



By-law H-500

Heritage Conservation District (Barrington Street) By-law

2009

I HEREBY CERTIFY that this is a true copy of the Barrington Street Heritage Conservation District Bylaw which was passed by a majority vote of the Council of the Halifax Regional Municipality at a duly called meeting on the 16th day of June, 2009.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2009.

Julia Horncastle
Acting Municipal Clerk

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HALIFAX REGIONAL MUNICIPALITY
BY-LAW No. H-500
RESPECTING THE ESTABLISHMENT OF A HERITAGE CONSERVATION
DISTRICT ON BARRINGTON STREET

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-500 and may be cited as the Heritage Conservation District (Barrington Street) By-law.

CONTENT, SCOPE, INTERPRETATION AND COMPLIANCE WITH OTHER BY-LAWS

- 2** **Content**
(1) Schedules “A”, “B”, and “C” attached to this by-law are hereby declared to form part of this by-law.

- Scope**
(2) This by-law shall apply within the Barrington Street Heritage Conservation District, the boundaries of which are shown on Schedule A, Barrington Street Heritage Conservation District Map.

- Interpretation of Heritage Conservation District boundary**
(3) The boundary of the Heritage Conservation District, as shown on Schedule A 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 or highway right-of-way, the boundary shall be the edge of such street or highway right-of-way;
 - (c) where any building or structure encroaches into the street or highway right of way, the building or structure is deemed to be wholly within the District.

- Compliance with other By-laws**
(4) This by-law does not exempt any person from complying with the requirements of all other by-laws or regulations in force within HRM.

DEFINITIONS

- 3 (a) “**Act**” or “**Heritage Property Act**” means the Nova Scotia *Heritage Property Act*, Chapter 199, RSNS, 1989 as amended.
- (b) “**Certificate of Appropriateness**” means the document by which the Heritage Officer certifies that a proposed development conforms with the requirements of this by-law.
- (c) “**Conservation Plan**” means the Barrington Street Heritage Conservation District Revitalization Plan.
- (d) “**Conservation Standards**” means the Heritage Building Conservation Standards included in Schedule B of this by-law.
- (e) “**Design Manual**” means the the Downtown Halifax Land Use By-law Design Manual.
- (f) “**Design Review Committee**” means the Design Review Committee of the Halifax Regional Municipality.
- (g) “**Development**” means any erection, construction, alteration, replacement, reconstruction, rebuilding, restoration of or addition to any building or structure, and includes the demolition or removal of buildings or structures, and the construction, erection or placement of signs, fences, walls and utility structures.
- (h) “**Existing**” means in existence on the date of adoption of this by-law.
- (i) “**Heritage Advisory Committee**” means the Heritage Advisory Committee of the Halifax Regional Municipality (HRM).
- (j) “**Heritage Impact Statement**” means a study prepared by an architect or other design professional to indicate if any heritage resource will be impacted by a specific proposed development or site alteration, and which can also demonstrate how the heritage resource will be conserved in the context of redevelopment or site alteration, and in which mitigative or avoidance measures, or alternative development or site alteration approaches may be recommended.
- (k) “**Heritage Officer**” means the person or persons appointed by the Halifax Regional Municipality (HRM) to administer the Barrington Street Heritage Conservation District Revitalization Plan and By-law.
- (l) “**Regulations**” or “**Heritage Conservation Districts Regulations**” means the Nova Scotia *Heritage Conservation Districts Regulations 138/92* as amended made pursuant to the Act.

REQUIREMENT FOR CERTIFICATE OF APPROPRIATENESS

Types of development requiring a Certificate of Appropriateness

- 4 (1) A Certificate of Appropriateness shall be required for the following types of development:
- (a) new buildings;
 - (b) additions to existing buildings;
 - (c) demolition or removal of any building or structure;
 - (d) exterior alteration of the facade of existing buildings or structures, including, but not limited to any alteration to storefronts, upper facades, windows, doors, cladding, trim, cornices, parapets, roof, chimneys, foundation, awnings, canopies, balconies, exterior steps or stairs, and exterior paint colour;
 - (e) signs, except for those listed in section 4(2)(b);
 - (f) awnings and canopies;
 - (g) fences;
 - (h) utility structures including but not limited to fuel tanks, mechanical or electrical equipment, satellite dishes, etc.

Types of development not requiring a Certificate of Appropriateness

- (2) A Certificate of Appropriateness shall not be required for the following types of development:
- (a) temporary structures incidental to construction, maintenance or repair;
 - (b) signs excluded from the requirement for a development permit under the Downtown Halifax Land Use By-law.
 - (c) maintenance and repair of existing buildings or structures including existing signs, fences, and utility structures provided such are not altered and remain substantially the same as before the maintenance or repair.

ADMINISTRATIVE PROVISIONS

Administration by Heritage Officer

- 5 (1) This by-law shall be administered by the Heritage Officer.

Requirement for application

- (2) No person shall undertake any development in the District unless a Certificate of Appropriateness has been issued by the Heritage Officer or section 4(2) applies.

Application Process

- (3) Applications shall be submitted to the Municipality in accordance with applicable building and development permit application procedures, except for applications for alteration of paint colour, which may be made directly in writing to the Heritage Officer.

Content of application

- (4) An application for a Certificate of Appropriateness shall include, as applicable:
- (a) a site plan showing the property boundaries and location of the proposed development.
 - (b) elevation drawings, drawn to scale, to illustrate the architectural design, dimensions, materials and colour of the proposed development.
 - (c) where an application is for an alteration to an existing building or structure, it shall include “before and after” drawings, sketches or photographs to illustrate both the existing situation and the proposed alteration.
 - (d) where an application is for demolition or removal of a building or structure, the application shall include:
 - (i) an explanation of the reasons for the proposed demolition or removal and the alternatives to demolition or removal that may be available.
 - (ii) a concept plan for a replacement building, with elevation drawings drawn to scale showing proposed height, facade design, and materials, including an elevation drawing or photo montage of the entire block showing the proposed replacement building in the context of all other buildings in the streetscape.
 - (iii) payment of the required fees.
 - (iv) agreement from the owner to place a sign on the property notifying the public of the demolition application.

Notice to applicant regarding completeness of application

- (5) Within fifteen days of receiving an application for a Certificate of Appropriateness, the Heritage Officer shall inform the applicant in writing whether or not the application is complete and whether or not additional information is required.

Conformity with Conservation Standards & Design Guidelines

- (6) No Certificate of Appropriateness shall be issued except where the proposed development is reasonably consistent with the Conservation Standards attached to this by-law as Schedule “B” and the applicable sections of the Design Manual.

Non-Substantive Applications

- (7) The following types of development shall be deemed to be non-substantive applications and a Certificate of Appropriateness may be issued by the Heritage Officer, where the application meets the Conservation Standards and the applicable sections of the Design Manual:

- (a) any alteration to, or replacement of, windows, doors, storefronts, window or door openings, cladding, trim, cornices, parapets, roof, chimneys, foundation, balconies, awnings, exterior steps or stairs, and paint colour;
- (b) signs;
- (c) fences;
- (d) utility structures and other minor developments that do not substantially alter the building or site under review.

Heritage Impact Statement

- (8) Where an application is for a rooftop addition or other addition to an existing building and where the addition has a gross floor area greater than 50% of the gross ground floor area of the existing building, the Heritage Officer may require the developer to submit a Heritage Impact Statement.

- (9) The content of a Heritage Impact Statement shall be as described in Schedule “C”.

Demolition Applications require Public Hearing and Council approval

- (10) Where an application is for demolition or removal of a building, the application shall require a public hearing and shall be referred to the Heritage Advisory Committee for recommendation to Council and to Council for a decision in accordance with the applicable policies of the Conservation Plan.

Issue of Certificate of Appropriateness within thirty days (if no Public Hearing)

- (11) Where no public hearing is required, within thirty days of receiving a completed application, the Heritage Officer shall grant the Certificate of Appropriateness if the proposed development conforms with the Conservation Standards and applicable sections of the Design Manual or shall inform the applicant, in writing, of the

reasons for not granting the certificate.

Issue of Certificate of Appropriateness following public hearing for demolition

- (12) Where a public hearing has been held pursuant to section 5(10), the Heritage Officer shall issue or deny a Certificate of Appropriateness 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.

Conditions on Certificate of Appropriateness

- (13) The Heritage Officer may grant a Certificate of Appropriateness with conditions in accordance with the provisions of section 14 of the Nova Scotia *Heritage Conservation Districts Regulations*.

Right to appeal

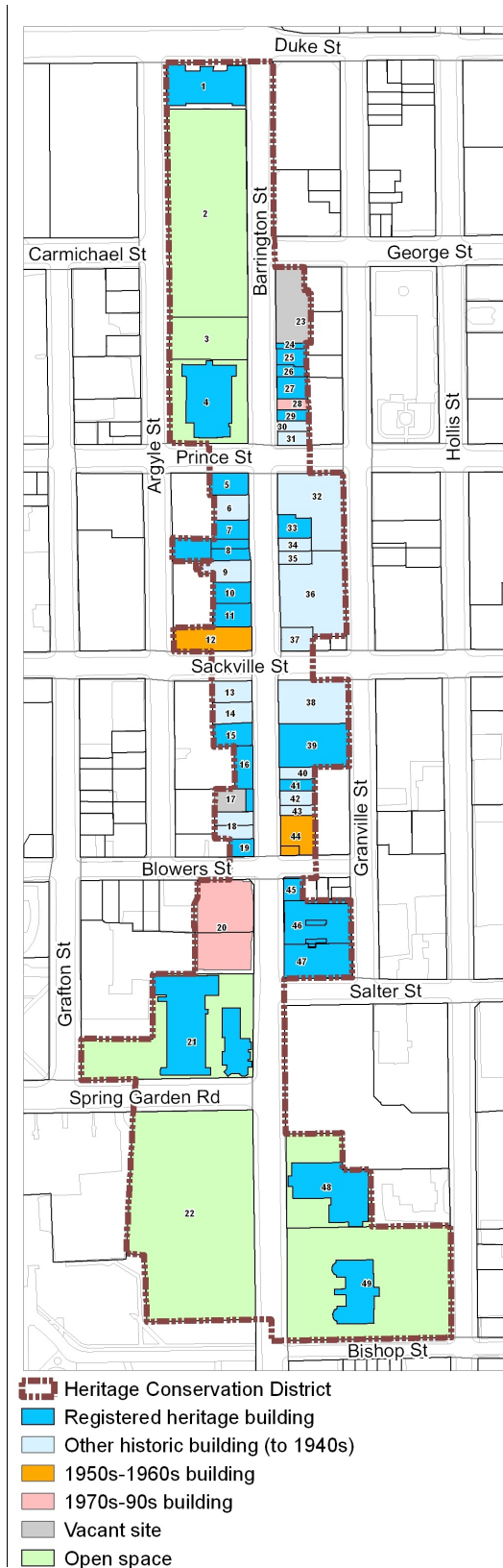
- (14) The approval, imposition of conditions on, or denial of a Certificate of Appropriateness may be appealed to the Nova Scotia Utility and Review Board pursuant to the *Act*.

Expiration of Certificate of Appropriateness

- (15) Any Certificate of Appropriateness shall be valid for a period of two years from the date of issuance. Upon written request by the applicant, a new Certificate of Appropriateness may be issued at the discretion of the Heritage Officer provided that the development continues to meet the Conservation Standards and Design Manual.

SCHEDULE "A"

BARRINGTON STREET HERITAGE CONSERVATION DISTRICT BOUNDARY



Historic Name (Year Built)	Street Level Business
1. City Hall (1888)	
2. Grand Parade (1749)	
3. St. Paul's Hill	
4. St. Paul's Church(1749)	
5. St. Paul's Building (1897)	JWD Bookstore
6. Forrester Building (1820s)	Ideal Bikes / Just Us Coffee
7. Wright/Marble Building (1896)	Captain Sub
8. NS Furnishings Building (1895)	Telus/Manpower
9. Ungar's Laundry (1893)	Granite Brewery
10. Old Acadian Insurance (1919)	Sam the Record Man (vacated)
11. Harrison Building (1893)	Sam the Record Man (vacated)
12. Canada Permanent Trust (1950)	Tim Horton's
13. Tramway Building (1916)	Frozen Ocean / Venus Envy
14. Former Tip Top Tailors(1915)	CD Plus
15. C of E Institute (1888)	Khyber Arts / Heritage Trust
16. Old City Club (1821/91)	Neptune Theatre School
17. St. Mary's Young Men's	
18. Benevolent Society Hall (1891)	Former NFB facade & vacant site
19. Brander Morris Building (1907)	Attica
19. Farquhar Building (1897)	Venus Pizza
20. Barrington Gate (1996)	Creative Market Place/ Youth Business
21. St. Mary's Basilica & Glebe (1891)	
22. Old Burying Ground (1749)	
23. Old Birk's Site	
24. Crowe Building (1912)	Hilltribe
25. Cabot Building (1890)	Elephant's Eye
26. Kaiser Building (1895)	Freak Lunch Box
27. G.M.Smith Building (1893)	Peep Show
28. One Government Place (1980s)	Entrance lobby
29. Cleverdon Building (1870s)	Robert's Jewellers
30. Foreign Affair (1870s/1950s)	Foreign Affair
31. Old Photographic Studio (1860s)	Extreme Pita
32. Former Eaton's (1928)	Provincial Government Offices
33. Colwell building (1871)	Certainly Cinnamon/Momoya
34. Buckley's Building (1897)	United Bookstore
35. Johnson Building (1890)	Little Mysteries
36. Roy Building (1897/1919/1928)	Vacant
37. D'Allaird building (1950s)	Vogue Optical
38. Old Zeller's (1930)	Discovery Centre
39. Keith / Green Lantern Bldng. (1896)	Travel Cuts / Pogue Fado
40. Old Paramount entrance (1930s)	Random Play
41. Sievert's Tobacco Store(1890s)	Sievert's Tobacco Store
42. Mediterraneo Restaurant (1920)	Star Anise Restaurant
43. Mary MacAlpine (1890s)	Fireworks Jewellers
44. Carsand Mosher (1950s)	Carsand Mosher
45. W.M.Brown Bldng. (1910)	Renaissance
46. Pacific Building (1911)	Mud Room / Chives
47. Freemason's Hall (1924)	Vacant/ Halifax Estate Jewellery
48. St. Matthew's Church (1858)	
49. Government House (1800)	

SCHEDULE “B” HERITAGE BUILDING CONSERVATION STANDARDS

These Conservation Standards are based on Conservation Standards used by the United States Secretary of the Interior (36CFR67)(1991) and are in keeping with most conservation principles, including the Venice Charter (1964).

The historic character of a heritage resource is based on the assumptions that (a) the historic materials and features and their unique craftsmanship are of primary importance and that (b) in consequence, they are to be retained, and restored to the greatest extent possible, not removed and replaced with materials and features which appear to be historic, but which are in fact new.

- (1) The property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building, its site and environment. (See Note 1)
- (2) The historic character of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding hypothetical features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design in colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, shall not be used.
- (8) Significant archaeological resources affected by the project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. (See Note 2)
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Note 1: This standard is not intended to regulate the use of property. Land use regulation is implemented through the Land Use By-law under authority of the Municipal Government Act.

Note 2: Within the Downtown Halifax Secondary Planning Area and the Barrington Street Heritage Conservation District, section 4 of the Design Manual of the Downtown Halifax Land Use By-law shall be considered in evaluating matters relating to compatibility of massing, size, scale and architectural features.

SCHEDULE “C” CONTENT OF HERITAGE IMPACT STATEMENTS

A heritage impact statement is a study to determine if any heritage resource will be impacted by a specific proposed development or site alteration. It can also demonstrate how the heritage resource will be conserved in the context of redevelopment or site alteration. Mitigative or avoidance measures, or alternative development or site alteration approaches may be recommended.

A heritage impact statement contains, but is not limited to the following information:

- (a) Identification of Heritage Value and Character Defining Elements based on information available in the HRM Registry of Heritage Property or Inventory of Potential Heritage Property, supplemented by additional research, site analysis, or evaluation as necessary.
- (b) Description of the Proposed Development or Site Alteration. This description details the rationale and purpose for the development or site alteration, the proposed works and graphical layout, and how the development or site alteration fits with the objectives of the municipality as expressed in planning documents.
- (c) Measurement of Development or Site Alteration Impact. Any impact (direct or indirect, physical or aesthetic) of the proposed development or site alteration must be identified.
- (d) Consideration of Alternatives, Mitigation and Conservation Methods. Where an impact on a heritage resource is identified, the heritage impact statement may include alternatives to proposed conservation or mitigative measures.
- (e) Implementation and Monitoring. This is a schedule and reporting structure for implementing the recommended conservation or mitigative or avoidance measures, and monitoring the heritage resource as the development or site alteration progresses.
- (f) Summary Statement and Conservation Recommendations:
 - The heritage value and character defining elements of the heritage resource.
 - The identification of any impact that the proposed development will have on the heritage resource.
 - An explanation of what conservation or mitigative measures, or alternative development or site alteration approaches are recommended to minimize or avoid any impact on the heritage resource.
 - If applicable, clarification of why some conservation or mitigative measures, or alternative development or site alteration approaches are not appropriate.