the preservation, rehabilitation, and restoration of Schmidville's historic buildings and public spaces. The Heritage Conservation District Plan recognizes both the thriving residential community and the historic significance of the built environment in Schmidville.

DISCUSSION

To establish Schmidville as a Heritage Conservation District, a Heritage Conservation District Plan (the Heritage District Plan) and Heritage Conservation District By-law (the Heritage District By-law) must be adopted. The Heritage District Plan and the Heritage District By-law require amendments to the local municipal planning strategy and land use by-law to provide consistency between these documents.

The role of the Halifax Peninsula Planning Advisory Committee is to advise the Halifax and West Community Council on the amendments of the Municipal Planning Strategy and Land Use Bylaw as well the Heritage District Plan and the Heritage District By-law.

The Heritage Advisory Committee role is to advise Regional Council on the amendments to the Municipal Planning Strategy and Land Use Bylaw as well the Heritage District Plan and the Heritage District By-law.

The Community Planning and Economic Development (CPED) Standing Committee's role is to advise Regional Council on the Heritage District Plan and the Heritage District By-law.

Schmidville Heritage Conservation District Plan

The Heritage District Plan identifies three heritage conservation goals:

- a. Support a setting that inspires a greater understanding of the cultural heritage values inherent in the District.
- b. Facilitate the financial viability of housing to encourage residential use as a character-defining element of the District.
- c. Secure and encourage public and private investments in heritage resources to protect and conserve the traditional character of the District.

Heritage Conservation Measures

The Heritage District Plan includes heritage conservation measures in the form of policy directions to develop and implement the heritage conservation goals as follows:

1. *Supporting a Heritage Setting*

The Heritage District Plan recognizes that there is significant interest in Schmidville both for its history and for its architecture. It recognizes Schmidville's proximity to the Central Library and Spring Garden Road commercial area and encourages the public to learn about and experience the historic and architectural significance of Halifax through one of its oldest neighbourhoods. Architectural guidelines ensure that the character of the neighbourhood is reflected in new construction.

2. *Encouraging Housing and Residential Use*

The Heritage District Plan recognizes that the existing traditional housing stock of Schmidville is largely residential in use and this use constitutes part of the character defining elements of the District. Commercial uses within Schmidville and in the Spring Garden Road area provide destinations for residents and visitors to enjoy the historic neighbourhood and the vibrant business

district of downtown Halifax. The Heritage District Plan seeks to secure the residential character of the neighbourhood while encouraging commercial activity where appropriate.

3. *Protecting and Conserving Traditional Character*

The Heritage District Plan includes policy directions for a financial incentives program to encourage architectural conservation on private property. It includes processes to consider exterior alterations for the conservation of historic buildings. It also deals with the demolition of such buildings. The Heritage District Plan includes a provision to secure the historic park and institutional uses on the public land south of Morris Street.

Streetscape Improvements and Interpretive Signage

The Heritage District Plan outlines recommended improvements to streetscaping and the implementation of an interpretive program as potential future amenities in the District. The purpose of these programs will be to enhance the public realm within the District, interpret the history of the area and encourage additional pedestrian traffic into the area. The extent, costing, and prioritization of these improvements will be made in conjunction with other municipal departments including Transportation and Public Works staff and would be approved separately as a future capital budget item by Regional Council.

Cost estimates for interpretive panels is approximately \$50,000. Public realm improvements including street lamp installations on new sidewalk bump-outs at intersections to delineate the district is estimated at \$225,000. A small heritage interpretative park at the front of Saint Mary's Elementary School is estimated at approximately \$100,000. These estimates are based on current average costs for equipment and installation. Prioritization of this proposed work will be made based around the future re-capitalization of the streets and sidewalks within the District.

Future Heritage Incentives Program

The Schmidville Background Study, as well as the proposed the Heritage District Plan identify the need for an incentives program as being integral to revitalizing streetscapes and encouraging the conservation of historic buildings within the District. A similar program was vital to encouraging the façade improvements within the existing Barrington Street Heritage Conservation District which has resulted in extensive improvements within that District. Staff are still in the process of developing the details of this proposed incentives program and will be bringing it forward for consideration in the coming months as a separate item. Adopting the Plan ahead of a financial incentives program will provide immediate benefits in line with the goals and objectives of the Plan. The Plan will then provide a framework to secure public investments in private property when the financial incentives program is adopted.

Schmidville Heritage Conservation District By-law (H-700)

To further implement the policy directions of Heritage District Plan, a Heritage Conservation By-law must be established, see Attachment B: By-law H-700. It provides a regulatory framework to implement those policies of the Plan that require regulatory support. The heritage officer is responsible for the administration of the Heritage District Plan and Heritage District By-law and for the issuance of certificates of appropriateness which address compliance with the Heritage District By-law. In accordance with the By-law, the heritage officer will issue certificates only for specific types of development in Schmidville including exterior alterations to existing heritage buildings, subdivision of land, and demolition of heritage buildings.

Certificates of Appropriateness

The heritage officer shall evaluate and decide to either approve or deny a certificate where an application is required including applications for substantial exterior alterations. An application for demolition of a heritage building requires a public hearing and a decision of Regional Council before the heritage officer can issue or deny any certificate. The approval, imposition of conditions on, or denial of a certificate may be appealed to the Nova Scotia Utility and Review Board pursuant to the *Heritage Property Act*.

Heritage Design Guidelines

Heritage design guidelines for the Schmidville Heritage Conservation District form part of By-law H-700. The heritage officer will consult these guidelines along with the HRM Conservation Standards to evaluate any proposed development which is subject to a certificate of appropriateness. The heritage design

guidelines provide guidance on the following types of development within the district: exterior alterations to heritage resources, construction of new buildings, signs, and utility structures.

Heritage Impact Statements and Development Agreement

If an application is made for an alteration to a contributing heritage resource, the heritage officer may require the applicant to submit a Heritage Impact Statement as part of the application where the alteration involves the removal or alteration of a character defining element, including an existing rear wing with a footprint greater than 150 square feet.

If an application is made for the construction of any structure or an addition to an existing heritage property with a footprint larger than 1,500 square feet within the park and institutional land, south of Morris Street, the applicant would be required to enter into a development agreement with the municipality to ensure that the new institutional development fits with the character of the district.

Amendments to Secondary Municipal Planning Strategy

In accordance with the *Heritage Property Act*, a Heritage Conservation District Plan and By-law work together with the local municipal planning strategy and land use bylaw. Therefore, amendments to the Halifax Secondary Municipal Planning Strategy and Halifax Peninsula Land Use Bylaw are necessary to implement the policy directions of the Heritage District Plan (see Attachment C). The amendments establish a new planning district (District 9) to delineate the boundary of the Schmidville Heritage Conservation District. The new planning district contains policies that seek to implement the goals and objective of the Schmidville Heritage Conservation District Plan to ensure development within the district is consistent with the character defining elements.

Amendments to Land Use Bylaw

Amendments to the land use bylaw establish two new zones within the boundaries of the planning district established for the Schmidville Heritage Conservation District: the Schmidville Heritage Residential (SHR) zone and the Schmidville Heritage Residential Commercial (SHRC) zone. See Attachments C and D for the amending by-laws to the Halifax Peninsula Land Use Bylaw, including the two new zones, which are described as follows:

Schmidville Heritage Residential (SHR) Zone:

- permits a broad range of low density residential uses such as single unit dwellings, two-unit dwellings, townhouses, and existing multi unit dwellings along with limited home occupation uses;
- enables additions at the rear of buildings but no development is permitted on top of a historic building;
- contains two separate sets of requirements: one set for Schmidville Heritage Properties; and another set for Properties which are not Schmidville Heritage Properties;
- discourages the demolition of historic buildings that contributes to the character of the Heritage Conservation District by permitting greater development potential on these properties than on non-Schmidville Heritage Properties;
- enables non-Schmidville Heritage Properties to be developed to a depth of 30 feet and include up to two units. Whereas, a Schmidville Heritage Property can be developed to a depth of 60 feet and can include up to four units;
- allows greater development on the larger lots along the main streets of the District including South Park Street, Morris Street, Queen Street, and the east block of Clyde Street; and
- allows development of rear yards, on through lots, fronting the north side of Wright Avenue to provide additional dwelling units in the neighbourhood.

Schmidville Heritage Residential Commercial (SHRC) Zone:

- permits all SHR uses and a limited range of commercial uses such as personal service uses, restaurants, retail stores, inns and institutional uses to maintain the character of the District;
- applies to all heritage properties where commercial uses exist now and are permitted to continue and extends to significant heritage properties along Clyde Street recognizing the proximity to the

Spring Garden Road commercial area and the commercial uses on the ground floor of the new midrise buildings across the street; and

- discourages the demolition of heritage buildings in the District by only permitting commercial uses within an existing Schmdtville Heritage building. If the building is demolished, then the zone will only permit residential uses on the property.

Conclusion

Schmdtville is an urban neighbourhood with both historic and architectural value. It is an area of heritage significance as one of the first suburbs of the old town of Halifax. It deserves both the recognition and conservation status that Heritage Conservation District designation affords. The community has engaged with the municipal process to develop the Plan through five public workshops and ten Stakeholder Steering Committee meetings. Community input has informed the core policy directions of the Plan such as development processes, public investments, and design guidelines.

The Schmdtville Heritage Conservation District Plan increases overall as-of-right development potential beyond what is allowed today to facilitate appropriate rehabilitation projects for heritage buildings. It also secures investments in private property by ensuring that new development, including exterior alterations and demolitions, are carefully considered to maintain the integrity of the District. Heritage education, financial incentives, and public realm improvements will further encourage residents of Schmdtville and the public at large to appreciate this important heritage community.

Staff recommend adoption of the Schmdtville Heritage Conservation District Plan and its associated documents including the Schmdtville Heritage Conservation District By-law and the amendments to the Halifax Municipal Planning Strategy and the Land Use Bylaw for the Halifax Peninsula.

FINANCIAL IMPLICATIONS

There are no immediate budget implications resulting from the report recommendations.

The Schmdtville Heritage Conservation District Plan provides policy direction for financial incentives and describes streetscape elements and signage for the district. Specific options and recommendations for a financial incentives program or streetscape improvements within the Schmdtville Heritage Conservation District will be brought forward to Halifax Regional Council as separate reports for consideration. The estimated costs for these initiatives will be provided at that time.

All other HRM costs associated with implementing the Schmdtville Heritage Conservation District plan can be accommodated within annual operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process has completed all requirements of the Public Participation Program approved by Regional Council for the adoption of heritage conservation districts. In accordance with this program, the municipality established a Stakeholder Steering Committee and held a series of nine meetings to review the community engagement process, issue and opportunity identification, draft policies, regulations, and program elements. The community engagement process included two public meetings, a community survey, and several community workshops. Refer to Attachments E to S for all notes from these public meetings and workshops. Feedback from these community engagement activities shaped much of the policy directions in the Plan including processes to consider the alteration and demolition of buildings, public realm investments, appropriate development, and architectural design guidelines. The community was largely in favour of extending the boundary of the Heritage Conservation District to include properties north of Clyde Street at 5673-81 Brenton Place, 1445-47 Brenton Street, and 1448-1468 Brenton Street. However, staff do not recommend extending the boundary to include these areas since site plan applications have been approved for the redevelopment of most of these properties and extending the

District boundary across two separate Municipal Planning Strategy boundaries could result in administrative complications.

ENVIRONMENTAL IMPLICATIONS

No concerns identified.

ALTERNATIVES

Halifax Peninsula Planning Advisory Committee

1. The Halifax Peninsula Planning Advisory Committee may recommend that the Halifax and West Community Council recommend that Regional Council adopt the amendments to the Halifax Secondary Municipal Planning Strategy and Halifax Peninsula Land Use Bylaw, with changes.
2. The Halifax Peninsula Planning Advisory Committee may recommend that the Halifax and West Community Council recommend that Regional Council refuse to adopt the amendments to the Halifax Secondary Municipal Planning Strategy and Halifax Peninsula Land Use Bylaw. This is not staff's recommendation.

Halifax & West Community Council

1. Halifax & West Community Council may recommend that Halifax Regional Council adopt the amendments to Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula, and adopt the Schmidville Heritage Conservation District Plan and the Schmidville Heritage Conservation District, with changes.
2. Halifax & West Community Council may recommend that Regional Council refuse to adopt the amendments to the Halifax Secondary Municipal Planning Strategy and Halifax Peninsula Land Use Bylaw and refuse to adopt the Schmidville Heritage Conservation District Plan and the Schmidville Heritage Conservation District. This is not staff's recommendation.

Heritage Advisory Committee

1. The Heritage Advisory Committee may recommend that Halifax Regional Council adopt the amendments to Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula, and adopt the Schmidville Heritage Conservation District Plan and the Schmidville Heritage Conservation District Bylaw, with changes.
2. The Heritage Advisory Committee may recommend that Regional Council refuse to adopt the amendments to the Halifax Secondary Municipal Planning Strategy and Halifax Peninsula Land Use Bylaw and refuse to adopt the Schmidville Heritage Conservation District Plan and the Schmidville Heritage Conservation District Bylaw. This is not staff's recommendation.

Community Planning and Economic Standing Committee

1. The Community Planning and Economic Standing Committee Council may recommend that Halifax Regional Council adopt the Schmidville Heritage Conservation District Plan and the Schmidville Heritage Conservation District Bylaw, with changes.
2. The Community Planning and Economic Standing Committee may recommend that Regional Council refuse to adopt the Schmidville Heritage Conservation District Plan and the Schmidville Heritage Conservation District Bylaw. This is not staff's recommendation.

ATTACHMENTS

- Map 1: Schmitdville Heritage Conservation District Boundary
- Attachment A: Schmitdville Heritage Conservation District Plan
Attachment B: By-law H-700 Heritage Conservation District (Schmitdville) By-law
Attachment C: By-law to Amend the Halifax Municipal Planning Strategy
Attachment D: By-law to Amend the Halifax Peninsula Land Use By-law
Attachment E: Stakeholder Steering Committee Minutes July 29, 2015
Attachment F: 1st Public Meeting Minutes September 9, 2015
Attachment G: Online Survey Results: A Heritage Conservation District for Schmitdville October 2015
Attachment H: Stakeholder Steering Committee Minutes October 29, 2015
Attachment I: Commercial Activity, Traffic & Parking Workshop January 20, 2016
Attachment J: Public Investments: Streetscape & Financial Incentives Workshop January 27, 2016
Attachment K: New Construction: Design & Massing Workshop January 28, 2016
Attachment L: Stakeholder Steering Committee Minutes February 22, 2016
Attachment M: Stakeholder Steering Committee Minutes April 25, 2016
Attachment N: Stakeholder Steering Committee Minutes June 9, 2016
Attachment O: Stakeholder Steering Committee Minutes June 20, 2016
Attachment P: Stakeholder Steering Committee Minutes July 20, 2016
Attachment Q: Stakeholder Steering Committee Minutes July 27, 2016
Attachment R: 2nd Public Meeting Minutes September 21, 2016
Attachment S: Stakeholder Steering Committee Minutes March 1, 2017

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Seamus McGreal, Planner III, 902-490-4663

-Original Signed-

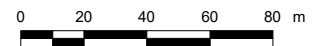
Report Approved by: _____
Kurt Pyle, Acting Manager, Heritage Property Program, 902-490-6011



Map 1- Schmitville Heritage Conservation District Boundary

HALIFAX

 Schmitville Heritage Conservation District Boundary



The accuracy of any representation on this plan is not guaranteed.

Effective:

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Attachment A

Schmidville Heritage Conservation District Plan

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Schmidville Heritage Conservation District Plan is hereby adopted as follows:

Schmidville Heritage Conservation District Plan

Prepared by:
HRM Planning & Development

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1. Introduction

1.1 Historical Context

Concerns in Massachusetts about the possibility of rival invasions prompted the British Government to create a fortified town in the colony of Nova Scotia. George Montague, Earl of Halifax, enthusiastically went about recruiting likely settlers, earning the compliment of having the town named for him. In 1749, the town of Halifax was established between Citadel Hill and the harbour.

The start of the American Revolutionary War sparked a period of great expansion and enhanced prosperity for Halifax. Its fallout prompted a huge influx of United Empire Loyalists, troops and refugees, among them Christian Wilhelm Schmidt, a 22-year-old Hessian captain in King George III's Royal Foreign Artillery, from Rottenburg, Germany. He married Elizabeth Pedley, the daughter of James Pedley, a merchant and substantial land owner in Halifax, originally from Birmingham, England. Pedley owned 12 acres of grazing land, to the south of the Citadel which was known as Pedley's Fields. He was, for reasons unknown, not at all favourably disposed to his son-in-law, Christian Schmidt. He bequeathed much of his property to his daughter, Elizabeth, on the explicit understanding that Schmidt was not to have any "concern, interest, control or management whatsoever, of the bequests." James Pedley died in 1807. In 1830, two years after her husband's death, Elizabeth Schmidt subdivided Pedley's Fields into small building lots during a period of great economic expansion and immigration which encouraged much residential growth beyond the confines of the town plot. This new suburb became known as Schmidt's Ville. By 1837, the area was substantially developed, extending from Morris Street to Spring Garden Road and from Dresden Row to Queen Street, its narrow streets lined with urban cottages.

More than half of Schmidville's historic building stock was lost in the 1960s during the period of urban renewal in Halifax like in many other cities across North America. This urban renewal witnessed the removal of aging inner-city housing stock for the provision of commercial development and modern amenities including large open parking areas south of Spring Garden Road that have since been developed. During this same period, Rottenburg Street was renamed Clyde Street and the street was extended through the Brenton Street block to connect with Brenton Place and South Park Street to alleviate traffic congestion along Spring Garden Road.

In the 1970s, the large multi-unit Park Victoria building was constructed between South Park Street and Brenton Street which is out of character with the neighbourhood. However, during this same period, the former City of Halifax and other levels of government funded a Neighbourhood Improvement Plan that recognized the value in preserving mixed use neighbourhoods in the downtown. Government made investments in public infrastructure such as sidewalks, trees, and parks. Residents began to make investments in their traditional Georgian and Victorian homes to begin the revitalization of the historic neighbourhood.

1.2 A Heritage Conservation District in Schmidville

Although half of the Schmidville neighbourhood was destroyed in the 1960s, the remaining half of Schmidville is very much intact. Ninety-five percent (95%) of the properties in the remaining neighbourhood of Schmidville contribute to the heritage value and character of the area.

Schmidville is recognized for its heritage value as one of the first contiguous suburbs of the once fortified town of Halifax. It is valued as an area of traditional architectural character and for its associations with the early social and economic life.

In September 2008, the Friends of Schmidville was formed by members of the community with the purpose of preserving and enhancing the unique character of the neighbourhood and ensuring a liveable community for all residents. Since 2012, there has been new and proposed large-scale, mixed-use and multi-unit development in and around the area. There is also a risk of losing the neighbourhood of small single and multi-unit dwellings to large scale redevelopment which may be out of character with the neighbourhood.

Schmidville deserves formal recognition as a Heritage Conservation District where processes are established to guide development such as demolition and exterior alteration. A Heritage Conservation District is established by adoption of a Heritage Conservation District Plan (herein called “this Plan”) and Heritage Conservation District By-law (herein called “the By-law”). In conjunction with this Plan, Council will consider amendments to municipal planning strategies and land use by-laws to complement this Plan.

This Plan and its accompanying By-law are adopted under the *Heritage Property Act* in accordance with the *Heritage Conservation Districts Regulations* and Regional Municipal Planning Strategy policy. The purpose of this Plan is to encourage the preservation, rehabilitation, and restoration of Schmidville’s historic buildings, streetscapes, and public spaces.

Policy 1 Establishment of District by Adoption of Plan & By-law

The Municipality hereby establishes the Schmidville Heritage Conservation District (the “District”) by concurrently adopting this Heritage Conservation District Plan and the accompanying Heritage Conservation District By-law, HRM By-law H-700.

This Plan recognizes that there is much interest in Schmidville both for its history and for its historic architectural importance. It recognizes Schmidville’s proximity to the Central Library and Spring Garden Road commercial area as an opportunity to invite the public to explore the historic neighbourhood. This Plan seeks to provide streetscape elements and signage for the public to learn about and experience the historic and architectural significance of the District and of Halifax. In addition, architectural guidelines ensure that the character and setting of the District is maintained and conserved with new construction projects.

This Plan includes policy directions for a financial incentives program to encourage preservation of heritage property within the District. It includes processes to consider demolition and exterior

alteration to facilitate the protection and conservation of historic buildings. It also includes a provision to secure the historic park and institutional uses on the land south of Morris Street within the District.

The Plan further recognizes that the existing traditional housing stock of Schmitville is still largely residential and that this continued residential use is a character defining element of the District. Commercial uses within the District and within the Spring Garden Road area provide destinations for residents and visitors to enjoy the historic neighbourhood and the vibrant business district of downtown Halifax. This Plan seeks to secure the residential character of the neighbourhood while encouraging appropriate commercial activity.

1.3 Developing this Plan

In accordance with the provisions of the *Heritage Property Act* and *Heritage Conservation Districts Regulations*, this Plan was developed by the Municipality in three phases: 1) project initiation; 2) community engagement; and 3) adoption. In the first phase, the Municipality prepared a background study to support this Plan¹. This study was reviewed by the Heritage Advisory Committee, accepted by Regional Council, and reviewed by the Minister responsible for the *Heritage Property Act*. The first phase concluded with the appointment of a Stakeholder Steering Committee by the Heritage Advisory Committee.

Throughout the second phase, the Municipality held a series of meetings with the Stakeholder Steering Committee to review the community engagement process, policies and regulations. The community engagement process included two public meetings, a community survey, and several community workshops. In the third phase, the Plan and By-law were reviewed by the Heritage Advisory Committee and Planning Advisory Committee, adopted by Regional Council, and approved by the Minister responsible for the *Heritage Property Act*.

¹ McGreal, S. (2015). *Schmitville Background Study*. Halifax Regional Municipality.

2. Statement of Significance

Understanding an historic place is an essential first step to good conservation practice. A Statement of Significance identifies and describes the character-defining elements that are important in defining the overall heritage value of the historic place.

2.1 Description of Historic Place

The Schmidville Heritage Conservation District is a historic suburb on the fringe of downtown Halifax which includes traditional residential building stock mostly from the early to mid 19th century. The District extends from Brenton Street to Queen Street and from Clyde Street to Morris Street, including Wright Avenue and a section of streetscape along South Park Street. The Schmidville neighbourhood once extended north from Morris Street to Spring Garden Road but the housing stock was substantially reduced in area through demolitions in the 1960s to create commercial amenity space and large parking lots south of Spring Garden Road.

2.2 Heritage Value

Schmidville is the first private subdivision in Halifax. The neighbourhood is valued as a largely intact area of traditional architectural character and for its association with the early settlement of Nova Scotia as one of Halifax's first suburbs outside the fortified fences. Schmidville is also valued for its association with the economic and social history of Halifax, revealed through its existing character. After her husband Captain Christian Schmidt's death in 1830, Elizabeth Schmidt subdivided Pedley's Fields, 12 acres of grazing land purchased by Ms. Schmidt's father, James Pedley, in 1781. The small building lots were developed rather quickly.

Area of Traditional Architecture

The heritage value of Schmidville is characterized in its distinctive architectural style from the Late Georgian period which is simpler and less adorned than the more decorated buildings of the Victorian period that followed it. Most of the buildings of Schmidville are of wood construction with a high concentration of largely intact one-and-a-half-storey urban cottages and two-and-a-half-storey mirror-image houses along narrow streets providing an old-world charm. The heritage value of the District is characterized by the distinctive mirror-image cottages and houses consisting of two identical houses built under a single roof with dormers. These dwellings are typical of what was built (in stone) in Northern Britain from about 1700.

Greater affluence and the passage of time eventually led to the introduction of more decorated Victorian buildings. The Georgian character is complemented by Victorian infill buildings that punctuate the original neighbourhood with more ornate architectural elements such as Mansard roofs, lintels over the windows, and dentils under the roofs. Architectural styles changed gradually during the mid-Victorian years of the 1860s and 1870s. This gradual shift or evolution in styles extends the cohesive fabric of Schmidville beyond its original planned area.

Early Social and Economic Life

Schmidville is also valued for its associations with the economic and social history of Halifax. Between 1830 and 1860, the neighbourhood housed a burgeoning population of skilled tradesmen, such as coopers, sail makers, sea captains, clerks, carpenters and even a fresco painter. Schmidville was a cosy and busy community that grew slowly and steadily. The Victorian class structure is apparent in the layout of the neighbourhood. The traditional upper class Victorian homes developed around the periphery of the original planned area of Schmidville along the main streets of Queen, Morris and South Park. These buildings became a part of the neighbourhood's historic fabric as the area evolved. The smaller traditional middle and lower-class homes are located within the original planned area along the inner central core streets of Brenton, Dresden Row and Clyde. In this central area, there are a variety of detached, semi-detached and row house dwellings of varying heights including one-and-a-half, two, and two-and-a-half-storeys. The historic residential layout of the historic suburb is also apparent in the park and institutional uses south of Morris Street which has always served the neighbourhood first as the Morris Street Public School and later as a school, daycare and seniors' centre.

The District is valued for its association with many notable people including George Henry Wright. Mr. Wright was a successful printer who made a fortune publishing Wrights World Business Directories and later became a private developer who was committed to better housing for the working poor. In 1896, he purchased a large industrial lot, formerly used as a tannery, from Philip Letson where he constructed Queen Anne style mansions along South Park Street, south of Morris Street. He also constructed infill buildings along Morris Street and a series of traditional semi-detached houses along Wright Avenue for the working class of the time. Tragically, George Wright died on the Titanic's maiden voyage in 1912.

Schmidville is valued as home to many immigrants during the early 20th century including Irish, German, Greek, Italian, British, Scottish and Jewish people. During this time, several properties were converted to commercial purposes, especially on the interior corner lots, and served uses such as grocery stores, laundries, dressmakers, and liquor stores. During the aftermath of the Halifax Explosion in 1917, many of the dwellings were converted to three storey boarding houses in response to the sudden increase in housing need.

2.3 Character-Defining Elements

The character-defining elements means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that must be conserved to preserve the heritage value of the Heritage Conservation District and its contributing heritage resources. The character defining-elements of each contributing heritage resource should generally complement the character-defining elements of the District. If a contributing heritage resource has a specific character-defining element that does not complement the District, this element should be conserved regardless of the District's character-defining elements.

Character-defining elements of the District:

- a) Cohesive streetscapes and active use of a building or site, especially residential use;
- b) Active park and institutional uses on the large lots south of Morris Street within the District;
- c) Largely intact street pattern as laid out in 1831 with trees between curbs and sidewalks;
- d) Buildings largely of wood construction finished with shingles with some masonry buildings;
- e) Prominent brick chimneys;
- f) Detached, semi-detached and row house dwellings including one-and-a-half, two, and two-and-a-half-storeys. Pitched, truncated-pitched, hipped, Mansard and flat roofs;
- g) Buildings with very little set back from the sidewalk or just enough to allow for front steps to create a consistent street wall;
- h) Simple and undecorated form of Georgian buildings. Some buildings have cornices supported by brackets or dentils;
- i) Dormers are plentiful with the five-sided Scottish dormer being particularly characteristic of the area. Hipped and gable dormers are also present and some dormers have segmental arched roofs;
- j) Width of buildings divided into three bays with side hall entrance plan. A front porch covers the side entrance on many buildings;
- k) Entrances facing the street and doors have transoms and sidelights. Some entrances have a fan or round-headed light and others have molded entablatures. Doors are paneled and some are double paneled doors;
- l) Windows are higher than wide and have over-and-under sashes. There are bay windows and paired ganged windows. Most windows are rectangular but windows with segmental arched tops are also present. There are decorative hood moldings over windows and doors;
- m) Small lots including laneways and side yards providing access to rear yards;
- n) Building depths are approximately between 10 metres and 20 metres, allowing for light penetration through windows from both east and west, and leaving room for gardens in the back yards;
- o) Dwellings from the Late Georgian period or in the Georgian style with simple and symmetric form and massing;
- p) Dwellings from the Victorian period with more ornate architectural elements and details;
- q) Along South Park Street, Queen Anne style mansions with prominent bay windows, front porches, pediments, and shaped shingles. Second Empire style mansions with prominent central towers and Mansard roofs;
- r) Mirror-image cottages consisting of two identical houses built under a single roof with three-bay building widths and paired side hall entrances in the central bay giving the appearance of double doors and a single grand entranceway. Sometimes the side hall entrances are on bays at opposite ends of the building, some of which include covered porches with side entrances; and
- s) Along Wright Avenue, two-storey semi-detached dwellings with separate front gable roofs joining into a shared hipped gable roof at the front of the building which extends into a shared gable roof at the rear of the building. This large shared roof is intersected by a cross hipped gable at both sides of the building. A one-storey side porch with shed roof includes an entrance at the front of each building. Under the gable on the second storey, the front of

each building includes either a pair of small square-shaped ganged windows with shutters or a small tripartite window, consisting of tall and narrow windows, with shutters.

Policy 2 Conserve Character-Defining Elements of the District

It is the intent of the Municipality that the character-defining elements of the Schmidville Heritage Conservation District, as identified in this Plan, are conserved in the application of the Bylaw and the Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition, along with the character-defining elements of each contributing heritage resource.

2.4 Examples of Historic Buildings Illustrated by Historical Period

Late Georgian and Early Victorian Period (1800-1867)



Simple and undecorated form of Georgian building with front porch covering side entrance



One-and-a-half storey mirror image houses with shared gable roof and prominent brick chimney



Detached “Halifax House” on Morris Street with truncated gable roof and Scottish dormer

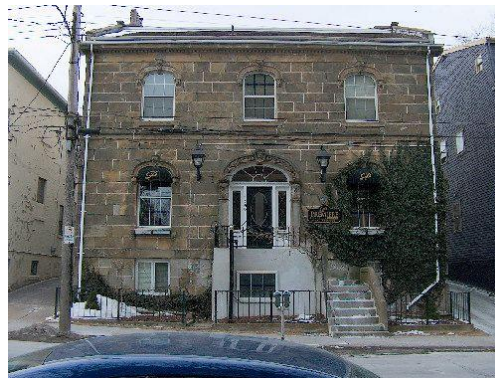
Mid-Victorian Period (1867-1885)



Building, on left, with decorative hood moldings over windows and doors.



Two-and-a-half storey mirror image houses with shared flat roof on Dresden Row



One of only two masonry buildings in the District

Late Victorian Period (1885-1900)



Second Empire style mirror image houses with Mansard roof and bay windows



A plain artisan home with double bay window



Queen Anne and Second Empire style mansions on South Park Street

George H. Wright Development on Former Industrial Land (c. 1895)



Queen Anne style mansions at the corner of Morris Street and South Park Street



Queen Anne style mansion on Morris Street



Semi-detached dwellings along Wright Avenue

3. Rationale for Heritage Conservation Measures and for District Boundaries

The Municipal Planning Strategy for Halifax identifies policy criteria by which the Municipality shall evaluate heritage conservation districts. Schmidville meets the criteria for consideration as a heritage conservation area. It expands an area that is larger than one block and includes a concentration of heritage buildings. It creates the atmosphere of the 19th century era and acquaints the public with the buildings and sites of that era.

Schmidville includes many important buildings that contribute to the heritage value of the District. These properties are called contributing heritage resources. On average, the buildings of Schmidville were constructed prior to the turn of the 20th century and are intimately related to occasions, institutions, and personages of local significance. The buildings have strong associations with the Georgian and Victorian eras and most buildings exemplify early architectural styles from both eras with original façades intact. Schmidville provides an excellent atmosphere of a past era and successfully acquaints the public with the Georgian and early to mid-Victorian periods through the architectural integrity of its building stock. There are very few modern buildings within the District that would create “a continuum of styles from the past to the present”. As such, Schmidville is a reminder of a past era. The compatibility of the buildings in Schmidville is also excellent regarding their architecture, scale, height, building materials, age and proportion.

Heritage conservation measures are justified in Schmidville because of the District’s heritage values and the pressure for redevelopment in and around this area which are set out on Map 2 . In terms of the boundaries, the Schmidville Heritage Conservation District includes three of the original blocks of Schmidville, planned and subdivided in 1830, and additional areas that evolved adjacent to the original planned area but remain an integral part of the historic neighbourhood.

3.1 Schmidville’s Original Three Blocks

The original planned area of Schmidville includes the three blocks framing Dresden Row, Birmingham Street, and the west side of Queen Street, between the south side of Clyde Street and the north side of Morris Street, refer to Map 2. This is the area of Pedley’s Fields that Elizabeth Schmidt subdivided into small building lots in 1830, after her husband’s death. This area once included six blocks when it extended north to Spring Garden Road. However, this half of Schmidville’s historic building stock was demolished and redeveloped in the 1960s during the period of urban renewal.

3.2 Evolved Areas Adjacent to Schmidville’s Original Three Blocks

The following areas include buildings that are contiguous and compatible with the buildings of the Schmidville original three blocks in terms of their architecture, scale, height, building materials, age and proportion. The park and institutional uses south of Morris Street are part of

the social history of Schmidville. These lands have always serviced the neighbourhood first as the Morris Street Public School in the 19th century, where Spencer House is located, and used as a school, daycare and seniors' centre. There are a few contemporary buildings which are included in the District boundary because of their visual impact on the District. These areas are included within the District boundary:

- East side of Brenton Street, south of Clyde Street;
- West side of Queen Street, south of Morris Street; and
- Park and Institutional Uses, south of Morris Street.

Evolved Areas Associated with George Henry Wright

The following areas also include buildings that were constructed by George H. Wright in the 1890s during the Late Victorian period. Although sections of these areas were developed a bit later than the rest of Schmidville in a later architectural style, the buildings are contiguous and compatible with the buildings of the Schmidville original three blocks in terms of their architecture, scale, height, building materials, age and proportion. These buildings are also intimately related to George H. Wright, a personage of local significance:

- East side of South Park Street, south of Morris Street;
- South side of Morris Street, west of Wright Avenue intersection; and
- Wright Avenue (former Letson's Lane).

Policy 3 District Boundary and Contributing Heritage Resources

It is the intent of the Municipality to establish the boundary of the District, as shown on Map 1, and to identify its contributing heritage resources, as shown on Map 2. The Heritage Conservation District Plan and Bylaw shall apply to all properties within the District and include heritage conservation measures to protect and conserve those properties identified as contributing heritage resources.

Policy 4 Heritage Conservation Measures

It is the intent of the Municipality to develop heritage conservation measures within the boundaries of the Heritage Conservation District and interrelated amendments to the applicable secondary municipal planning strategy and land use bylaw to further support these measures.

4. Heritage Conservation Measures

The purpose of this Plan is to encourage the preservation, rehabilitation, and restoration of Schmidville’s historic buildings, streetscapes, and public spaces. This Plan recognizes both the thriving residential community and the historic significance of the built environment in Schmidville. There are three heritage conservation goals:

- *Support a setting that inspires a greater understanding of the cultural heritage values inherent in the District;*
- *Facilitate the financial viability of housing to encourage residential use as a character-defining element of the District; and*
- *Secure and encourage public and private investments in heritage resources to protect and conserve the traditional character of the District.*

The diagram below illustrates the approach to heritage conservation measures:



4.1 Supporting a Heritage Setting

The Municipality shall use interpretive programs to recognize and commemorate Schmidville as an area of historic and architectural importance. The Schmidville Heritage Conservation District is adjacent to the southwest corner of the Halifax Central Library. There are opportunities for partnership to combine the educational objectives of this Plan with the educational interests of this public institution by encouraging library users to explore the surrounding built environment. Alongside Spring Garden Road, Clyde Street serves an important pedestrian function and it has become a destination for commercial retail. This Plan encourages pedestrians along Clyde Street to explore the historic neighbourhood. Public realm features throughout the

neighbourhood, such as historic street lamps, will provide an engaging experience, especially at night, to complement the historical information on the interpretive signage. Public realm improvements will strengthen and enhance the distinct identity of Schmidville through attention to the heritage value and character defining elements of the District. The Municipality may consider planting a row of trees along Brenton Street to screen the concrete wall along the Park Victoria parking lot.

Design guidelines will ensure that new construction complement the distinct built form qualities that define the traditional residential character of the District. Streetwall heights of new construction, within downtown Halifax, around the periphery of the District reflect the historic building heights to provide a transition in scale between the new construction and the historic District.

Interpretation and Streetscape Program

Schmidville provides a distinct setting and a desirable historic destination for residents and visitors, including cultural heritage travellers. Both residents and visitors need to feel welcomed. Interpretation and educational programming can awaken their interests in the history of Halifax and relate to them at a personal level. Public and open spaces, such as the park space in front of St Mary's Elementary School, provide destinations for public education.

Features of the public realm will strengthen the public's understanding of Schmidville as an area of heritage value and character. Although not part of the Schmidville Heritage Conservation District, the vision for the Central Library is for it to become a vital centre for learning and culture in the community. Visitors to the Library may also explore the District which may also provide an authentic learning experience to immerse people in the rich history of the Halifax Regional Municipality. Clyde Street serves as a pedestrian link connecting Victoria Park to the Central Library's south plaza and it includes several commercial retail destinations along the way.

Policy 5 Interpretive Signage Program

It is the intent of the Municipality to use an interpretive signage program that will include interpretive panels at prominent locations accessible to pedestrians throughout the District.

Policy 6 Heritage Education

It is the intent of the Municipality to maintain a park within the front yard of the St Mary's Elementary School property, in consultation with the School. The park may include public art, educational signage pertaining to the history of Halifax, Schmidville and other topics as each relates to the heritage value of the District.

Policy 7 Street Lamps

It is the intent of the Municipality to maintain street lamps throughout Schmidville with a design appropriate to the Late Georgian or Early to Mid-Victorian period and an intensity of light producing a quiet ambience on the street. Street lamps will be arranged to provide a visual and physical link between the Central Library and Schmidville that will encourage people to explore Schmidville, especially its heritage education park.

Policy 8 Trees along West Side of Brenton Street

It is the intent of the Municipality to plant and maintain trees on the grassed lawn along the west side of Brenton Street, consistent with the Urban Forest Master Plan, to screen the abutting concrete wall from public view. New tree plantings in this area will include both coniferous and deciduous species that share profiles like the existing trees in Schmidville.

Heritage Design Guidelines

Heritage design guidelines include provisions relating to infill development, rear additions and signs. The heritage design guidelines shall be used in parallel with the municipality's adopted conservation standards, the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition* used to guide decision making with respect to the issuance of Certificates of Appropriateness. These guidelines ensure that the built form of new construction is appropriate to the scale, massing and character of the Georgian and Victorian-style architecture that characterizes Schmidville without producing fake historic buildings. German architectural historian, Heinrich Klotz, explains that "paying regard to historical need does not automatically lead to historicism, and combining it with the modern does not necessarily result in eclecticism." This quote addresses a key principle in the conservation standards that seeks to make new work in the District physically and visually compatible with, subordinate to, and distinguishable from the contributing heritage resources of the District.

A transition of heights between the mid-rise buildings along the east side of Queen Street and the low-rise buildings of Schmidville, along the west side of Queen Street, will frame the historic District appropriately while providing a more walkable and pedestrian-friendly approach to the Heritage Conservation District, Spring Garden Road and the Central Library. The institutional use of the properties south of Morris Street is significant to the heritage value of Schmidville although the Spencer House and St Mary's School buildings do not contribute the traditional residential character of the neighbourhood. Any redevelopment of these properties needs to both respond and contribute to the heritage value and character of the neighbourhood.

Policy 9 Heritage Design Guidelines Supplement Conservation Standards

The heritage design guidelines in the Schmidville Heritage Conservation District By-law shall supplement the Conservation Standards and shall provide design criteria by which applications for Certificates of Appropriateness shall be evaluated. These guidelines shall apply to all properties within the District but registered municipal heritage properties shall meet additional heritage conservation practices in the District, especially by using authentic materials such as wood and masonry. The use of such authentic materials may be encouraged on all contributing heritage resources through a financial incentives program.

Policy 10 Streetwall Height Reflecting Traditional Residential Character

It shall be the intent of the Municipality to consider amending the applicable municipal planning strategies and land use by-laws to ensure that the streetwall height along Queen Street reflects the traditional low-rise residential character of Schmidville, after the adoption of this Plan.

Policy 11 **Redevelopment of Park and Institutional Properties**

It shall be the intent of the Municipality to amend the applicable municipal planning strategy and land use by-law to ensure that any future redevelopment of the Historic Park & Institutional Area, identified on Map 2, is appropriate to the character of Schmidville. A Certificate of Appropriateness shall not be required within this area for any redevelopment involving the construction of any addition to an existing building where the addition exceeds a footprint of 1,500 square feet or any new building exceeds a footprint area of 1,500 square feet. For any development, a development agreement shall be required for such construction, as long as it is for an existing or new institutional use on these properties in accordance with the applicable Municipal Planning Strategy. A heritage impact statement may be required as part of the development agreement application.

4.2 **Encouraging Housing and Residential Use**

The existing traditional housing stock of Schmidville is largely residential in use and this use constitutes part of the character defining elements of the District. The *Heritage Property Act* provides legal protection from demolition of a property located within the Heritage Conservation District or substantial alteration of a registered municipal heritage property within a Heritage Conservation District by establishing standards and processes that consider applications for building alterations and demolition.

Heritage strategies can offer a form of protection that encourage owners to protect and rehabilitate their buildings by facilitating the financial viability of the housing. In addition to promoting the unique identity and history of a neighborhood, heritage conservation is a viable housing alternative to redevelopment in city centres that are facing pressures of population growth.

There is also commercial interest in Schmidville with a restaurant, stores and offices operating in the area. These commercial uses in Schmidville and within the Spring Garden Road area provide destinations for residents and visitors to enjoy the historic neighbourhood and the vibrant business district of downtown Halifax. However, these commercial uses also increase traffic flow and parking within Schmidville which may have a negative impact on the residential use of the neighbourhood.

Additional Space within Heritage Properties

The accommodation of additional living space within heritage properties provides more opportunities to meet the expectations of a modern lifestyle together with the traditional character of a heritage building. The heritage buildings of Schmidville compete with modern buildings in the housing market to provide financially viable living space near the downtown and universities, especially for households of three or more people.

The creation of additional space is not appropriate on top of heritage buildings in the Schmidville Heritage Conservation District, this Plan seeks to accommodate additional space to the rear and in the basement of heritage buildings. Additional living space in basements can be acquired by digging and securing the foundation or by raising houses by no more than two feet. The through lots with frontage on both Morris Street and Wright Avenue present a unique opportunity for coach houses along Wright Avenue to better frame the public Right of Way with a streetwall.

Policy 12 Additional Living Space within Historic Buildings

It is the intent of the Municipality to amend the applicable municipal strategy and land use bylaw to allow additional living space at the rear of contributing heritage resources, as identified on Map 2, subject to the design guidelines of the Bylaw.

Policy 13 Development along Wright Avenue

It is the intent of the Municipality to amend the applicable municipal planning strategies and land use bylaws to allow detached dwellings at the rear of through lot properties with frontage along Wright Avenue through subdivision of the lots. New dwellings shall be subject to the design guidelines of the By-law and setback from the street to complement existing development at the south side of Wright Avenue.

Residential and Commercial Uses

Mature residential neighbourhoods often include commercial uses that service the local community, especially on corner lots. Mixed uses improve the walkability of a neighbourhood because residents can walk to a nearby store, restaurant or other commercial service without relying on a vehicle. The existing commercial services support a mix of uses in Schmidville by encouraging residents and visitors alike to explore the neighbourhood while providing access to some of its heritage buildings.

Schmidville is located to the south of the Spring Garden Road Business District where there are many commercial services including boutique stores and coffee shops between Spring Garden Road and Clyde Street, and extending north to Sackville Street. Clyde Street is located along the boundary of the Downtown Halifax Municipal Planning Strategy and serves as a transition between the largely commercial uses to the north and the largely residential uses to the south. The mixed use multi-unit buildings along Clyde Street also provide commercial retail uses on the ground floor. There is little parking available in Schmidville to support additional commercial uses and commercial uses which involve alterations to traditional residential buildings to address fire safety and accessible access. Therefore, Schmidville will remain a largely residential neighbourhood supporting the existing residential uses with a few commercial services.

Policy 14 Preserve Residential Use and Character

It is the intent of the Municipality to amend the applicable municipal planning strategy and land use bylaw to ensure that properties within Schmidville are

limited to residential uses with home occupations while supporting existing commercial retail uses in specific areas.

Policy 15 Mixed Use along Clyde Street

It is the intent of the Municipality to amend the applicable municipal planning strategy and land use bylaw to support existing commercial and residential mixed uses within Schmidville. Further, mixed uses may be extended to contributing heritage resources along Clyde Street subject to architectural design guidelines to protect the traditional residential character of the building. Mixed uses shall be limited to properties identified as contributing heritage resources on Map 2 to prevent an incentive to demolish historic residential buildings or to construct modern commercial buildings.

4.3 Protecting and Conserving Traditional Character

The second half of the 20th century has witnessed periods of unprecedented change. Half of Schmidville was lost in the 1960s and the remaining half of the neighbourhood continues to experience development pressure around its periphery. A Historic Conservation District invites the community and Municipality to participate in this change by allowing for the protection and conservation of important reminders of the past alongside innovations in housing practice and technology. The Municipality's distinctive Georgian, mid-Victorian and Late Victorian architectural forms, styles and details preserved in Schmidville all contribute to the local character and sense of place of the municipality.

The preservation, rehabilitation and restoration of heritage resources are essential to the revitalization of heritage resources. This Plan encourages the conservation of Schmidville's historic buildings, streetscapes, laneways, and public spaces and it seeks to guide the alteration and redevelopment of these properties and their character defining elements. There are many historic buildings in the District that have lost integrity due to substantial alterations over time such as the introduction of vinyl cladding and additions that enclose character defining elements of the building. Rehabilitation and restoration projects can accurately reveal, recover, or represent the state of a historic building, or a component of the historic building, as it appeared at a period in its history.

Process to Protect Historic Buildings

The dense concentration of historic architecture in the District defines the character of Schmidville. In establishing a Heritage Conservation District, the Municipality seeks to strengthen the protection of registered municipal heritage properties. It also ensures careful consideration of applications for demolition and inappropriate exterior alterations on all properties in the District that contribute to its heritage value and character.

The purpose of the following policies is to ensure that significant changes to properties do not occur without consideration of its impact on the heritage value and character of the District and the property.

Policy 16 Certificate of Appropriateness Required

It shall be the intent of the Municipality to require a Certificate of Appropriateness for the following types of development within the District:

- a) Exterior alteration of buildings and structures, including additions, façades, roofs, windows, doors, storefronts, signs, awnings, canopies, exterior materials, exterior steps and stairs;
- b) Demolition or removal of buildings and structures identified on Map 2 as contributing heritage resources, including registered municipal heritage properties;
- c) Construction of new buildings;
- d) Fences in front yards;
- e) Utility structures, including but not limited to fuel tanks, mechanical or electrical equipment, satellite dishes, etc.; and
- f) The subdivision of land.

A Certificate of Appropriateness is not required for the demolition or removal of buildings and structures identified on Map 2 as neither a contributing heritage resource or building or a registered municipal heritage property.

Policy 17 Preference for Retention of Heritage Buildings

It shall be the intent of the Municipality to make every reasonable effort to seek the retention, preservation, rehabilitation, and restoration of buildings, streetscapes, features, spaces and areas with heritage value in the District in accordance with the Municipality’s general policy on the protection of heritage resources in the Regional Municipal Planning Strategy. Furthermore, this Plan discourages activities that neglect the maintenance or conservation of Schmidville’s historic buildings.

Policy 18 Demolition Rationale

Every application for a Certificate of Appropriateness for demolition or removal of a contributing heritage building or structure or registered municipal heritage property shall include a rationale for the reasons why the proposed demolition or removal is necessary and cannot be avoided and the alternatives to demolition or removal that may be available.

Policy 19 Demolition or Substantial Alteration of Registered Municipal Heritage Property

An application for the demolition or substantial alteration of a registered municipal heritage property shall proceed in accordance with the *Heritage Property Act*. Further, applications for the demolition or removal of a registered municipal heritage property shall proceed in accordance with the *Heritage Property Act* in tandem with an application for a Certificate of Appropriateness for the demolition or removal of a contributing heritage resource in accordance with

Policy 20 and Policy 21. All registered municipal heritage properties are also contributing heritage resources.

Policy 20 Demolition of a Contributing Heritage Resource

The Municipality shall hold a public hearing before considering a Certificate of Appropriateness for the demolition or removal of a contributing heritage resource that is identified on Map 2. After the public hearing, the Heritage Officer shall:

- (a) (i) If Council approves an application for a Certificate of Appropriateness for demolition or removal of a contributing heritage resource, grant a Certificate of Appropriateness in accordance with the decision of Council; or
- (ii) If Council denies an application for a Certificate of Appropriateness for demolition or removal of a contributing heritage resource, refuse a Certificate of Appropriateness in accordance with the decision of Council; and
- (b) only grant or deny a Certificate of Appropriateness after the time for appeal has elapsed or the appeal has been disposed of, whichever is the longer.

Policy 21 Notwithstanding Map 2, if a Certificate of Appropriateness is issued for the demolition of a contributing heritage resource, the property containing the building is no longer a contributing heritage resource when the building is demolished.

Policy 22 Conditions on Certificate of Appropriateness

In addition to the conditions set out in Section 14 of the Heritage Conservation Districts Regulations, a Certificate of Appropriateness may include conditions respecting:

- a) a time limit on an approval under which a demolition or alteration can be carried out; and
- b) suitable restoration of the site following demolition or removal of a building.

Policy 23 Hazardous Derelict Buildings

Nothing in this Plan and its accompanying By-law restricts the authority of the Municipality, pursuant to the Fire Prevention By-law or the Dangerous and Unightly Premises provisions of the *Halifax Regional Municipality Charter* to demolish a building.

Heritage Conservation Incentives

This Plan will seek to encourage private property owners and non-profit organizations interested in carrying out conservation and other improvements on their heritage buildings. A new financial

incentives program for Schmidville can encourage and support conservation projects on heritage resources including maintenance, preservation, rehabilitation and restoration work.

Policy 24 Financial Incentives Program

The Municipality may consider a financial incentives program for Schmidville in consideration of a needs assessment study² to encourage and support conservation work on heritage resources. The financial incentives program shall prioritize revitalization projects, especially rehabilitation work.

Conservation Standards

In 2014, the Municipality adopted the Standards & Guidelines for the Conservation of Historic Places in Canada, 2nd Edition. This document offers results-oriented guidance for sound decision-making when planning for an historic place. The Standards & Guidelines will be used to evaluate any proposed alteration to a property within the District based on its heritage value and character defining elements.

Policy 25 Conservation Standards for Issuance of Certificates of Appropriateness

The Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition, shall be included within the Heritage Conservation District By-law and shall apply to all properties in the District and shall be used to evaluate any proposed alteration to any property within the District.

Alterations to Heritage Properties

Schmidville is characterized by its variety of traditional dwellings including detached, semi-detached and row house dwellings and their varying heights including one-and-a-half, two, and two-and-a-half storeys. These traditional dwellings also include a variety of roof types including pitched gable, truncated-pitched gable, hipped, Mansard and flat roofs. Many of these roofs include dormers with the five-sided Scottish dormer being particularly characteristic of the area. An addition that exceeds the height of a historic building will greatly impact at least one of these character-defining elements of the District and its buildings.

The heritage value of Schmidville is further characterized in its distinctive architectural style reflecting the Georgian period which is simpler and less adorned than the more decorated buildings of the Victorian period. Adding historic buildings from other areas to properties within the District would create a false sense of historical development. The addition of Victorian style adornments and decorations to Georgian buildings would impact the essential Georgian character of the District which is defined by its simplicity and symmetry. The symmetry of the mirror-image cottages also defines the character of the District. These dwellings consist of two identical houses built under a single roof. Alterations to mirror-image cottages and houses that

² Turner Drake & Partners Ltd. (2017). Recommending Financial Incentives for Heritage Conservation Districts. Halifax, NS: Halifax Regional Municipality.

remove symmetry in the visual relationship between the two attached dwellings would impact the character of the dwellings and the District.

Policy 26 Alteration to Heights and Rooflines of Historic Buildings

It is the intent of the Municipality to amend the applicable municipal planning strategies and land use bylaws to ensure that any addition to a heritage building, identified on Map 2, shall not exceed the height of the heritage building to conserve existing building heights and roofs, such as the pitch and dormers, which are character defining elements. However, raising historic buildings from their foundations by no more than two feet shall be permitted to create more liveable space in basements.

Policy 27 Simplicity of Georgian Style Buildings

It shall be the intent of the Municipality to prohibit the creation of a false sense of historical development by prohibiting the additions of elements or details from other historic places, especially Victorian style adornments and decorations to those Georgian style buildings identified on Map 2, unless there is evidence of the pre-existence of such elements or details on the building.

Policy 28 Schmidville as a Historic Record

It is the intent of the Municipality that, in accordance with the Conservation Standards, Schmidville be recognized as a physical record of its time, place and use. Historic buildings from other areas, outside of the District, shall not be moved on to properties within the District to avoid creating a false sense of historical development.

Policy 29 Financial Incentives for Attached Buildings

If a financial incentives program is created, it is the intent of the Municipality to prioritize conservation projects in its financial incentives program for attached buildings if:

- a. two or more applications are made in the same fiscal year for conservation work on the roof or foundation of two or more attached buildings that abut and share a common roof or foundation; or
- b. an application is made to rehabilitate the front elevation of a mirror-image building, identified on Map 2, to ensure a symmetric visual relationship between the two attached dwellings.

Policy 30 Symmetry of Mirror-Image Buildings

It shall be the intent of the Municipality to preserve or establish a symmetric visual relationship between mirror-image buildings identified on Map 2 in respect of their front elevation. Such conservation projects do not include maintenance of existing features of the building.

Policy 31 Side Yards and Laneways

It is the intent of the Municipality to amend the applicable municipal planning strategy and land use bylaw to ensure the conservation of existing side yards and spaces between buildings.

Conservation Treatment of Historic Rear Wings

Many buildings in Schmidville include rear wings. A rear wing is part of a main building that is subordinate to it and projects to the rear of the property. The rear wing can be an original part of the main building, such as a rear ell, or a later addition to it. If the rear wing is an original part of the main building, then it has historic significance. Also, if the rear wing was added to the building during an important period in the history of the building then the rear wing can be considered a significant historic addition. However, some rear wings have been added more recently and are not of historic significance. As such, these additions can be removed to facilitate appropriate rehabilitation projects.

Policy 32 Heritage Impact Statements

An application for a proposed development of a contributing heritage resource has the potential to impact a character-defining element, including a character-defining building rear wing that is greater than 150 square feet, the Heritage Officer may require a heritage impact statement to complete the application. In determining if a heritage impact statement is required, the Heritage Officer shall consider the heritage value of the property and a visual assessment of the structural integrity of the structure. If a heritage impact statement is required, the statement shall demonstrate how the character-defining element shall be conserved in the context of redevelopment or site alteration.

Policy 33 If a heritage impact statement is required, the financial incentives program may support appropriate mitigative measures or alternative development recommended in the statement.

Park and Institutional Uses

Throughout most of its history, Schmidville was a small community on the fringes of the old town of Halifax that would have required institutional services, such as a school and open spaces. The park and institutional uses south of Morris Street have always serviced the neighbourhood, first as the Morris Street Public School in the 19th century, where Spencer House was established in the 1970s and used as a school, daycare and seniors' centre.

Policy 34 Historic Park and Institutional Uses South of Morris Street

It is the intent of the Municipality to preserve the setting of the active park and the character defining elements of the parks and institutional uses south of Morris Street, identified on Map 2 as Historic Park and Institutional Area.

Policy 35 It shall be the intent of the Municipality to amend the applicable municipal planning strategy and land use by-law to protect the institutional uses, south of Morris Street, identified on Map 2 as Historic Park and Institutional Area.

Trees

In 2012, the Municipality adopted the Urban Forest Master Plan to ensure a sustainable future for its urban forest recognizing that trees provide multiple benefits to people in an urban environment including many natural services to the economy such as slowing down storm water flow, habitat for birds, and cleaning air. The people of Halifax value trees for their social benefits associated with quality of life and for their character and charm.

Policy 36 Conservation of Street Trees

It is the intent of the Municipality to protect and maintain existing trees along the public rights of way and to ensure that new tree plantings are consistent with the Urban Forest Master Plan.

5. Implementation Policies

5.1 General

Schmidville Heritage Conservation District Plan

Policy 37 This Plan complements amendments to the applicable municipal planning strategy and land use by-law to guide decision-making with respect to heritage conservation within the Schmidville Heritage Conservation District.

Policy 38 This Plan shall be adopted by the Municipality pursuant to the Nova Scotia *Heritage Property Act*, the *Halifax Regional Municipality Charter*, and such other statutes as may apply.

Schmidville Heritage Conservation District By-law

Policy 39 Pursuant to the authority of Section 19A of the *Heritage Property Act*, it is the intent of the Municipality to adopt the Schmidville Heritage Conservation District By-law to further the objectives and policies of this Plan.

Strengthened Protection from Demolition for Registered Municipal Heritage Properties

Policy 40 In accordance with the *Heritage Property Act*, the Municipality shall not allow for substantial alteration or demolition of a registered municipal heritage property after three years following a refusal of an application within the District.

Policy 41 It is the intent of the Municipality to prepare statements describing heritage value and character defining elements for all contributing heritage resources identified on Map 2 that shall be used by the Heritage Officer or Council when evaluating applications for Certificates of Appropriateness.

Attachment B

Heritage Conservation District (Schmidtville) By-law

By-law H-700: Heritage Conservation District (Schmidtville) By-law

Prepared by:
HRM Planning & Development



HALIFAX

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HALIFAX REGIONAL MUNICIPALITY
BY-LAW No. H-700
RESPECTING THE ESTABLISHMENT OF A HERITAGE CONSERVATION DISTRICT FOR
SCHMIDTVILLE

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of the *Heritage Property Act*, R.S.N.S. 1989, Chapter 199, as amended, as follows:

SHORT TITLE

1. This By-law shall be known as By-law No. H-700 and may be cited as the *Schmidville Heritage Conservation District By-law*.

APPLICATION

2. This By-law shall apply within the District.
3. Nothing in this By-law shall exempt a person from complying with any other enactment.
4. No person shall undertake any development in the District unless a Certificate of Appropriateness has been issued by the Heritage Officer or Section 12 of this By-law applies.

INTERPRETATION

5. This By-law shall be administered by the Heritage Officer.
6. All Schedules attached to this By-law shall form part of this By-law and any diagrams in such Schedule shall be for illustrative purposes only.
7. The boundaries of the District shall be determined as follows:
 - (a) where the boundary is indicated as approximately following a property line, the boundary shall follow such property line;
 - (b) where the boundary is indicated as following a street, the boundary shall be the centre line of such street; and
 - (c) where any building or structure encroaches into the street, the building or structure is deemed to be wholly within the District.
8. A contributing heritage resource shown on Schedule B is the entire property, including any building located on it.
9. The definitions in the Act and Regulations shall apply to this By-law unless a word is otherwise defined in this By-law.
10. In this By-law,
 - (a) "Act" means the *Heritage Property Act*, RSNS, 1989, C. 99; as amended;
 - (b) "aggrieved person" means an aggrieved person pursuant to Section 19H of the *Act*;
 - (c) "Board" means the Nova Scotia Utility and Review Board;

- (d) “Certificate of Appropriateness” means the document certified by the Heritage Officer that a proposed development conforms with the requirements of this By-law;
- (e) “Conservation Plan” means the Schmidville Heritage Conservation District Plan;
- (f) “Conservation Standards” means the Standards for the Conservation of Historic Places in Canada, 2nd Edition, attached as Schedule B-1 to By-law, H-200, the *Heritage Property By-law*;
- (g) “contributing heritage resource” means a property shown on Schedule B that contributes to the heritage value of the District;
- (h) “development” includes the demolition or removal of a building and the land and structures appurtenant thereto;
- (i) “District” means the Schmidville Heritage Conservation District, the boundaries of which are shown on Schedule A attached hereto;
- (j) “existing” means in existence on the date of the coming in force of this By-law;
- (k) “Guidelines” means the Guidelines for the Conservation of Historic Places in Canada, 2nd Edition;
- (l) “Heritage Advisory Committee” means the Heritage Advisory Committee created by By-law H-200, the *Heritage Property By-law*;
- (m) “heritage impact statement” means a study that
- (i) determines if any heritage resource will be impacted by a specific proposed development or site alteration,
 - (ii) demonstrates how the heritage resource will be conserved in the context of redevelopment or site alteration, and
 - (iii) identifies mitigative or avoidance measures, or alternative development or site alteration approaches;
- (n) “Heritage Design Guidelines” means Schedule C of this By-law;
- (o) “Heritage Officer” means the employee of the Municipality designated by Council to administer the Conservation Plan and this By-law and the issuance of Certificate of Appropriateness;
- (p) “Municipality” means the Halifax Regional Municipality;
- (q) “non-contributing heritage resource” means a property shown on Schedule B that is neither a municipal heritage property nor a contributing heritage resource; and

- (r) "Regulations" means the Heritage Conservation Districts Regulations 138/92; as amended.

WHEN CERTIFICATE IS REQUIRED

11. A Certificate of Appropriateness shall be required for:

- (a) a new building or structure;
- (b) an addition to an existing building or structure;
- (c) demolition or removal of a building or structure that is part of a municipal heritage property or is a contributing heritage resource;
- (d) alterations to the exterior of existing buildings or structures, including alterations to balconies, chimneys, cladding, cornices, doors, façades, foundation, lighting, parapets, roof, steps or stairs, storefronts, trim, windows;
- (e) signs;
- (f) awnings and canopies;
- (g) fences that partially or fully obscure a contributing heritage resource from the street;
- (h) utility buildings or structures, including fuel tanks, mechanical or electrical equipment, or satellite dishes; and
- (i) the subdivision of land within the District.

WHEN CERTIFICATE IS NOT REQUIRED

12. A Certificate of Appropriateness shall not be required for:

- (a) temporary buildings or structures incidental to construction, maintenance or repair;
- (b) maintenance and repair of existing buildings or structures, including signs, fences, and utility structures provided these are not altered and remain substantially the same as before;
- (c) a sign posted on the property notifying the public of a demolition application pursuant to section 26;
- (d) notwithstanding clause 11(a), the construction of any structure exceeding 1,500 square feet in footprint area on properties identified within the Historic Park & Institutional Area on Schedule B; and
- (e) the demolition of a non-contributing heritage resource.

APPLICATIONS

General Information Required for an Application

13. An application for a Certificate of Appropriateness shall be in writing and include:

- (a) a site plan to scale showing the property boundaries and location of the proposed development;
- (b) upon the request of the Heritage Officer:
 - (i) elevation drawings that are drawn to scale, illustrating the architectural design, dimensions, and materials of the proposed development, and
 - (ii) drawings, sketches or photographs illustrating both the existing building or structure and the proposed alteration to that building or structure.

Additional Information Required for Application for Municipal Heritage Property

14. An application for demolition or substantial alteration of a registered municipal heritage property shall be made in writing in accordance with the *Heritage Property Act* and this By-law.

Additional Information Required for Demolition of a Contributing Heritage Resource

15. In addition to Section 13, an application for demolition or removal of a building or structure on a contributing heritage resource shall include:

- (a) an explanation of the reasons for the proposed demolition or removal and the alternatives to demolition or removal that may be available;
- (b) payment of the required fees; and
- (c) if the owner is not the applicant, the written consent from the owner to place a sign on the property notifying the public of the demolition application.

Heritage Impact Statement

16. The Heritage Officer may require a Heritage Impact Statement if an application for Certificate of Appropriateness is in respect of an alteration to a character-defining element of a contributing heritage resource, including a character-defining building rear wing that is greater than 150 square feet, . The content of a Heritage Impact Statement shall be as prescribed in Schedule D.

Submission of Application

17. Applications for a Certificate of Appropriateness shall be submitted to the Municipality in accordance with applicable building and development permit application procedures.

Review of Application

18. Within fifteen (15) days after receiving an application for a Certificate of Appropriateness, the Heritage Officer shall inform the applicant whether the application is complete.

19. If the application is incomplete, the Heritage Officer shall notify the applicant in writing advising what is required to complete the application.

CERTIFICATE OF APPROPRIATENESS

Issuance

20. A Certificate of Appropriateness shall not be issued unless the proposed development meets the Conservation Standards and the Heritage Design Guidelines.



Evaluation

21. When evaluating an application for a Certificate of Appropriateness, the following shall apply:

(a) the Conservation Standards shall be used to evaluate any proposed development in the District;

(b) the Guidelines shall be used to interpret and apply the Conservation Standards; and

(c) the Heritage Design Guidelines shall be used to evaluate any proposed development in the District.

22. In the event of a conflict between the Heritage Design Guidelines and the Conservation Standards, the Conservation Standards shall prevail.

Issuance of Certificate

23. Subject to sections 24 and section 27, a Certificate of Appropriateness that is required under this By-law shall be issued by the Heritage Officer if the development meets the Conservation Standards and the Heritage Design Guidelines.

24. (1) A Certificate of Appropriateness that includes a substantial alteration to a municipal heritage property shall be considered by Council and Council will consider whether the development meets the Conservation Standards and the Heritage Design Guidelines.

(2) The Heritage Officer shall grant or refuse a Certificate of Appropriateness in accordance with the decision of Council.

25. If a Certificate of Appropriateness is refused by the Heritage Officer, the Heritage Officer shall inform the applicant, in writing, of the reasons for refusing it and explain the appeal provisions.

Requirement for Sign if Demolition Application

26. If an application has been filed for a demolition or removal of a building or structure, a sign shall be erected on the property notifying the public of the demolition application.

Demolition of Contributing Heritage Resource

27. If an application is for the demolition or removal of a building or structure that is a contributing heritage resource or a municipal heritage property, the Heritage Officer shall refer the application for a Certificate of Appropriateness to the Council for a public hearing and shall issue or deny such Certificate in accordance with the decision of council, but no certificate shall be issued until the time for appeal has elapsed or the appeal has been disposed of, whichever is the longer.

28. If an application is for demolition or removal of a municipal heritage property, the Heritage Advisory Committee shall review and make recommendation on the application to Council.

29. Prior to holding the public hearing respecting demolition or removal of a municipal heritage property, Council shall receive the recommendation from the Heritage Advisory Committee.

30. Notice of the public hearing shall be in accordance with Section 11 of the *Regulations*.

Result of Demolition for Contributing Heritage Resource

31. Notwithstanding Schedule B, if a Certificate of Appropriateness is issued for the demolition of a contributing heritage resource, the property containing the building is no longer a contributing heritage resource when the building is demolished.

Issuance of Certificate with Conditions

32. (1) The Heritage Officer may grant a Certificate of Appropriateness with conditions in accordance with Section 14 of the *Regulations*.

(2) In addition to the conditions set out in subsection 14(3) of the *Regulations*, a Certificate of Appropriateness may include conditions respecting

(a) a time limit under which a demolition or alteration can be carried out, providing such time does not exceed the time set in subsection 3; and

(b) the suitable restoration of the site following the demolition or removal of a building.

(3) A Certificate of Appropriateness shall be valid for a period of two years from the date of issuance.

Expiration of Certificate of Appropriateness

33. Before the expiration of a Certificate of Appropriateness and the written request of the applicant, a new Certificate of Appropriateness may be issued by the Heritage Officer, providing the development continues to meet the Conservation Standards and Heritage Design Guidelines.

Right to Appeal

34. The approval, imposition of conditions on, or denial of a Certificate of Appropriateness may be appealed to the Nova Scotia Utility and Review Board pursuant to the *Act*.

Done and passed in Council this day of A.D. 201 .

Mayor

Municipal Clerk



Schedule A- Schmidtville Heritage Conservation District Boundary



 Schmidtville Heritage Conservation District Boundary



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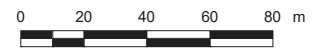


Schedule B - Heritage Properties and Resources

Schmidville Heritage Conservation District Boundary

HALIFAX

- Schmidville Heritage Conservation District Boundary
- Historic Park & Institutional Area
- Mirror Image Building
- Registered Municipal Heritage Property
- Contributing Heritage Resource/Building
- Georgian Style Building



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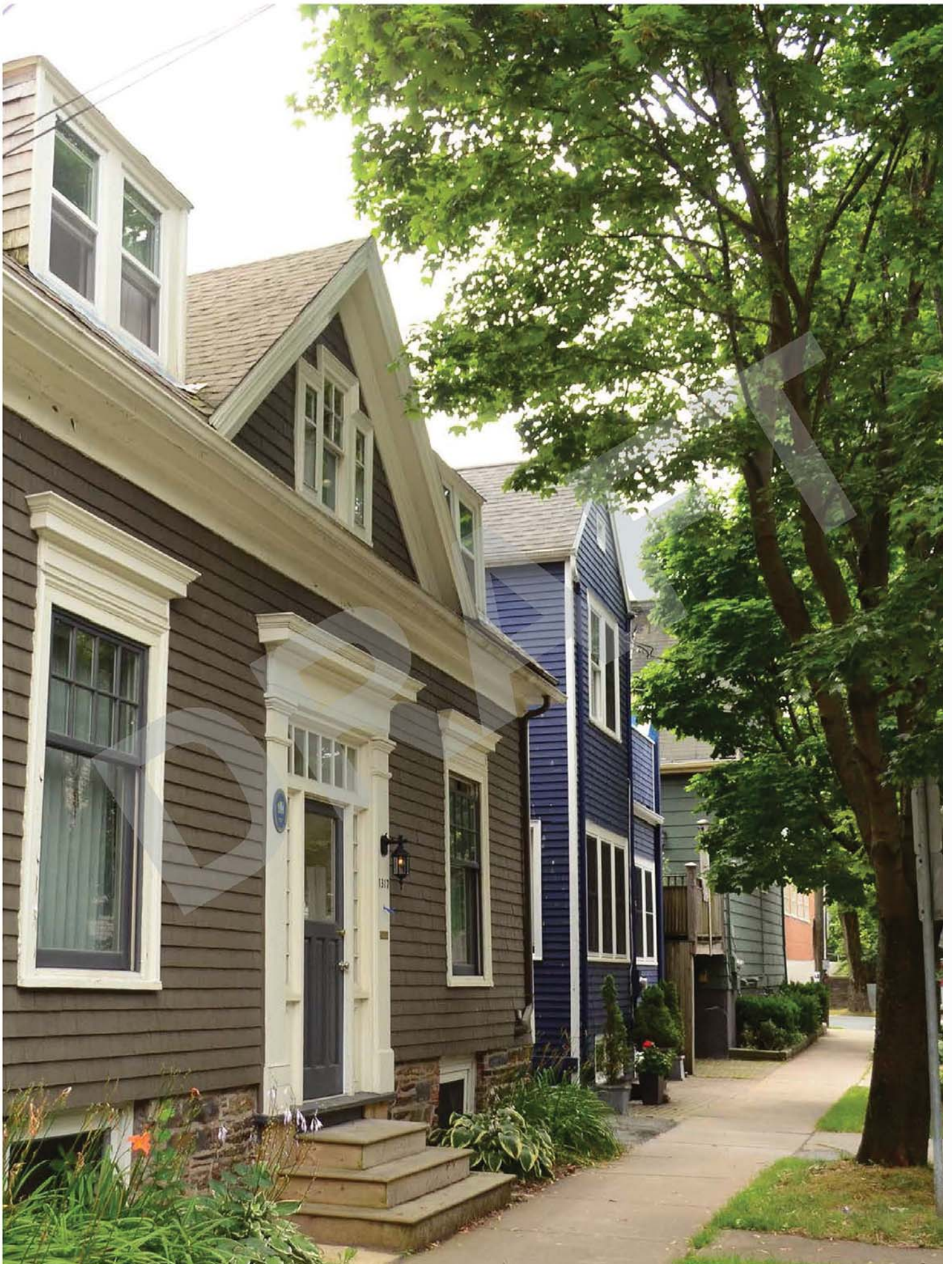
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Schedule C
Schmidville Heritage Conservation District
HERITAGE DESIGN
GUIDELINES

Halifax Regional Municipality
Planning & Development, 2018



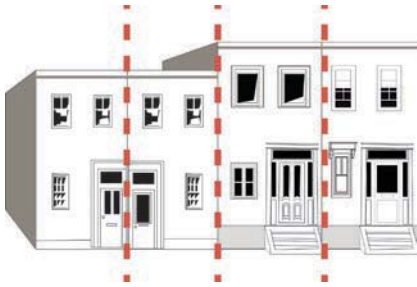


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- 1 Definition
- 2 Exterior Alterations of Existing Heritage Properties
- 3 Additions to Existing Heritage Properties
- 4 Construction of New Buildings
- 5 Signs
- 6 Utility Structures & Parking



1 DEFINITIONS IN THIS SCHEDULE,



a. "Bay" means any of a number of major spatial divisions across a wall partitioned off in equal widths by principal vertical compartments;



b. "Bay Window" means a window or series of windows projecting outward from the main wall of a building and forming a bay or alcove in a room within, the building with its own foundation;



c. "Cornice" means a continuous molded projection dividing the front wall horizontally from the roof for compositional purposes;



d. "Dormer" means a projecting structure built out from a sloping roof housing a vertical window;



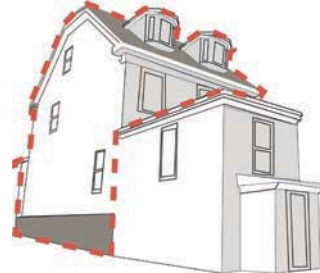
e. "Façade" means the front of a building or any of its sides facing a public street or space;



- f. "Gable Roof" means a roof sloping downward in two parts from a central ridge, so as to form a gable at each end.



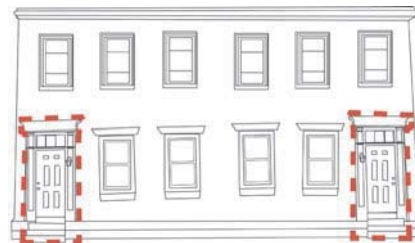
- g. "Heritage Building" means a building within a contributing heritage resource;



- h. "Heritage Property" means a contributing heritage resource or a municipal heritage property.



- i. "Hipped Gable Roof" means a roof having a hipped end truncating a gable;



- j. "Side Hall Entrance" means an entrance within a bay, on the front façade, nearest to the side of a building;



- k. "Scottish Dormer" means a dormer with five sides (faces) including two side walls, a vertical window encompassing the front face, narrow vertical windows encompassing the two faces flanking and angled inward from the front face, and a roof with hipped sections over each of the five faces; and



- l. "Truncated Gable Roof" means a gable roof where the central ridge is replaced by a plane which is no more than four meters in width along the length of the roof.





2 EXTERIOR ALTERATIONS of EXISTING HERITAGE PROPERTIES



Rhythm of bays: example of 8 connected buildings along Birmingham Street in a variety of widths

2.1 Rhythm of Bays

Historic buildings are either attached or very near to each other and create a streetscape rhythm comprised of approximately ten buildings in each block. Some buildings still occupy the 8 m by 30 m lots from Elizabeth Schmidt's original subdivision in 1831 while others occupy larger lot consolidations. However, buildings are relatively consistent in the widths of their façades throughout the neighbourhood which creates a cohesive form along the traditional streetscapes.

a. The traditional architectural elements of historic building façades such as columns, pilasters, dormers, and entrances which establish a pedestrian scale and rhythm, shall be retained.

b. Consolidating two or more buildings into one is discouraged, since it may result in the loss of entrances and windows that would reduce pedestrian interest. If such consolidation is proposed, the retention of original historic building features must not be compromised, even if this means retaining a redundant entry configuration

2.2 Doors

Many of the original doors in Schmitzville have been made of hardwood and are detailed with panels or window lights. Old doors should be retained and restored to their original finish. If removal is required, replacement doors of wood are preferred. However, steel or fibreglass doors that maintain the proportions, form, and details of the original door may be installed. Transoms and sidelights should be conserved or replaced as needed.

2.3 Windows & Dormers

The traditional windows and dormers were made of wood and generally double or single hung (vertical sliding) sash. The intent of these guidelines is to ensure the retention, repair, rehabilitation, and restoration of historically accurate windows.

Where there are existing windows within historic window openings which are either original or more recent replacements in the historical form and material, every effort should be made to retain, repair, and rehabilitate them.

a. Repair and rehabilitation of existing wooden windows shall use wood sash and frames.



2 EXTERIOR ALTERATIONS of EXISTING HERITAGE PROPERTIES

- b. Where existing windows, referred to in clause a, are too deteriorated to repair, replacement windows shall replicate the original window as supported by archival information.
- c. Where existing windows are of a material other than wood, replacement windows may be of this same material but shall replicate the historical form and detail of the original window.
- d. Replacement of wooden windows on façades shall be in wood and shall match the shape, proportion, type of operation, detail, colour and clarity of glass of the wood original when painted.
- e. Elements surrounding windows shall be retained or replaced in like and kind.
- f. The original fenestration pattern shall be retained. Proposed new openings shall be compatible with the original composition in terms of alignment, proportion, surrounds, and ornamentation.
- g. In the event that the original windows have been replaced and the existing windows are inappropriate to the building, then new windows shall be designed to replicate the original windows' size, configuration and appearance as based on archival information. If such information is not available, the following criteria shall be referenced.



Home showing an example of a Georgian style fenestration pattern, including a street-oriented Scottish Dormer.

The dimensions of frames, sashes, muntins, etc., shall be similar to traditional wood windows.

- The window shall be divided into a minimum of two sashes;
- Glass must be clear. Windows that are tinted, coloured or have mirrored surfaces are prohibited.
- Frames and sashes shall be either painted or stained wood.

- Vinyl windows are prohibited; and
- The sash shall be recessed within the window frame at least 4 inches from the exterior surface of the building's exterior wall.

- h. Existing dormers on façades shall be conserved and shall not be replaced by dormers of different dimensions. Scottish dormers shall be restored to their original form.



2. EXTERIOR ALTERATIONS of EXISTING HERITAGE PROPERTIES



Converted shop front with picture frame windows on a historic Georgian mansion.

2.4 Materials

Traditional materials retain the character of historic building façades. These traditional materials shall be used or new materials shall resemble traditional materials:

- a. Wooden shingles are preferred or a high quality wood composite material, in like and kind appearance, may also be used.
- b. Masonry shall be repaired or replaced with a stone or brick material, in like and kind appearance. Parging may be used if masonry has lost structural stability.
- c. Wood shall be used for base panels and cornices.
- d. Windows and bay window framing shall be wooden on façades.

- e. For existing buildings, where new materials are required for repair, these materials shall match the original materials or be largely indistinguishable from the original materials.
- f. Vinyl siding, plastic, plywood, concrete block, and EIFS (exterior insulation and finish systems where stucco is applied to rigid insulation), and metal siding are prohibited.
- g. Darkly tinted or mirrored glass is prohibited.
- h. Flat roofs may be covered with a bituminous membrane such as tar or gravel finish, etc. Other historic buildings have asphalt shingle roofs. These roofs may be replaced with asphalt shingles in black or dark grey tones.

2.5 Shopfronts

The historic buildings in Schmidville were originally constructed to serve residential uses. A few buildings have been converted to retail commercial uses which resulted in exterior alterations that have impacted their architectural integrity, such as the addition of large picture frame windows.

Existing shopfronts may be maintained but new alterations shall conserve the exterior of the heritage building.



2. EXTERIOR ALTERATIONS of EXISTING HERITAGE PROPERTIES



Example of a Georgian mirror-image cottage demonstrating strong symmetry.

2.6 Decorative Elements

The objective is to recognize the architectural heritage value of decorative moldings including cornices, pilasters and lintels and to ensure the proper conservation of these elements:

- The retention of original decorative elements is required.
- Repairs shall be undertaken with matching materials.
- If structural considerations make conservation of existing decorative elements difficult, substitute materials may be considered.

- Where original decorative elements have disappeared, their replacement may be considered if there is evidence of pre-existence.
- Buildings, especially Georgian buildings identified in Schedule 2, shall not include classical elements from the Victorian period such as decorative brackets along the cornice, pilasters, and lintels unless there is evidence of their historic presence on the buildings. These features would create a false sense of historical development.

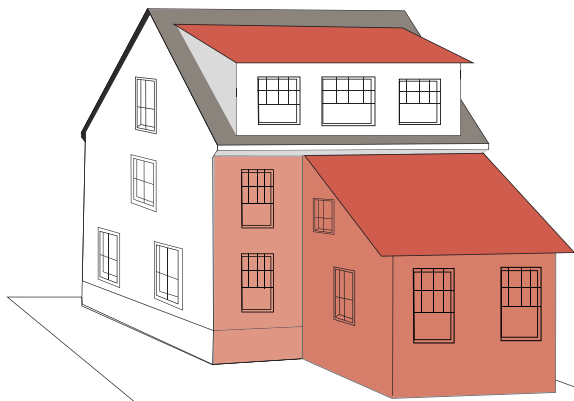
2.7 Symmetry of Mirror-Image Cottages

Alterations made to the front elevation of mirror-image cottages, identified in Schedule 2, shall preserve or re-establish a symmetric visual relationship between the two attached dwellings. This guideline does not apply to maintenance of existing features of the building.





3 ADDITIONS to EXISTING HERITAGE PROPERTIES



The addition exhibits an appropriate height, not extending beyond the heritage building, an appropriate width which preserves one of the rear bays of the home, and including a shed roof with similar pitch as the main building roof. The heritage building depicted includes a shed dormer of an appropriate size, and a rear yard set back.

3.1 Height of Heritage Buildings

Schmidtville is characterized by its traditional buildings of varying heights. As such, the height of each heritage building is considered a character-defining element:

- An addition shall not extend a heritage building beyond its existing height
- An addition shall not exceed the height of the heritage building.
- A heritage building may be raised by no more than two feet to provide usable space in the basement.

3.2 Roof lines

Rear additions can add valuable living space to heritage buildings but consideration shall be given to the roof lines of the building:

- Rear additions shall connect under the eaves of the heritage building.
- The roof of an addition shall match the roof type and pitch of the heritage building.
- The roof of a one storey addition shall be either a flat or a shed roof.
- The rear slope of a roof may include a shed dormer along its width as long as it maintains at least two feet of the heritage building's rear roof on both sides. Character defining elements shall not be removed for this purpose.

3.3 Exterior Wall & Yard

- An addition to the rear shall preserve one bay of the heritage building's rear wall in its entirety.
- A rear addition shall preserve a rear yard. Small sheds may be allowed within the rear yard.
- Exterior walls of the building, including the rear wall, shall extend from the foundation being no cantilevered structure and posts supporting a structure shall be hidden from view using baseboards or other elements.







4 CONSTRUCTION of NEW BUILDINGS



Front façades showing variable appropriate widths, including three bays each, and a cornice line of less than 8m in height. Both images show windows which are taller than wide. The image on the right demonstrates one possible fenestration pattern which satisfies only the minimum requirement of one window within each bay and storey.

4.1 Building Articulation and Continuity with Georgian Style

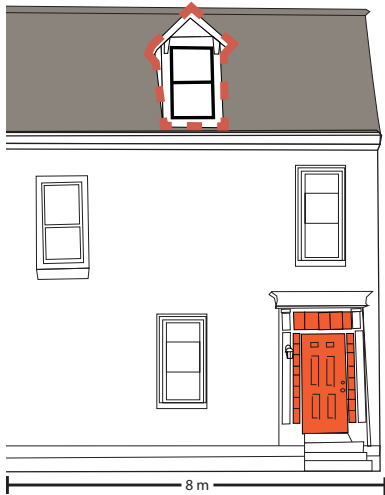
The articulation of a building is what gives it a human scale and a sense of quality, through attention to detail. Articulation implies a three-dimensional facade, where windows and other elements have depth, creating a dynamic play of light and shadows through the use of solids and voids. Typically the articulation will indicate the transition between floors and interior spaces, giving a human scale to the facade.

To encourage continuity with the Georgian and Georgian-style buildings in Schmidville and to ensure both horizontal and vertical “breaks” in the façade, buildings shall be designed to reinforce the following key elements:

- a. *Front Façade Widths and Bays*
The front façade of a building shall include a series of three bays. This series of three bays shall be between six to eight meters in width. The front façade can extend beyond this width but this portion of the front façade shall also include a series of three bays within a six to eight meter width at minimum. This additional portion of the front façade shall appear as a front façade of a separate attached building. These guidelines are repeated if a front façade extends beyond six bays in width, nine bays in width, etc.
- b. *Cornice*
Each series of three bays along the front wall of a building shall be crowned by a cornice. The cornice height shall not exceed eight meters to create a consistent streetwall height, reinforcing the “frame” of public streets and spaces.
- c. *Windows and Dormers*
Windows along the front façade, including dormers, shall appear obviously taller than wide and shall align horizontally and vertically with one another across each windows’ respective storey and bay. There shall be a minimum of one window on each storey within each series of three bays. And there shall be a minimum of one window contained entirely within each bay. Dormer windows are encouraged but not required on the roof, above the cornice, but a dormer shall be contained entirely within its bay and a wall shall not extend across a cornice into the roof to form a dormer. A dormer window will be considered a window within its respective bay and it can be a bit smaller than the windows on the front façade.



4 CONSTRUCTION of NEW BUILDINGS



Front facade showing appropriate 8m width, including three bays, and demonstrating one possible fenestration pattern which satisfies only the minimum requirement of one window for each bay and storey, including dormers. Prominent side hall entrances slightly above grade, and including a transom window and side light are also highlighted.

If the building extends beyond three bays in width, symmetry shall apply to the placement of dormers across the entire width of the front façade.

d. *Side Hall Entrance*

For each series of three bays along the front façade, there shall be a side hall entrance to the building. The entrance shall be prominent, recognizable, and accessible at grade or slightly above grade. It shall include an articulated surround with either a transom window, a pair of sidelights, or both.

4.2 Streetwall Setback and Design

- New buildings shall provide a streetwall setback that is no greater or less than abutting heritage buildings.
 - All façades of the building, which are visible from the streets, shall have a consistent design expression.
 - New buildings shall not include classical elements from the Victorian period such as decorative brackets along the cornice, pilasters, and lintels. These features would create a false sense of historical development within the neighbourhood.
 - Mechanical or utility functions such as vents, trash vestibules, and propane vestibules, should not be placed along the streetwall.
- Stucco and stucco-like finishes are prohibited as a principle exterior wall material.
 - Vinyl siding, plastic, plywood, concrete block, EIFS (exterior insulation and finish systems where stucco is applied to rigid insulation), and metal siding are prohibited.
 - Darkly tinted or mirrored glass is prohibited.
 - Unpainted or unstained wood, including pressure treated wood, is prohibited as a building material for permanent decks, balconies, patios, verandas, porches, railings and other similar architectural embellishments, except that this guideline shall not apply to sidewalk cafés.

4.3 Materials

Building materials help define the character and quality of a building and how it relates to its context:

- Buildings shall be clad in wood or a wood composite material and exterior trim and finishes may be of another material but shall exhibit quality of workmanship.
- The building materials shall be the same to achieve a unified building image.
- Materials used for the front

4.4 Roof lines

New buildings shall include a roof that relates to the character of the neighbourhood.

- New buildings shall include one of the following roof types:
 - Gable roof;
 - Truncated gable roof;
 - Flat roof.
- A single roof type shall extend across all three bays of



building's front façade and shall extend along the entire width of a building. A separate roof type may extend across the next three bays if the front façade extends beyond three bays in width. This same guideline applies if a front façade extends beyond six bays in width, nine bays in width, etc.

- c. A wing at the rear of the building that is not visible from the streets shall match the roof type of the main building or it may include a flat or shed roof.
- d. Dormers shall include one of the following types:
 - Dormer with gable roof;
 - Dormer with hipped gable roof;
 - Scottish dormer.

4.5 Windows

- a. Windows in new construction shall be sympathetically designed in accordance with adjacent historic façade openings.
- b. The dimensions of frames, sashes, and muntins shall be similar to traditional wood windows.
- c. Glass shall be clear: tints, colours or mirrored surfaces are prohibited.
- d. The sash shall be recessed within the window frame at least 4 inches from the exterior surface of the building facade

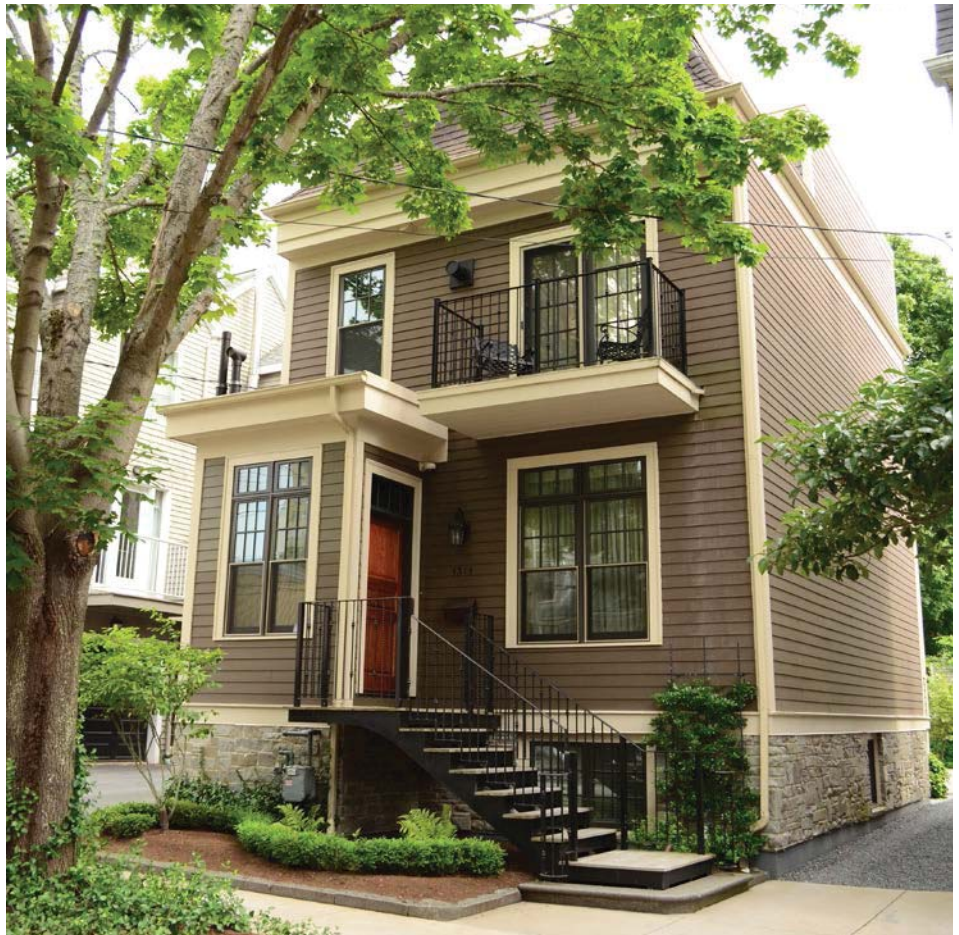


Photo showing an enclosed porch

4.6 Porches and Bay Windows

- a. An open or enclosed porch may encompass a side hall entrance. Where there is a porch, it shall include a cornice, a gable or flat roof, and an entrance, slightly above grade, at its side. There shall be a vertical window at the front of an enclosed porch.
- b. A large Scottish dormer, paired vertical windows, or a two-storey bay window may encompass the two bays immediately next to the side hall entrance.

detailed and proportioned in accordance with adjacent heritage buildings.

4.8 Exterior Alterations of Existing Buildings Which are Not Heritage Buildings

Where there is construction proposed on an existing property which is not a heritage property, the alteration should seek to introduce elements of new construction as described in the above guidelines for construction of new buildings and shall not introduce new elements that do not complement these elements.

4.7 Doors

Doors in new construction shall be sympathetically



5 SIGNS



Example of indirectly lit signage in the Hydrostone neighbourhood.

5.1 Basic Principles

Design guidelines for signs apply to all properties within the Heritage Conservation District. For the purpose of these guidelines, the main function of “business signs” is to identify the business. Business signs are intended to be permanent, exterior signs, usually mounted on buildings. These signs do not carry advertising or temporary or changeable messages. Content is restricted to only the business name and visual identity graphics, plus brief text and appropriate graphics to describe products and services. No sign shall be located so that it disfigures or conceals any significant architectural feature of the building. Sign sizes and location shall be

considerate of views to neighbouring businesses and their signs. A “good neighbour approach” will ensure that each business has good visibility, with their signage mass roughly proportional to the size of their premises. This approach shall help implement highly visible signage for all, without creating a clutter of competing signs. These guidelines shall apply to all buildings within the Heritage Conservation District.

5.2 Sign Lighting

With the exception of restrictions on internally lit sign boxes, or awnings, for aesthetic reasons there are no specific restrictions in these guidelines for lighting methods. In general, non-illuminated signs or indirectly illuminated signs (which reflect

light from a source intentionally directed upon it) are preferred.

Any lighting used to illuminate signs or façades shall be designed in such a way that the light source is not visible from the street. Lighting hardware which is visible on building façades shall respect the integrity of the architecture in the same way intended for signage.





Awning sign from Downtown Halifax

5.3 Materials

It is not the intent of these guidelines to restrict design creativity by restricting materials, except for the specific examples prohibited below. Owners and their designers are encouraged to select durable, high quality material for signs which complement or contrast with their storefronts, and which are designed and placed so as to help businesses use their entire storefronts to communicate awareness of their identity, image and location. Prohibited Materials include:

- a. internally-illuminated fascia signs or internally-illuminated awning signs;
- b. stretch skin plastics for awning or canopy signs; and
- c. textile banners, with or without frames.

4.4 Allowable Sign Types

a. Fascia Signs and Flat Wall-Mounted Signs

A fascia sign is typically a sign board mounted parallel to (or individual letters fixed to) the face of a building to create a sign in the format of a horizontal band.

- i. Where fascia signs are installed, they shall be located in the architectural frieze above the door and the size of the frieze dictates the maximum size of the sign
- ii. If no frieze or other other similar architectural feature exists, fascia signs for ground-floor businesses shall be located in a horizontal band above the upper line of ground floor door, and below the lower sill of second storey windows. Fascia signs for upper floor occupants shall be similarly located above a window on their respective floor

Wall-mounted signs are also suitable for placement at eye level for viewing by pedestrians approaching, or in front of the premises. As a result, the size of such signs shall be scaled for reading at close proximity. These types of signs are also useful for identifying businesses on upper floors of a building, which are accessed from a street level door. In these cases, signs shall be placed close to the door at a height comfortable for viewing from the street

- iii. The size of such a wall-mounted sign shall be no greater than 50% of the area of the door.
- iv. Flat wall-mounted signs shall project no more than 10 cm from the wall if they are located closer than 2.5m vertical to the sidewalk. Wall signs which are above that elevation shall project no more than 30cm from the wall.



5 SIGNS



Window sign and projecting sign from Downtown Halifax

b. *Projecting Signs*

These are signs which project horizontally from an exterior wall of a building using brackets or other hardware to frame or hang the sign. Such signs typically have two faces, back-to-back, but may be multifaceted and have more than two faces.

- i. Projecting signs that identify a ground floor business shall be located above or adjacent to the entrance to the business premises.
- ii. Projecting signs may be used to identify businesses in upper storeys if they are accessible from a street level door. In this case one projecting sign is allowable for each such entrance in addition to projecting signage for the ground floor occupant.

- iii. Projecting signs may be comprised of 3-dimensional, flat and contour shapes, including effigy signs and symbols. In most cases the imagery represented by sculptural effects or shapes shall relate to the business, its products and services so that they serve to identify the business and convey its image.

c. *Window Signs*

Window signs are typically those where the name of the business is painted on a window to both identify the business and provide a visual screen through which the window display can be viewed. For these reasons, window signs shall be designed so that they do not unduly obscure vision through the window.

Generally, this can be achieved by choosing slender fonts and limiting sign area to no more than 25% of the window area - the size limit established by the Land Use By-law. Businesses do have the freedom to place temporary signs and other display material inside their premises, viewable through the window, and these guidelines do not restrict the use of windows for viewing interior advertising and promotional material. Multiple window signs may also be used, subject to the 25% coverage limit per window. Signs may also be used on upper storey windows to identify business occupants.

Windows, doors and glass transoms above doors are also



often good locations for painted civic number signs. Generally, the size of lettering for civic number signs shall be no greater than 15cm.

For window signs, materials such as gold, silver and aluminum leaf (or simulations of same), glass etching, vinyl applique and paint are allowed, for placement on the interior face of the windows.

d. Number of Signs

In order to minimize signage clutter, only one of any of the following sign types shall be used for any one business:

- i. Fascia or wall mounted sign;
- ii. Projecting sign;
- iii. Window sign
(including multiple window signs).



6 UTILITY STRUCTURES & PARKING



6.1 Utilities

For all properties within the Heritage Conservation District:

- a. Generally, utility equipment should be placed on the exterior of any building within the Schimidville Heritage Conservation District in a manner which is least disruptive to the visual quality of the building and the area.
- b. Heating, venting and air conditioning vents should be placed away from public streets. Locate utility hook-ups and equipment such as gas meters should be placed away from public streets and to the sides and rear of buildings.
- c. Solar panels should be placed out of public view on the rear slopes of pitched roofs or on the rear portion of flat roofs. Solar panels shall not be propped up if visible from public streets.

6.2 Surface Parking

For all properties within the Heritage Conservation District: Parking areas, except for access to and from the parking, shall be located out of sight behind buildings or inside neighbourhood blocks rather than adjacent to streets or at corners.



SCHEDULE D
CONTENT OF HERITAGE IMPACT STATEMENTS

1. The purpose of a heritage impact study is to determine if a contributing heritage resource or municipal heritage property will be conserved in the context of redevelopment or site alteration.
2. A heritage impact statement respecting a contributing heritage resource or a municipal heritage property shall detail the impacts of a specific proposed development or site alteration, including:
 - (a) identifying the heritage value and character defining elements based on:
 - (i) information available in the municipal Registry of Heritage Property or the Inventory of Potential Heritage Property, and
 - (ii) information supplemented by additional research, site analysis, or evaluation;
 - (b) describing the proposed development or site alteration by detailing:
 - (i) the rationale and purpose for the development or site alteration,
 - (ii) the proposed works and graphical layout, and
 - (iii) how the development or site alteration fits with the objectives of the Municipality as expressed in planning documents;
 - (c) identifying the impact of the proposed development or site alteration, such as the direct or indirect impact and the physical or aesthetic impact;
 - (d) explaining how the proposed development or site alteration complies with the Conservation Standards and Design Criteria;
 - (e) recommending mitigative or avoidance measures, or alternative development or site alteration approaches;
 - (f) a schedule and reporting structure for implementing the recommended conservation or mitigative or avoidance measures, and monitoring as the development or site alteration progresses; and
 - (g) a summary statement and conservation recommendations respecting
 - (i) the heritage value and character defining elements of the heritage resource or municipal heritage property,
 - (ii) the identification of any impact that the proposed development will have on the contributing heritage resource or municipal heritage property,
 - (iii) the conservation or mitigative measures, or alternative development or site alteration approaches; and
 - (iv) reasons why some conservation or mitigative measures, or alternative development or site alteration approaches are not appropriate.

Attachment C

By-law to Amend the Halifax Municipal Planning Strategy, Section II, City-Wide Objectives and Policies, to Implement the Schmitville Heritage Conservation District Plan

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby further amended as follows:

1. Section 6 Heritage Resources of Section II, City-Wide Objectives and Policies, Definitions is amended by deleting text as shown in strikeout and inserting text as shown in bold, as follows:

"Heritage Conservation Area" means an area of concentration of properties unified by similar use, architectural style or historical development, which retains the atmosphere of a past era ~~and which is registered in the Halifax Registry of Heritage Property.~~

"Heritage Conservation District" means a heritage conservation district pursuant to the *Heritage Property Act*.

2. Section 6 Heritage Resources of Section II, City-Wide Objectives and Policies, Policy 6.1.2 is amended by deleting text as shown in strikeout and inserting text as shown in bold as follows:

6.1.2 The City should designate those properties which meet the adopted criteria as registered heritage properties, ~~or registered heritage conservation areas,~~ **or heritage conservation districts** and protect them within the terms of the Heritage Property Act **and Land Use Bylaw**.

3. Section 6, Heritage Resources, of Section II, City-Wide Objectives and Policies, Policy 6.7 is amended by deleting text as shown in strikeout and inserting text as shown in bold as follows:

6.7 The City shall investigate the possibility of establishing Heritage Conservation Zones to protect ~~registered~~ heritage conservation areas, **heritage conservation districts**, and registered heritage streetscapes under the provisions of ~~the Planning Act~~ **the Heritage Property Act and Halifax Regional Municipality Charter**. The results of such investigation should be incorporated as amendments to this Plan and to the Land Use By-law.

4. South End Area Plan Map 1 Planning Districts, of Section V, South End Area Plan Objectives and Policies, is amended by creating the new Planning District 9 and removing that new area of new Planning District 9 from District 6, District 5 and District 2, as shown on the attached Schedule C.
5. Map 9A Generalized Future Land Use Map is amended by re-designating certain lands as shown on Schedule B attached hereto.
6. Map 2-2, Height Precincts District 2, Section V, South End Area Plan Objectives and Policies, is amended by removing the portion that is shown on the attached Schedule D.
7. Map 2-5, Height Precincts District 5, Section V, South End Area Plan Objectives and Policies, is amended by removing the portion that is shown on the attached Schedule E.

8. Map 2-6, Height Precincts District 6, Section V, South End Area Plan Objectives and Policies, is amended by removing the portion that is shown in the attached Schedule F.
9. Insert Map 2-9 Height Precincts District 9, as shown in the attached Schedule G, after Map 2-8 Height Precincts District 8.
10. Insert the attached Map 3 Schmidville Heritage Conservation District, after Map 2-8, Height Precincts District 8.
11. Insert the attached Map 4 Areas where Converted Multiple Dwelling Houses are Permitted Map, after Map 2-8 Height Precincts District 8.
12. Definition of Terms of Section V, South End Area Plan Objectives and Policies is amended by inserting the text as shown in bold directly after the definition for “Neighbourhood Commercial Use”, as follows:

Schmidville Heritage Property

Means a property identified as containing a Schmidville Heritage Building as shown on Map 3, Schmidville Heritage Conservation District.

13. Section 4, Institutions, of Section V, South End Area Plan Objectives and Policies is amended by inserting the text as shown in bold after Policy 4.3.1 as follows:
 - 4.3.2 **Redevelopment of properties in the area designated “Historic Park and Institutional Area” within the Schmidville Heritage Conservation District boundary as shown on Map 3, Schmidville Heritage Conservation District, as Historic Park and Institutional Area, shall be considered by development agreement if the construction of any addition to an existing building exceeds a footprint of 1,500 square feet or any new building exceeds a footprint area of 1,500 square feet in accordance with 7.9.8 and Council shall consider the requirements listed in Policy 7.9.9 of the District IX Policies section.**
14. Section 5, Heritage Resources, of Section V, South End Area Plan Objectives and Policies, is amended by inserting the text as shown in bold after Policy 5.1 as follows:
 - 5.2 **This Plan shall support the Schmidville Heritage Conservation District Plan and the historic character of the Schmidville neighbourhood through the Land Use Bylaw by establishing regulations that support the conservation objectives of the Schmidville Heritage Conservation District.**
 - 5.2.1 **It shall be the intent of this Plan to preserve the predominantly residential uses as well as the park and institutional uses and existing mixed uses of District IX which delineates the boundary of the Schmidville Heritage Conservation District.**
15. Section 7, District Policies, of Section V, South End Area Plan Objectives and Policies, is amended by deleting the text as shown in strikethrough and inserting the text as shown in bold as follows:

District Definition: For the purposes of setting out the detailed district policies of this Plan, the South End is divided into ~~eight~~ **nine** districts as shown on Map 1.

16. Section 7, District Policies, of Section V, South End Area Plan Objectives and Policies, is amended by deleting the text as shown in ~~strikeout~~ and inserting the text as shown in **bold** in Policy 7.0 as follows:

The heights established pursuant to this policy are as shown on Maps 2-1 to ~~2-8~~ **2-9** inclusive.

17. Section 7, District Policies, of Section V, South End Area Plan Objectives and Policies, is amended by deleting the text as shown in ~~strikeout~~ and inserting the text as shown in **bold** in Policy 7.0.5 as follows:

7.0.5 Any change in the allowable height or any increase in height by a development agreement as shown on Maps 2.1 to ~~2-8~~ **2-9** inclusive, except pursuant to Policies 7.2.1.1, 7.5.2.1, 7.8.2.1, and 7.8.2.2, **7.9.8, and 7.9.9** may be permitted only by amendment to the Municipal Planning Strategy.

18. Section 7, District Policies, of Section V, South End Area Plan Objectives and Policies, is amended by inserting the text as shown in **bold** after Policy 7.8.5 as follows:

7.9 DISTRICT IX

7.9.1 This Plan shall establish the Schmidville Heritage Conservation District within the boundaries identified as District 9 on Map 3, Schmidville Heritage Conservation District.

7.9.2 It is the intention of this Plan to ensure that new development is consistent with the character defining elements of the district listed in the Schmidville Heritage Conservation District Plan.

7.9.3 This Plan shall permit up to four dwelling units in a Schmidville Heritage Building, identified on Map 3, Schmidville Heritage Conservation District.

7.9.4 This Plan identifies maximum permitted heights on Map 2-9. Existing buildings with more than two storeys are permitted a height of 35 feet and existing buildings with two storeys or less are permitted a height of 25 feet. An addition to a Schmidville Heritage Building may match but cannot exceed its existing height.

7.9.5 This Plan shall permit additions on Schmidville Heritage Properties that increases the depth of buildings at the rear of the property while preserving minimum rear yards.

7.9.6 This Plan shall permit property located on Map 4, Areas where Converted Multiple Dwelling Houses Are Permitted, to be converted into a multiple dwelling house for residential uses with up to ten units.

7.9.7 This Plan shall permit the development of dwellings on through lots with frontage on Wright Avenue to frame this street with buildings that have minimum front yard setbacks.

7.9.8 This Plan shall ensure that the properties south of Morris Street, identified on Map 3, Schmidville Heritage Conservation District, as Historic Park and Institutional Area, be limited to park and institutional land uses under the Institutional designation, including a school, daycare, community facility, and other similar uses.

Redevelopment of these properties shall be considered by development agreement if the construction of any addition to an existing building exceeds a footprint of 1,500 square feet or any new building exceeds a footprint area of 1,500 square feet.

7.9.9 In considering a development agreement pursuant to policy 7.9.8, Council shall consider the following:

- (a) the architectural design, articulation, materials, and setback of the development is reasonably consistent with the Schmidville Heritage Conservation District Heritage Design Guidelines;
- (b) the height of the development is consistent with the height of adjacent buildings and may transition to a height not exceeding five storeys;
- (c) provisions for park and open spaces within a minimum depth of 40 feet from the street frontage and for the conservation and planting of trees throughout the property;
- (d) provision for vehicular access and egress;
- (e) provision for on-site parking;
- (f) provision for site disturbance, erosion control, site grading, and stormwater management;
- (g) provision for on-site signage; and
- (h) any development is reasonably consistent with all other provisions of this Plan.

7.9.10 This Plan shall establish the Schmidville Heritage Residential (SHR) designation within the Schmidville Heritage Conservation District boundary as shown on Map 3, Schmidville Heritage Conservation District. The land use by-law shall establish the Schmidville Heritage Residential (SHR) Zone and the Schmidville Heritage Residential Commercial (SHRC) Zone within the Schmidville Heritage Residential designation. It is the intent of this Plan to limit mixed use (commercial and residential) developments under the SHRC Zone to existing mixed uses and to Schmidville Heritage Properties with frontage on Clyde Street.

7.9.11 Notwithstanding Policy 7.0.3, the Land Use By-law shall require that heights for properties in the SHR designation be measured between the highest point of the roof and the mean grade of the finished ground adjoining the building. This Plan shall ensure that any addition to a building on a Schmidville heritage property shall not exceed the height of the existing building on the lot.

7.9.12 Notwithstanding Policy 6.8 but subject to Policy 7.9.9, Council may not consider a development agreement for any development or change in use in any building, part of a building, or on any lot on which a registered heritage building is situated within the Schmidville Heritage Conservation District.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the day of _____, A.D. 201__.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 201__.

Kevin Arjoon

APPENDICES

- Appendix A: Amendment to Map 9A Generalized Future Land Use
- Appendix B: Amendment to Map 1 Planning Districts Map
- Appendix C: Amendment to Map 2-2 Height Precincts District 2
- Appendix D: Amendment to Map 2-5 Height Precincts District 5
- Appendix E: Amendment to Map 2-6 Height Precincts District 6
- Appendix F: Insertion of Map 2-9 Heights Precincts District 9
- Appendix G: Insertion of Map 3 Schmidville Heritage Conservation District
- Appendix H: Insertion of Map 4 Areas where Converted Schmidville Multiple Dwelling Houses are Permitted

APPENDIX A

Amendment to Map 9A Generalized Future Land Use

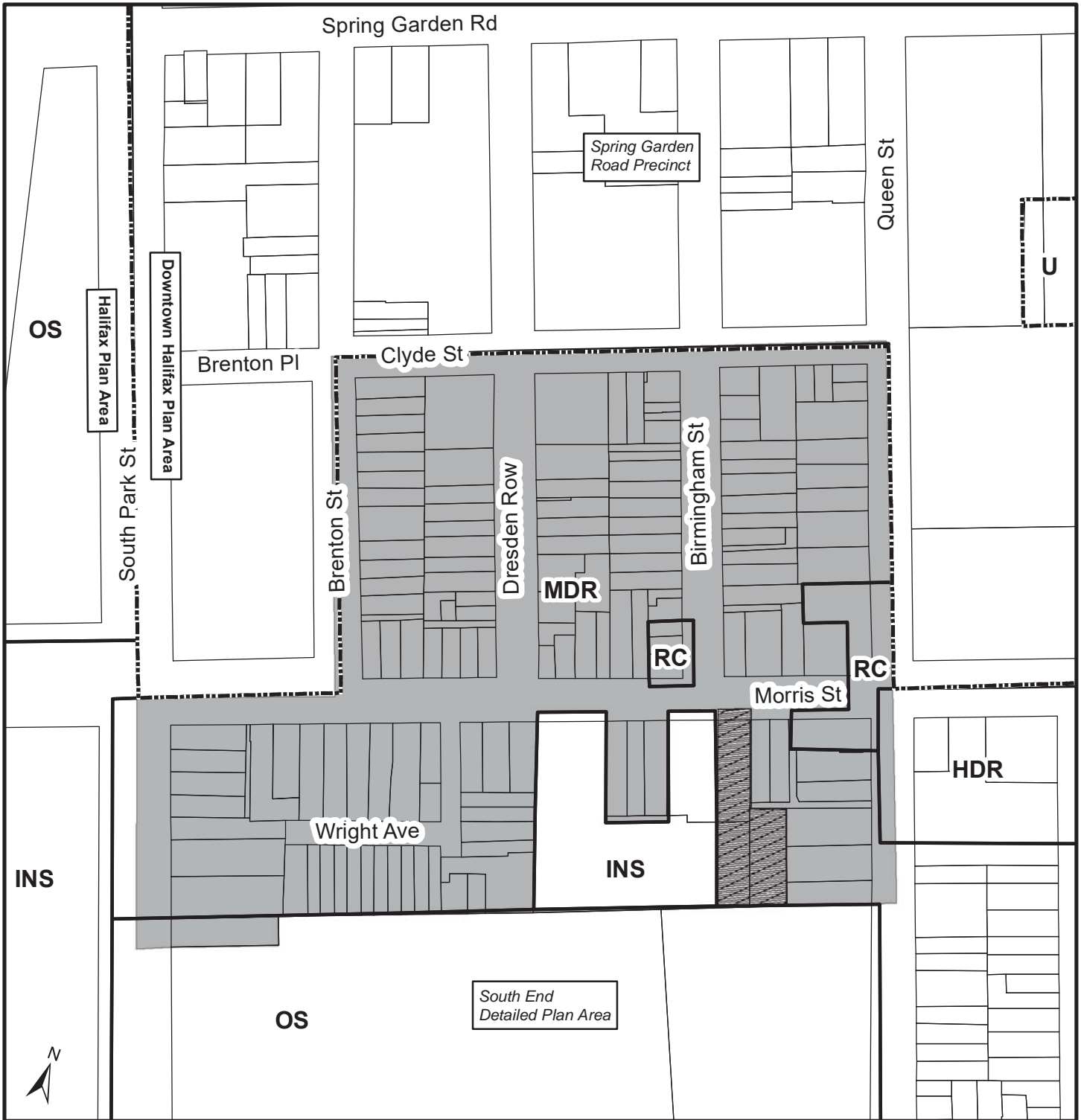
BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax, Part II - Section V, South End Area Plan Objectives and Policies, is hereby further amended as follows:

1. Amend Map 9A Generalized Future Land Use, as shown in the attached Schedule B.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the day of _____, A.D. 201__.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 201__.




Kevin Arjoon



Schedule B - Amendments to Map 9A Generalized Future Land Use Map



Schmidville Area, Halifax

-  Areas to be Redesignated from MDR, RC, OS, & HDR to SHR (Schmidville Heritage Residential).
-  Areas to be Redesignated from MDR (Medium Density Residential) to INS (Institutional)
-  Plan Area Boundary

Designation - South End Area Plan

- MDR Medium Density Residential
- HDR High Density Residential
- RC Residential Commercial Mix
- C Commercial
- OS Open Space
- INS Institutional
- U University



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Halifax Plan Area
Downtown Halifax Plan Area

APPENDIX B

Amendment to Map 1 Planning Districts Map

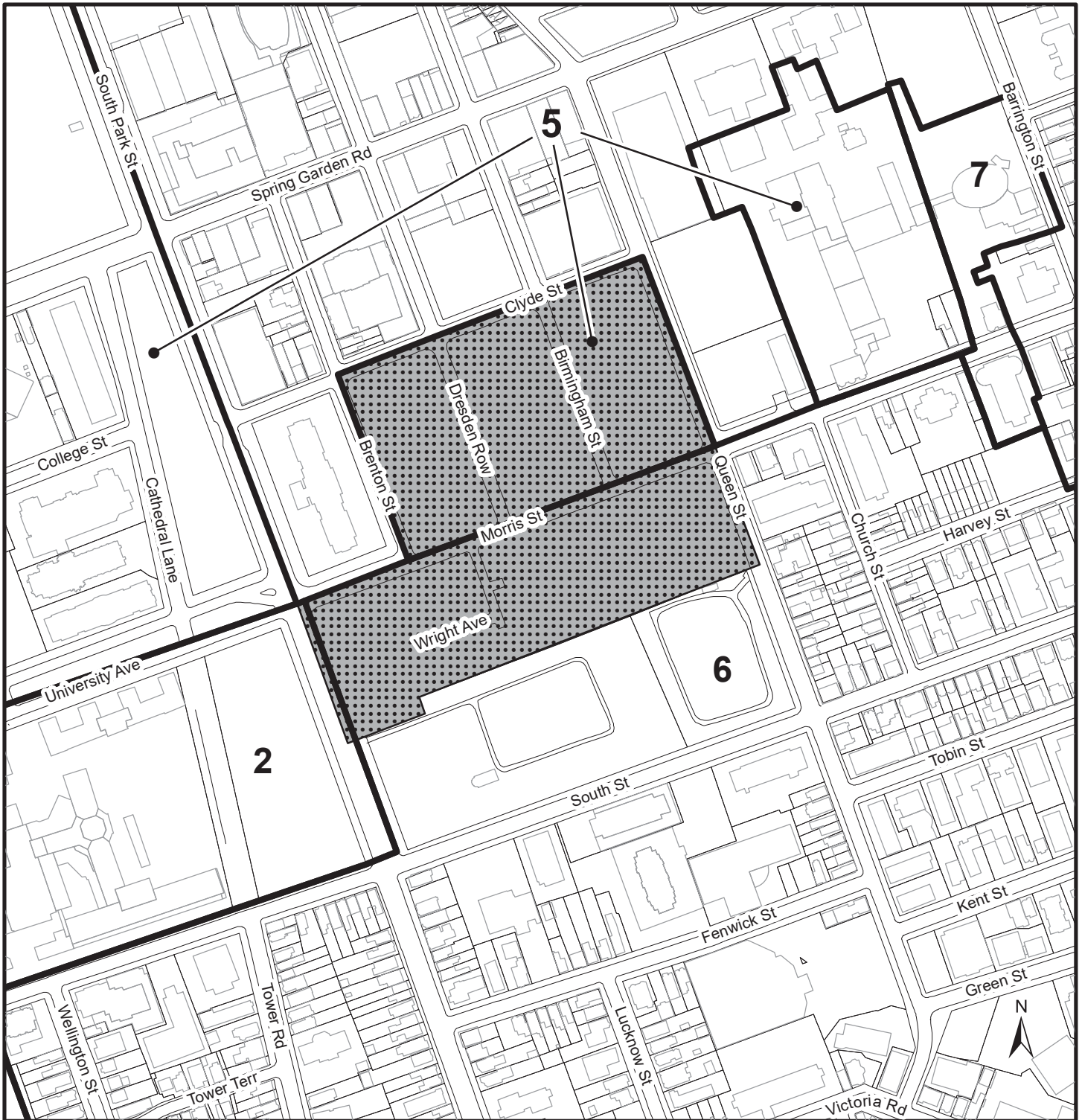
BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax, Part II - Section V, South End Area Plan Objectives and Policies, is hereby further amended as follows:

1. Amend South End Area Plan Map 1 Planning Districts by creating the new Planning District 9, as shown in the attached Schedule C.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the day of _____, A.D. 201__.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 201__.

Kevin Arjoon



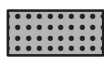
Schedule C - Amendments to Map 1 Planning Districts

HALIFAX

South End Area Plan



Existing Planning Districts



Areas to be Removed from District 6, District 5 and District 2 and area used to create the new Planning District 9



The accuracy of any representation on this plan is not guaranteed.

Downtown Halifax Secondary Municipal Planning Strategy/ Downtown Halifax Land Use By-Law

Effective:

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APPENDIX C

Amendment to Map 2-2 Height Precincts District 2

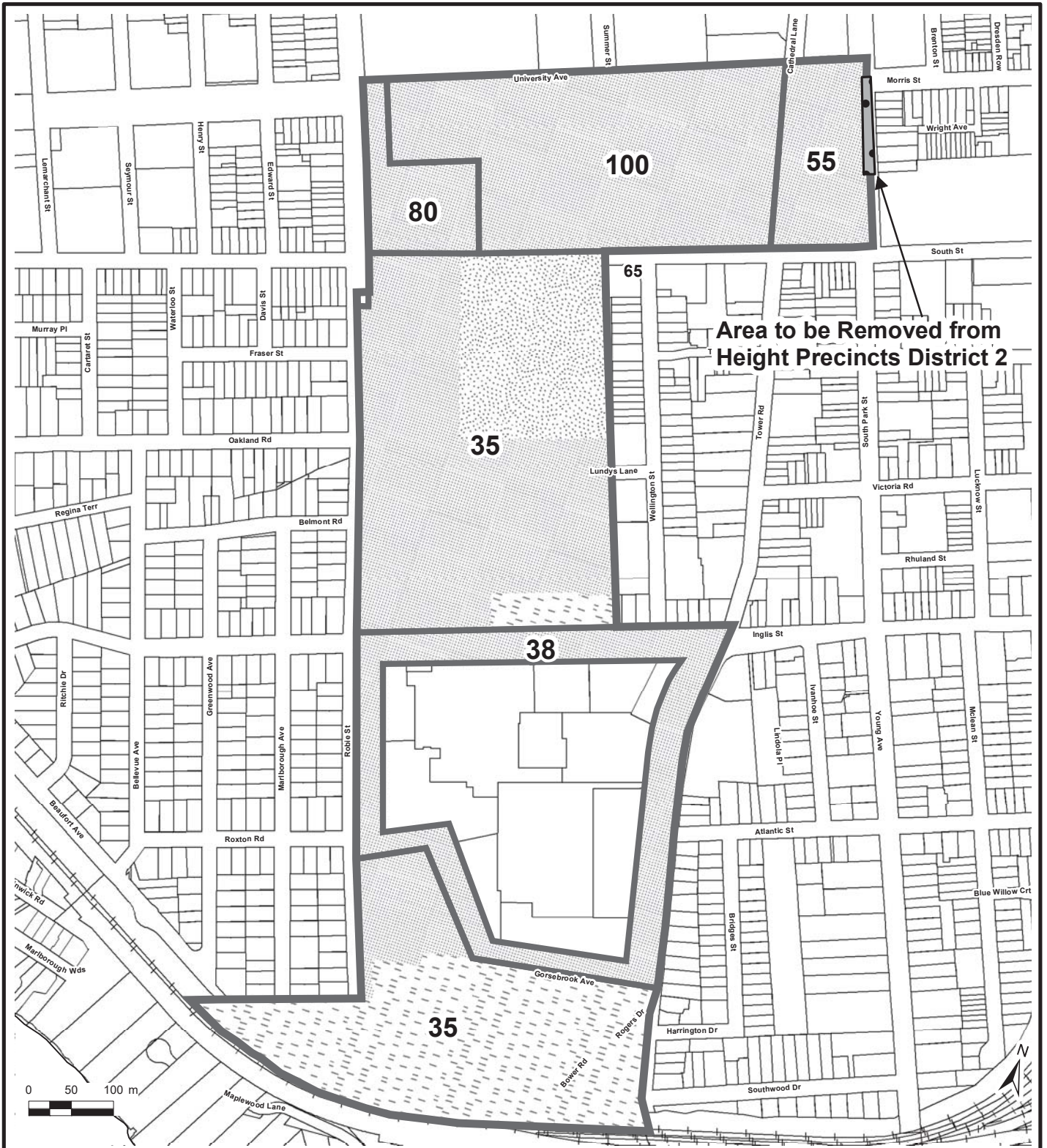
BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax, Part II - Section V, South End Area Plan Objectives and Policies, is hereby further amended as follows:

1. Amend Map 2-2, Height Precincts District 2, as shown in the attached Schedule D.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the day of _____, A.D. 201__.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 201__.

Kevin Arjoon



Schedule D - Amendments to Height Precincts District 2



Height Precincts District 2



Area where maximum permitted height is measured between the highest point of the roof and the mean grade of the finished ground adjoining the building

00

Maximum permitted height in feet



Area where maximum permitted height is measured between the highest point of the building, exclusive of any non habitable roof and the mean grade of the finished ground adjoining the building between the building and the fronting street



Height precinct boundary



Area where maximum permitted height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street

Effective:

MAP 2-2

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APPENDIX D

Amendment to Map 2-5 Height Precincts District 5

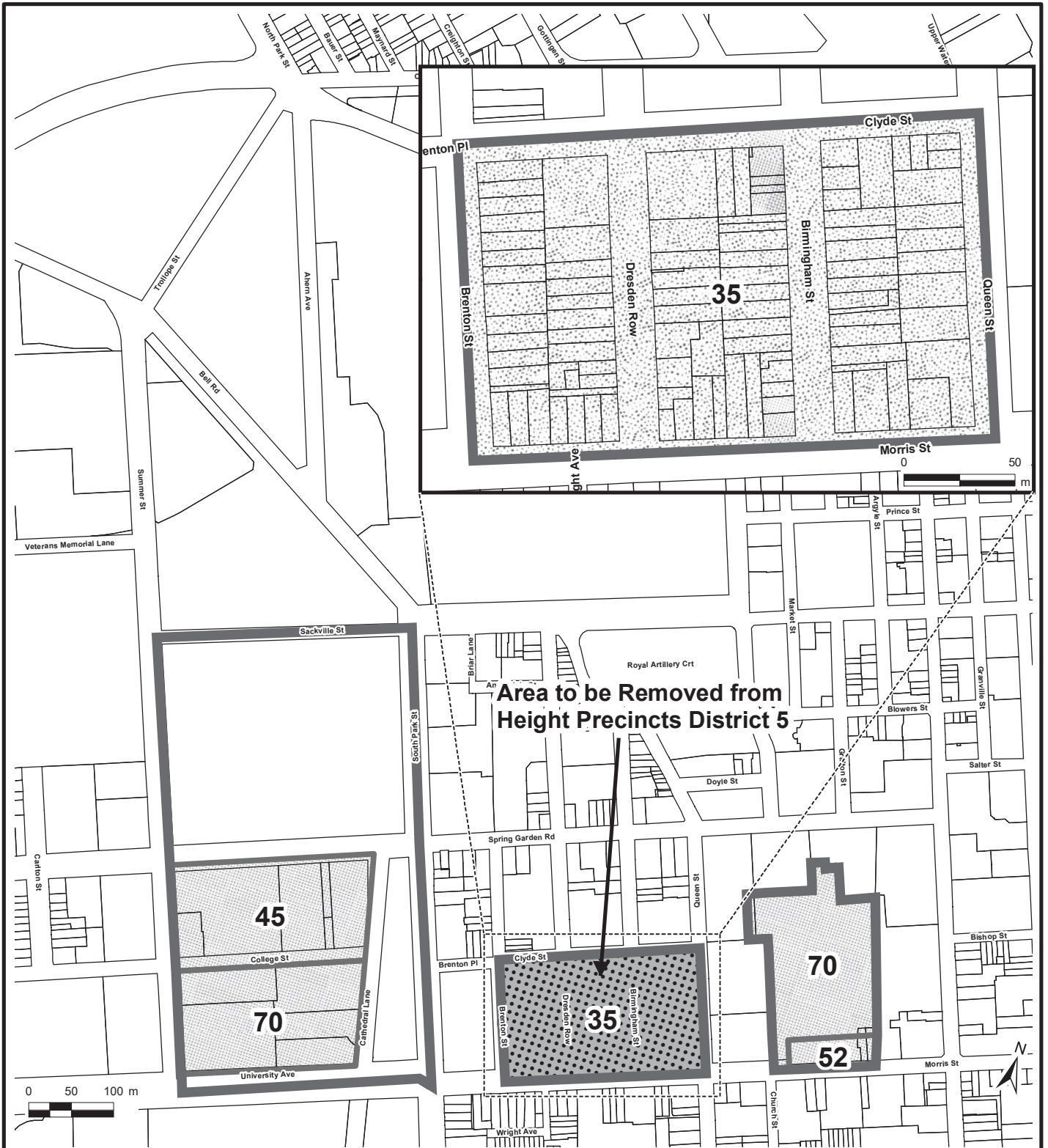
BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax, Part II - Section V, South End Area Plan Objectives and Policies, is hereby further amended as follows:

1. Amend Map 2-5 Height Precincts District 5, as shown in the attached Schedule E.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the day of _____, A.D. 201__.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 201__.

Kevin Arjoon



Schedule E - Amendments to Height Precincts District 5



Height Precincts
District 5

00 Maximum permitted height in feet

Height precinct boundary

Area where maximum permitted height is measured between the highest point of the roof and the mean grade of the finished ground adjoining the building

Area where maximum permitted height is measured between the highest point of the building, exclusive of any non habitable roof and the mean grade of the finished ground adjoining the building between the building and the fronting street

Area where maximum permitted height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street

Effective:

MAP 2-5

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