

# **Heritage Conservation District Plan**

## **North End Sydney**

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



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## **A) BACKGROUND**

This Heritage Conservation District Plan sets out the intent of the Council of the Cape Breton Regional Municipality (CBRM) and its Heritage Advisory Committee to protect not only the individual buildings but also the overall character of Sydney's North End Heritage Conservation District.

Although the North End of the former City of Sydney has long been recognized for its historic significance, it was only in 2004 that serious discussion began regarding the possibility of establishing a heritage conservation district in the neighbourhood.

Representatives of the Old Sydney Society approached the Cape Breton Regional Municipality's Planning Advisory Committee in June of that year expressing concern that many of the area's historic and architecturally significant structures were threatened with demolition and suggesting that steps should be taken soon to ensure their preservation. Specifically, the Society recommended the designation of at least part of the North End as a heritage conservation district under Nova Scotia's *Heritage Property Act*. This would enable Council to regulate demolitions, substantial alterations to existing buildings and new construction.

Council agreed with the Society that the North End's built heritage must be protected, and a background study was prepared that determined that an area generally bounded by the Esplanade, George Street, Nepean Street and Desbarres Street contained an unusual number of very old buildings dating from the years immediately following Sydney's founding in 1785, and was suitable for consideration as a heritage conservation district. Public meetings held in the fall of 2004 confirmed that there was broad support for the establishment of the district. It was difficult to reach a consensus with respect to the boundaries of the district, but eventually it was agreed that the district would apply to the area identified on Map One. In recognition of the fact that there are many buildings and streetscapes outside the district with heritage value, it was agreed that the Heritage Advisory Committee of Council would encourage the designation of individual properties and streetscapes throughout the North End under the CBRM Heritage Property Bylaw.

Protecting the heritage buildings of the North End is important because the buildings in the area are a physical testament to the history of Sydney, its people, and the events that were critical to the development of the community as it exists today. It is also important from an economic development perspective. The North End, with its collection of museums and older homes immediately adjacent to the Sydney Marine Terminal, has become a significant attraction for the thousands of visitors who come to Sydney each year by cruise ship.

This Plan recognizes that there have been many changes to the buildings within the district in recent years and many of the architectural features of the older buildings have been lost. As a result, it would not be practical to attempt to curtail all new development in the area or to insist that all renovations to older buildings adhere to unrealistically high standards of preservation and design. Rather, this plan is intended to foster new development that is generally compatible with the character of the area and to encourage

renovations to existing buildings that retain and enhance the heritage value of the buildings as much as possible without requiring restoration of the building to its original state.

The policies of this plan are complemented by those of the North End Secondary Planning Strategy and Land Use Bylaw, which regulate future land use in the entire North End of Sydney.

## **B) HERITAGE CONSERVATION DISTRICT**

It is important to preserve entire streetscapes, in addition to individual properties. The designation of heritage conservation districts under Nova Scotia's *Heritage Property Act* is a means of identifying groups of buildings and their surroundings for heritage conservation measures.

A background study prepared by the CBRM Planning Department in May, 2005 identified an area in the North End of Sydney with significant historical significance. The character of this area is at risk of being lost to incompatible development and modernization. As a result, this area is proposed to be the CBRM's first heritage conservation district. The rationale used to determine the boundaries of the district stems from the 2005 background study, a study of North End buildings carried out by Vanessa Childs Rolls for the Old Sydney Society dated March, 2004, and information acquired from neighbourhood residents through a public participation program that took place in the fall of 2004 and the winter of 2005.

The public participation program included the creation of a committee of North End residents who worked with CBRM staff to prepare the draft bylaw. The draft bylaw was made available to the public for comment at an Open House held in the neighbourhood on June 1-2, 2005. Revisions were made to the bylaw based on the input received at the Open House.

In the spring of 2006 the CBRM Heritage Advisory Committee (HAC) forwarded the draft Plan and Bylaw to Council for its consideration. However, concerns over the content of the Plan and Bylaw from some property owners in the proposed District resulted in a decision by Council to send the documents back to the HAC for further review and additional public input. Extensive additional public consultation took place in late 2006 and in the fall of 2007. The Plan now includes a number of changes made since the spring of 2006, including a reduction in the size of the conservation district. These changes are intended to address the concerns that have been raised.

### **Policy HCD-1**

**It shall be a policy of Council to designate the area shown on Map One as a Heritage Conservation District, under Section 19A(1) of the *Heritage Property Act*.**

## **C) HERITAGE PROVISIONS AND ADMINISTRATION**

Council is committed to a strategy of heritage conservation through the adoption of a Heritage Conservation District Plan and By-law. The Plan and By-law includes protection measures for existing buildings, and standards for future development in the Heritage Conservation District.

### **Policy HCD-2**

**It shall be a policy of Council to adopt a Heritage Conservation District Plan and By-law for the Heritage Conservation District shown on Map One.**

### **Policy HCD-3**

**It shall be a policy of Council to establish policies for the preservation, conservation and protection of architectural heritage within the Heritage Conservation District.**

### **Policy HCD-4**

**It shall be a policy of Council to establish standards for development and administrative procedures for heritage conservation in the Heritage Conservation District By-law.**

### **Policy HCD-5**

**It shall be a policy of Council to designate a person who will act as a Heritage Officer and whose role is to administer the Heritage Conservation District By-law.**

## **D) ARCHITECTURAL STANDARDS**

The Heritage Conservation District By-law sets specific standards for architectural design in the Heritage Conservation District based on those architectural styles which have been identified as being traditional for Sydney's North End. With such standards in place the Municipality is able to mitigate the negative impact of development and alterations on the streetscape, and to encourage sound architectural design.

The Bylaw is written, however, so as to recognize that the District includes some buildings that have been built quite recently (in 1940 or later) and many others that have been very substantially renovated since the date of original construction. It is also recognized that within the District there is a significant variety of architecture including the Victorian era streetscape along the west side of George Street, the relatively unornamented neo-classical structures along Charlotte Street dating from the late 1700s, and the imposing 1930s era red brick house at 112 Charlotte Street. The design criteria in the Bylaw have been written so as recognize the variations in architectural styles within the District, and to ensure that the regulations are not unreasonable or overly cumbersome to administer.

### **Policy HCD-6**

**It shall be a policy of Council to include architectural design standards in the Heritage Conservation District By-law.**

### **Policy HCD-7**

**It shall be a policy of Council that the architectural design standards in the By-law are written to ensure that any new construction, as well as any additions or alterations to existing buildings in the Heritage Conservation District are reasonably architecturally and contextually compatible with the existing streetscape.**

### **Policy HCD-8**

**It shall be a policy of Council to establish architectural design standards in the Bylaw with respect to architectural style, building form, maximum building height, windows, doors, cladding, trim, shutters, chimneys, dormers, exterior lighting, utility structures, stairs, verandahs, decks, porches, porticos, wheelchair ramps, foundations and accessory buildings.**

### **Policy HCD-9**

**It shall be a policy of Council to vary architectural design standards in the Bylaw for buildings built in 1940 or later, and for buildings that have undergone major renovations since construction, to ensure that the standards for such buildings are reasonable, providing that any work being carried out does not further detract from the character of the district. It shall further be Council's policy that the design**

**standards in the Bylaw shall be written so as to recognize the variations in architectural style that are found within the District.**

## **E) CERTIFICATE OF APPROPRIATENESS**

Any substantial development in the Heritage Conservation District must undergo a review to ensure compliance with the requirements of this Plan and Bylaw. This will be accomplished through an application process whereby a Certificate of Appropriateness must be issued before a permit is approved under any other municipal bylaws. This certificate will ensure that the development is in conformance with the architectural design standards in the Bylaw.

In the North End Heritage Conservation District there are four buildings that have been registered as provincial heritage properties. Given that the Province regulates external alterations to these structures, Council feels that it is unnecessary to require that the owners also receive a certificate of appropriateness from the Municipality.

### **Policy HCD-10**

**It shall be a policy of Council to require a Certificate of Appropriateness for substantial developments in a Heritage Conservation District, unless the development is proposed for a registered provincial heritage property.**

### **Policy HCD-11**

**It shall be a policy of Council that before a permit is issued for:**

- New construction**
- The demolition or removal of a building**
- Additions or substantial exterior alterations to an existing building**

**within the Heritage Conservation District, the Development Officer or the Building Inspector, or other staff, as appropriate, shall refer the application to the Heritage Officer to determine if a Certificate of Appropriateness is required before a development permit, building permit, renovation/repair permit or demolition permit is issued. 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.**

### **Policy HCD-12**

**It shall be a policy of Council that the approval of a Certificate of Appropriateness is contingent upon the compliance of the development with all applicable requirements of the Heritage Conservation District By-law.**

## **F) PUBLIC HEARING**

Certain developments may have a greater impact on the District than others, and would therefore benefit from public input as part of the review process. The demolition of main buildings in particular may have a significant negative impact on the integrity of the District. As a result, the Heritage Officer will refer applications for removal of main buildings erected before 1940 to Council for approval before a certificate is issued. Council, in making its decision regarding the appropriateness of such developments, recognizes the need for public input.

### **Policy HCD-13**

**It shall be a policy of Council to hold a public hearing in accordance with the provisions of the Nova Scotia *Heritage Property Act* for an application for a Certificate of Appropriateness for demolition or removal of main buildings erected prior to 1940.**

### **Policy HCD-14**

**It shall be a policy of Council to require that the Heritage Officer refer applications requiring a public hearing to Council for approval before the issuance of a Certificate of Appropriateness.**

### **Policy HCD-15**

**It shall be a policy of Council to establish that a Certificate of Appropriateness shall be issued by the Heritage Officer following the approval of the certificate by Council.**

## **G) REVIEW CRITERIA: DEMOLITIONS**

The intent of the Conservation Plan is obviously to discourage the demolition of older buildings in the District. It is however, recognized that circumstances may arise where there is no feasible alternative. Council must consider a number of issues when reviewing applications for a Certificate of Appropriateness when a demolition is involved.

### **Policy HCD-16**

**It shall be a policy of Council, when reviewing an application for a Certificate of Appropriateness for a demolition, or removal of a main building in the Heritage Conservation District to consider the following criteria:**

- a) The reasons for the proposed demolition;**
- b) The proposed new development for the site (if applicable);**
- c) The historical significance of the building;**
- d) The architectural significance of the building;**
- e) The potential negative effects on the immediate streetscape; and**
- f) The advice of the Heritage Advisory Committee, and**
- g) If available, a report by an architect or engineer licensed to practice in Nova Scotia regarding whether or not retention of the building is feasible where the building is in a damaged or deteriorated state.**

**If Council decides to approve a certificate of appropriateness that would allow the demolition, the certificate may be granted unconditionally or with conditions.**

Where Council refuses to authorize a certificate of appropriateness that would permit the demolition of a main building, municipal staff will withhold the issuance of a demolition permit for a maximum of two years from the date of application for the demolition permit. It is intended that during this two year period the Municipality and other interested parties shall explore, in cooperation with the property owner, alternatives to demolition. However, if at the end of the two-year period no solution has been found that would prevent the demolition of the building, it is Council's intention to instruct staff to issue the demolition permit.

### **Policy HCD-17**

**It shall be a policy of Council that two years after a demolition permit has been applied for to demolish or remove a main building built prior to 1940, the requirement for a certificate of appropriateness shall be waived and the demolition permit shall be granted.**

## **H) AMENDMENTS**

Amendments to the Heritage Conservation District Plan and By-law may be necessary as circumstances change. Council recognizes that as a Heritage District becomes established, additional property owners may wish to have their property included in or excluded from the district. Council supports and encourages additional inclusions where the proposed property enhances the historical character of the district, and contributes contextually to the streetscape.

Council will consider amendments to the Heritage Conservation District Bylaw, without amending the Heritage Conservation District Plan, if the underlying intent of the Heritage Conservation District Plan is not compromised.

### **Policy HCD-18**

**It shall be a policy of Council to consider amendments to the development standards and administrative procedures in the Heritage Conservation District By-law, without amending the Heritage Conservation District Plan, provided the proposed amendment is consistent with the intent of the policies of the Heritage Conservation District Plan.**

### **Policy HCD-19**

**It shall be a policy of Council to consider amending a Heritage Conservation District boundary to include or exclude additional heritage properties provided the proposed inclusion or exclusion abuts an existing boundary.**

### **Policy HCD-20**

**It shall be a policy of Council to consider that the Heritage Conservation District and all applicable provisions under the Heritage Conservation District Plan and By-law may be dissolved, by formal written request, of more than seventy-five percent (75%) of property owners within a district.**

### **Policy HCD-21**

**It shall be a policy of Council to hold a public hearing in the event of a request to dissolve the Heritage Conservation District, when changes to the boundary of the District are being considered, and when changes in the wording of the Heritage Conservation District Plan and/or Bylaw are being considered.**

## **I) FINANCIAL INCENTIVES**

The Province of Nova Scotia offers various financial incentives to owners of properties located within heritage conservation districts to encourage the retention and sensitive restoration of heritage buildings. Unfortunately, the incentives are at this time very modest and are of limited value to anyone who owns a building in need of major repairs. The *Heritage Property Act* allows municipalities to provide financial incentives as well. In 2006/07, for the first time, the CBRM allocated a modest amount of funding to a Heritage Incentive Program modelled on a successful program that the Halifax Regional Municipality has had in place for several years.

With respect to the federal government, no incentive programs exist at this time specifically geared to heritage properties.

CBRM Council recognizes that this Heritage Conservation District Plan is much more likely to be successful in the long term if there are financial incentives in place for owners of heritage properties. In the North End of Sydney, average annual incomes tend to be low, making it all the more difficult for property owners to maintain and enhance their properties. For example, the 2001 Census of Canada showed that the average annual per capita income in the area that includes the North End Heritage Conservation District was only \$16,324 compared with \$20,766 in CBRM as a whole. The average for Nova Scotia was \$25,297.

### **Policy HCD-22**

**It shall be a policy of Council to:**

- **Continue the Heritage Incentive Program for owners of heritage properties in the CBRM that was initiated in 2006/07, providing that resources, in the opinion of Council, permit, and**
- **Encourage the federal and provincial governments to increase financial support for the preservation and enhancement of heritage properties.**

## **J) DEFINITIONS**

**Streetscape** - A combination of characteristics and elements making up the contextual character of a span of street including: the physical architecture of buildings, the location of buildings in relation to the street, the size and scale of properties, the landscape, sidewalks, street furniture and other physical features, the physical formation of the street itself including its curbs and surface, and how all of these elements relate to create the character of the street.

