

# HALIFAX

P.O. Box 1749  
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## Item No.

Heritage Advisory Committee  
March 28, 2018

Halifax & West Community  
Council April 17, 2018

Community Planning and  
Economic Development  
Standing Committee  
April 19, 2018

Halifax Peninsula Planning  
Advisory Committee  
April 23, 2018

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

Original Signed

**SUBMITTED BY:**

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Kelly Denty, Acting Director, Planning and Development

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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**

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## 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 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 Peninsula Planning Advisory Committee**

It is recommended that the Halifax 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 Schmdtville Heritage Conservation District Plan and the Schmdtville 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 Schmdtville Heritage Conservation District Plan, and the Schmdtville 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 Schmdtville Heritage Conservation District Plan and the Schmdtville 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, Schmdtville Heritage Conservation District Plan, and the Schmdtville 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 Schmdtville Heritage Conservation District Plan and the Schmdtville 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 Schmitdville because of its existing heritage character and the increasing pressure for redevelopment in and around this area. In terms of the boundaries, the proposed Schmitdville Heritage Conservation District includes three of the original blocks of Schmitdville, 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 Schmidville Heritage building. If the building is demolished, then the zone will only permit residential uses on the property.

### **Conclusion**

Schmidville 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 Schmidville 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 Schmidville and the public at large to appreciate this important heritage community.

Staff recommend adoption of the Schmidville Heritage Conservation District Plan and its associated documents including the Schmidville 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 Schmidville 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 Schmidville 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 Schmidville 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 Schmdtville Heritage Conservation District Plan and the Schmdtville 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 Schmdtville Heritage Conservation District Plan and the Schmdtville 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 Schmdtville Heritage Conservation District Plan and the Schmdtville 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 Schmdtville Heritage Conservation District Plan and the Schmdtville 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 Schmdtville Heritage Conservation District Plan and the Schmdtville Heritage Conservation District Bylaw, with changes.
2. The Community Planning and Economic Standing Committee may recommend that Regional Council refuse to adopt the Schmdtville Heritage Conservation District Plan and the Schmdtville Heritage Conservation District Bylaw. This is not staff's recommendation

**ATTACHMENTS**

- Map 1: Schmitville Heritage Conservation District Boundary
- Attachment A: Schmitville Heritage Conservation District Plan  
Attachment B: By-law H-700 Heritage Conservation District (Schmitville) 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: 1<sup>st</sup> Public Meeting Minutes September 9, 2015  
Attachment G: Online Survey Results: A Heritage Conservation District for Schmitville 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: 2<sup>nd</sup> Public Meeting Minutes September 21, 2016  
Attachment S: Stakeholder Steering Committee Minutes March 1, 2017

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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

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