

By-law H-800: Heritage Conservation District (Old South Suburb) By-law

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HALIFAX REGIONAL MUNICIPALITY
BY-LAW No. H-800
RESPECTING THE ESTABLISHMENT OF A HERITAGE CONSERVATION DISTRICT FOR THE OLD SOUTH SUBURB

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 follows:

SHORT TITLE

1. This by-law shall be known as By-law No. H-800 and may be cited as the *Old South Suburb 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.
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 middle 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 A, 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 by which the Heritage Officer certifies that a proposed development conforms with the requirements of this by-law;
- (e) “Conservation Plan” means the Old South Suburb 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 A that contributes to the heritage value of the District, and includes municipal heritage properties and provincial heritage properties;
- (h) “Design Manual” means the Design Manual attached as Schedule S-1 to the Downtown Halifax Land Use By-law;
- (i) “development” includes the demolition or removal of a building and the land and structures appurtenant thereto;
- (j) “District” means the Old South Suburb Heritage Conservation District, the boundaries of which are shown on Schedule A attached hereto;
- (k) “existing” means in existence on the date of the coming in force of this By-law;
- (l) “Guidelines” means the Guidelines for the Conservation of Historic Places in Canada, 2nd Edition;
- (m) “Heritage Advisory Committee” means the Heritage Advisory Committee created by By-law H-200, the *Heritage Property By-law*;
- (n) “Heritage Design Guidelines” means Section 4 of the Design Manual;
- (o) “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;
- (p) “Heritage Officer” means the employee of the Municipality designated by Council to:
 - (i) administer the Conservation Plan and this By-law, and
 - (ii) issue a Certificate of Appropriateness;

- (q) “non-contributing heritage resource” means a property shown on Schedule A that is not a municipal heritage property, provincial heritage property or 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) exterior alteration of buildings and structures, including additions, façades, roofs, windows, doors, storefronts, signs, awnings, exterior materials, exterior steps and stairs;
- (b) demolition or removal of buildings and structures that are part of a contributing heritage resource;
- (c) construction of new buildings;
- (d) awnings and canopies;
- (e) fences in front yards;
- (f) utility structures including fuel tanks, mechanical or electrical equipment, satellite dishes;
- (g) improvements to the public right of way and Cornwallis Park; and
- (h) 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) demolition of a non-contributing heritage resource;
- (c) 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; and
- (d) a sign posted on the property notifying the public of a demolition application pursuant to section 26.

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. (1) 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.
- (2) The content of a Heritage Impact Statement shall be as prescribed in Schedule B.

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 if 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 requirements in addition to the Conservation Standards.

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 section 26, 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. 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

25. 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 or Substantial Alteration of Contributing Heritage Resource

26. If an application is for the demolition, removal, or substantial alteration of a building or structure that is a contributing heritage resource, 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.

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

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

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

Result of Demolition for Contributing Heritage Resource

30. Notwithstanding Schedule A, 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

31. (1) Council or 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 requirement to install heritage interpretive signage on the property near the front property line at the expense of the applicant with content, design, and placement approved by the Heritage Officer;
 - (b) the photographic or other documentation of the building prior to its demolition, removal, or substantial alteration at the expense of the applicant;
 - (c) a time limit on an approval under which a demolition, removal or substantial alteration can be carried out;
 - (d) suitable restoration of the site following demolition or removal of a building; and
 - (e) any other matter pursuant to Section 14 of the *Regulations*.
- (3) A Certificate of Appropriateness shall be valid for a period of two years from the date of issuance unless a shorter time limit is identified as a condition on the Certificate of Appropriateness.

Right to Appeal

32. 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*.

Expiration of Certificate of Appropriateness

33. Before the expiration of a Certificate of Appropriateness and upon 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.

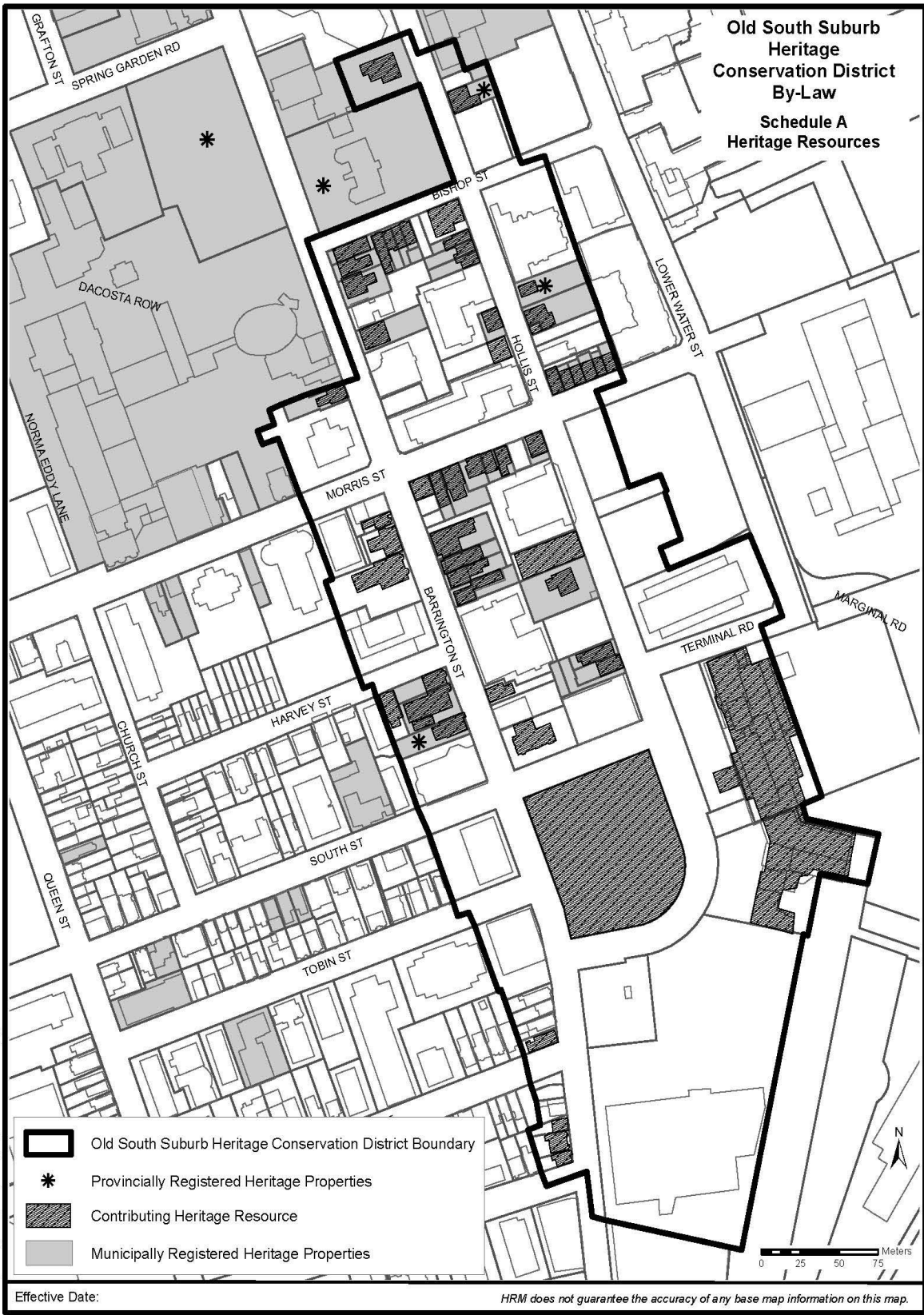
Done and passed in Council this 14th day of January, A.D. 2020.

Mayor

Acting Municipal Clerk

I, Sherryll Murphy, Acting Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on January 14, 2020.

Sherryll Murphy
Acting Municipal Clerk



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SCHEDULE B
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.

Notice of Motion:	December 3, 2019
First Reading:	December 10, 2019
Notice of Public Hearing Publication:	December 21 and December 28, 2019
Public Hearing:	January 14, 2020
Approval by Minister Responsible for the Heritage Property Act:	July 28, 2020
Approval by Minister of Municipal Affairs:	July 21, 2020
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