

# **Heritage Conservation District By-law North End Sydney**

**Approved by CBRM Council February 19, 2008**



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## **A) BOUNDARIES**

The Heritage Conservation District boundaries are those boundaries indicated on Schedule A of the Heritage Conservation District By-law. This By-law affects main buildings and accessory structures located within the boundaries of the Heritage Conservation District.

## **B) HERITAGE PROVISIONS**

- (1) Development in a Heritage Conservation District shall be subject to the provisions of the Heritage Conservation District By-law including applicable architectural design standards.
- (2) The architectural design standards in Appendix A shall form part of the Heritage Conservation District By-law.
- (3) The definitions in Appendix B shall form part of the Heritage Conservation District Bylaw.
- (4) The Heritage Conservation District By-law shall be administered by the Heritage Officer.



## **C) APPLICATION PROCEDURE**

**1.** An application shall be made to the Heritage Officer for all developments in the Heritage Conservation District that require a Certificate of Appropriateness. All applications for development permits, building permits, renovation/repair permits and demolition permits shall be referred by the Development Officer, Building Inspector, or other staff, as appropriate, to the Heritage Officer to determine if a certificate of appropriateness is required. If the Heritage Officer determines that a certificate of appropriateness is required, no development permit, building permit, renovation/repair permit, or demolition permit shall be issued until a certificate of appropriateness has been approved.

**2.** The following may be required by the Heritage Officer for an application for a Certificate of Appropriateness:

- a)** Architectural plans, elevations, other sketches and/or photographs as may be required, to be drawn to scale and clearly indicating the architectural style and design elements of the proposed development;
- b)** The location and style of existing or proposed accessory buildings including elevations and other sketches as required;
- c)** Any other information the Heritage Officer may require to adequately assess the appropriateness of the development proposal.

## **D) CERTIFICATE OF APPROPRIATENESS**

- 1.** A Certificate of Appropriateness shall be required for certain developments, as specified in (2.) below.
- 2.** The following developments shall require a Certificate of Appropriateness:
  - a)** Construction of new main buildings;
  - b)** Construction of new accessory buildings (regardless of size), if such buildings are visible from an abutting street;
  - c)** Demolition or removal of main buildings;
  - d)** Additions to existing buildings which are visible from an abutting street; and
  - e)** Substantial alterations to an existing building which are visible from an abutting street excluding the exceptions in Subsection 7 of this Section but including:
    1. Building form with respect to orientation, proportion, and height;
    2. Roof shape with respect to style, pitch and the addition or removal of roof elements such as towers and chimneys;
    3. Windows with respect to size, style, placement, orientation and materials;
    4. Doors with respect to size, style, placement, materials, and the addition of sidelights and transoms;
    5. Cladding with respect to style, materials, placement, and orientation;
    6. Trim with respect to style, materials, placement, and the removal or addition of same;
    7. Stairs, porches, decks, verandahs and porticos with respect to style, materials, and the removal or addition of all or part of the structure;
    8. Dormers with respect to style, size, placement, and glazing;
    9. Installation of a new foundation under an existing building.
- 3.** A Certificate of Appropriateness shall be issued by the Heritage Officer if the development proposal meets applicable requirements under this By-law, except in the case of the demolition or removal of a main building where the application must be referred to Council in accordance with Section E.
- 4.** A Certificate of Appropriateness may be granted with conditions and may include conditions with respect to:
  - a)** The graphic representation of a proposed building or structure;
  - b)** The repair, after work is completed, of any damage caused to a building or structure by work carried out upon it;
  - c)** The filing with the Heritage Officer of acceptable photographic or other documentation of a building or structure before demolition or restoration, rehabilitation or alteration;
- 5.** The design standards in Appendix A of this bylaw are intended to assist the Heritage Officer to determine whether a development meets the requirements of (3) above and should be granted a Certificate of Appropriateness. CBRM may obtain its own

professional architectural or historical advice if deemed necessary to assist in determining if a certificate of appropriateness should be issued.

**6.** Developments that do not require a Certificate of Appropriateness shall be subject to all applicable provisions under the Land Use By-law and the Building Bylaw.

**7.** No certificate of appropriateness shall be required for:

- The demolition of a building built in 1940 or later;
- The demolition of an accessory building;
- Work proposed to be carried out on a property registered by the Province of Nova Scotia as a provincial heritage property;
- Satellite receiving dishes that are less than .5 m. in diameter, utility entrances, solar collectors, skylights, landscaping, driveways, fences and walkways;
- Repairs to existing foundations, providing that the elevation of the foundation is not being changed significantly;
- Roof replacement or repair, providing that the pitch or slope of the roof is not being altered;
- Renovations to the interior of any building;
- Colour changes of any kind.

## **E) DEMOLITION OF A MAIN BUILDING**

1. An application of a certificate of appropriateness for the demolition or removal of a main building erected prior to 1940 shall be referred by the Heritage Officer to Council. Council shall hold a public hearing before a Certificate of Appropriateness is approved for the demolition or removal of a main building. All other applications for a certificate of appropriateness shall be decided upon by the Heritage Officer without a public hearing or referral to Council.
2. Where Council is being requested to approve the demolition or removal of a main building, Council shall follow the policies and procedures outlined in the North End Sydney Heritage Conservation District Plan.

## **F) ADMINISTRATION**

1. All Certificates of Appropriateness shall be issued by the Heritage Officer.
2. Council may designate an alternate to assume the role of Heritage Officer.
3. A Certificate of Appropriateness shall be issued by the Heritage Officer where the development proposal meets all applicable provisions of the Heritage Conservation District By-law or, in the case of an application to demolish or remove a main building, an application has been approved by Council following a public hearing.
4. Within 15 days of receiving the initial application the Heritage Officer shall inform the applicant whether or not the application is complete. Once in receipt of a completed application the Heritage Officer shall either issue a certificate of appropriateness within 30 days or shall refuse the application. If the application is refused, the Heritage Officer shall provide written reasons for the refusal to the Applicant. If no decision is made within 30 days of receipt of a completed application, the application is deemed to have not required a certificate. The provisions of this Section shall not apply to a certificate requiring Council approval.
5. The issuance of a Certificate of Appropriateness shall be in force for a period of one year from the date of issuance. If the development to which the Certificate applies has not commenced within that period of time the Certificate shall expire.
6. Nothing in this bylaw shall exempt any development from the requirements contained within the Land Use Bylaw or the Building Bylaw.



## **G) APPEAL PROCESS**

A decision made by the Heritage Officer or Council may be appealed to the Nova Scotia Utility and Review Board subject to the provisions of the Heritage Property Act and any regulations thereto.

## **APPENDIX A: ARCHITECTURAL DESIGN STANDARDS**

### **PART A: NEW BUILDING CONSTRUCTION**

New main buildings constructed in a Heritage Conservation District shall be subject to the design standards in this Part. To assist in the interpretation of these standards, the Heritage Officer shall have regard to the definitions in Appendix B of this Part, to the photographs of existing buildings in the North End of Sydney in Appendix C of this Part, and to any other relevant photographic documentation that may be available.

New accessory buildings shall be subject only to Section 4 of this Part.

#### **Design Standards**

##### **1. Architectural Style**

New buildings shall be designed so as to generally reflect one of the traditional architectural styles found in the North End of Sydney. While new buildings are not expected to be replicas of traditional architecture they must, at a minimum, be designed with a traditional form and maintain certain elements of facade design.

Acceptable building forms and required facade design features are outlined in the following design standards:

##### **2. Physical Form (Basic Building Mass)**

New buildings shall be designed and constructed generally based on one of the following traditional building forms:

- a) 1½ or 2 ½ Storey construction  
Medium or steep pitch gable roof
- b) 1½ Storey construction  
Steep-pitched roof with dormers
- c) 2 to 2½ Storey construction of irregular massing  
Steep-pitched roof with dormers and possibly a corner tower
- d) 2 to 2 ½ Storey square construction  
Steep pitched hip roof with dormers
- e) 2 to 2 ½ Storey construction  
Low pitched hip roof  
Double 2-storey square front bays

A certificate of appropriateness may be issued for a new building that does not conform with any of the building forms listed above (a. to e.) providing that the applicant can

demonstrate that the proposed building form is based on a building built before 1940 that is already found in the District, or, based on photographic evidence, did exist in the District prior to 1940.

Within some blocks in the Heritage Conservation District, new main buildings will be required to be two and one half storeys in height so as to ensure consistency with existing streetscapes. These areas are identified in Schedule A.

### **3. Façade Design (applicable to those portions of new building visible from an abutting street)**

#### **(1) Windows:**

Windows must of a traditional design (1/1, 2/2, 6/6, 9/9), be vertically oriented with a minimum width to height ratio of 1:1.5 and a minimum size of 1 square metre (measured inside the frame), except:

- Round-headed windows and smaller ornamental windows are permitted provided they are reasonable replicas of a traditional design already found within the North End of Sydney
- Bay windows and Palladian windows are permitted provided they are of a traditional design

Although use of wooden window frames and sashes is encouraged, vinyl materials are acceptable.

Two windows may be installed adjacent to each other.

The above provisions respecting windows shall not apply to windows situated entirely within a foundation wall, unless the windows are egress windows as defined in the Building Code Act.

#### **(2) Doors:**

- Front doors shall be a basic traditional design, and may or may not have a transom and sidelights. Insulated steel doors shall be permitted provided they are of a traditional design. Storm doors shall be permitted.
- Double patio doors (non-sliding) are permitted provided they are at the rear or side of the building. Sliding patio doors are permitted only at the rear of the building.

#### **(3) Cladding:**

- While traditional wooden clapboard and wood shingles are highly recommended, synthetic siding that resembles clapboard shall be permitted provided it has a narrow overlap of no greater than 12 centimetres and is adequately trimmed (see trim standards).
- Cladding shall be horizontally aligned.

- Brick, metal siding, imitation brick and cultured stone shall not be permitted

**(4) Trim:**

All windows and doors shall have a minimum 12 centimetre plain wooden trim (a synthetic material designed to replicate wood may be used) More decorative trims are also acceptable. Wooden frieze board and corner board trim is also encouraged, although synthetic materials designed to look like wood are acceptable. Corner boards are required, and must be a minimum of 12 centimetres in width on each side.

**(5) Dormers**

Dormers are permitted, but large shed dormers that are wider than thirty percent (30%) of the width of the façade shall not be permitted on the roof slope facing a street on which the new building fronts.

**(7) Decorative Shutters**

If shutters are to be used they shall be constructed of wood or of a synthetic material designed to replicate wood. Shutters shall be shaped to properly fit the window and be of a panelled or louvered style.

**(8) Chimneys**

Exposed stove-pipe chimneys shall not be permitted and must be enclosed by brick or imitation brick.

**(9) Stairs, Verandas, Porticos, Decks and Wheelchair ramps**

- Stairs, verandahs, porticos, decks, staircases and wheelchair ramps shall be, at a minimum, constructed with an upper and lower railing and vertical balusters. Posts shall be capped. Construction materials shall preferably be of wood but synthetic materials designed to replicate wood are acceptable.
- Lattice screening may be used if recessed and framed at the edges.
- In no case shall a new exterior staircase be provided at the front of a building to access the structure's second or third storey.
- Columns must provide detailing consistent with the style of the building.

**(10) Foundations**

New foundations shall be designed so as to minimize the amount of concrete visible by either extending the cladding lower to cover the exposed foundation wall, or through the use of materials such as brick, stone or imitation stone.

**4. Accessory Buildings, Garages and Utility Structures**

Portable, metal storage sheds and baby-barn style sheds shall be permitted where they are not clearly visible from the street, otherwise;

- Cladding of accessory buildings shall be consistent with the main building;
- Attached garages shall not be permitted if visible from an abutting street;

- Fuel oil tanks and garbage dumpsters shall not be permitted in any yard abutting a street.

## **5. Exterior Lighting Fixtures**

Exterior lighting fixtures directly attached to the building that are visible from the street shall be consistent with the style of the building.

## **6. Height**

A maximum height of a main building shall be no greater than 2 1/2 storeys or 8 metres, not including towers, turrets, chimneys or other peaks.

## **10.Exception to design standards**

If an existing building in the District has been destroyed by fire or another catastrophic event, and the building in question was not, at the date of adoption of this Bylaw, the height required by this Bylaw for new buildings (for example, it was a one storey building in an area where new buildings are required to be two storeys in height)a new building may be built on the site without having to comply with the height requirements. The other requirements of this Part shall still apply.



## **PART B: ALTERATIONS OR ADDITIONS TO EXISTING BUILDINGS (which are visible from an abutting street)**

All existing main buildings in the District can be categorized in one of the four following groups.

### **Type A Buildings erected prior to 1940 which have not been substantially changed since originally constructed.**

Alterations or additions to Type A buildings shall be generally consistent with the existing structure in terms of architectural style, roof pitch, window and door design, trim and any other design elements.

The design standards for new buildings in Part A shall be used to evaluate an application where applicable.

*The Standards and Guidelines for the Conservation of Historic Places in Canada* may be used to assist the Heritage Officer in determining whether or not proposed alterations or additions are generally consistent with the existing structure.

### **Type B Buildings erected prior to 1940 that have undergone substantial alterations since original construction.**

In cases where buildings have undergone substantial alterations since the time of original construction, alterations intended to restore or partially restore the structure to its original appearance shall be encouraged; in such cases documentation on the building's original appearance may be required prior to issuance of a certificate of appropriateness.

The design standards in Part A shall be used where applicable to evaluate an application for a certificate of appropriateness for alterations or additions. Alterations and additions to these buildings shall not further detract from the building's original character and shall not increase the degree of inconsistency with the design standards in Part A.

*The Standards and Guidelines for the Conservation of Historic Places in Canada* may be used to assist the Heritage Officer in determining whether or not proposed alterations or additions to Type B buildings further detract from the building's original character and should not be permitted.

**Type C Buildings constructed in 1940 or later**

In the case of buildings erected in 1940 or later, additions shall be generally consistent in architectural style with the original structure. The design standards in Part A shall not be used, except those relating to chimneys, accessory buildings, garages, utility structures, foundations, patio doors and maximum height.

**Type D 112 Charlotte Street**

This building was originally constructed in the 1930s of red clay brick. The design standards in Part A shall not apply when evaluating proposed alterations to this structure, given that these standards were developed for the older wooden buildings that predominate in the North End of Sydney. However, retention of the brick façade shall be required in any alterations, and any additions must be consistent with the style of the original building.

## **APPENDIX B: DEFINITIONS**

**Baluster** – means a turned or rectangular upright supporting a stair rail.

**Bargeboard** - means decorated board on a gable edge or eaves line.

**Bay Window** - means a set of three similar windows which are located within a section of a building that protrudes from the wall of the building, the centre window being generally parallel with the main wall of the building and the two side windows being angled away from the centre window. Picture windows and bow windows are not considered to be bay windows for the purpose of this Bylaw.

**Bow window** - means a window that is constructed and installed as one unit and which protrudes from the wall of a building. A bow window is wider than its height.

**Brackets** - means angular supports at eaves, doors, windows or overhangs.

**Casement** - means windows having side-hinged sashes.

**Column** - means a pillar made up of three parts being the capital, shaft and base.

**Conservation** - means the protection and management of valued resources.

**Corner Boards** - means boards placed at the corners of exterior walls for neatness and protection.

**Cornice** - means projection crowning a building.

**Details** - means the small decorative parts which make up the elements of the overall building mass.

**Dormer** - means a window projecting from the slope of a roof.

**Eaves** - means horizontal edges of a roof extending beyond the wall.

**Elements** - mean the components of a buildings mass that broadly identify its architectural style such as entry type, windows, roof, etc.

**Facade** - means the face of a building.

**Finial** - means the pointed ornament at the apex of a gable, pediment, or roof edge.

**Gable** - means the triangular upper part of a wall at the end of a ridged roof; triangular hood over a window or door; triangular break in an eaves line.

**Gingerbread** - means decorative wooden trim surrounding windows, doors, eaves, porches, etc.

**Hood** - means a protective and sometimes decorative cover that is found over windows and doors.

**Hip Roof** - means a roof sloped on all four sides.

**Label** - means door or window molding extending part way down the sides of the opening.

**Main Building** - refer to the definition in the applicable land use bylaw

**Mansard Roof** - means variation of hip roof with a steep lower slope (may be curved) and a flatter upper section.

**Massing** - means the basic form or method of organizing the shape of a building that is characteristic of its architectural style and is made up of elements with details.

**Palladian** - means an arch-headed window flanked by narrower, shorter square-headed windows.

**Pediment** - means triangular shape ornamenting a door or window; front or gable end of a building.

**Picture Window** - means a window containing an undivided sheet of glass which is wider than its height. A picture window is generally larger than other windows and may include a bow window but shall not include a traditional bay window.

**Portico** - means a covered entrance supported by columns or pillars.

**Restoration** - means returning a building to its original appearance or condition.

**Sidelight** - means glazed window panels adjacent to a door.

**Storey** - refer to the definition in the applicable land use bylaw

**Surround** - means trim outside a door or window structural opening.

**Transom** - means horizontal bar between the top of a window or door and the structural opening; the section above is a transom light or panel.

**Verandah** - means a covered porch or balcony extending fully across the facade.

**Visual Balance** - means equilibrium in the arrangement of the parts or elements of a building elevation or of a sequence of building elevations, including windows, doors, bays or porches, in relation to each other about a dividing line or centre.



**APPENDIX C: TYPICAL NORTH END SYDNEY EXAMPLES OF  
ARCHITECTURAL STYLES, DOORS, WINDOWS AND DORMERS**

















**SCHEDULE A: MAP OF NORTH END SYDNEY HERITAGE  
CONSERVATION DISTRICT**

