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10.1.3

Halifax Regional Council
March 18, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Pat Halliday
for Allan MacLellan, Chair, Heritage Advisory Committee
Regional Heritage Advisory Committee

DATE: March 12, 2003

SUBJECT: Case H00101 - Heritage Conservation Districts within HRM

ORIGIN

February 26, 2003 Heritage Advisory Committee meeting.

RECOMMENDATION

The Heritage Advisory Committee **recommends** that Regional Council direct staff to investigate the possibility of establishing residential heritage conservation districts within Halifax Regional Municipality along with applicable processes.

BACKGROUND

See attached staff report dated February 12, 2003.

DISCUSSION

This application was reviewed by the Heritage Advisory Committee at its meeting of February 26, 2003 (draft minute extract attached).

ATTACHMENTS

- 1) Staff report to the Heritage Advisory Committee dated February 12, 2003
- 2) Extract from draft February 26, 2003 Heritage Advisory Committee minutes

Additional copies of this report, and information on its status, can be obtained by contacting the office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Patti Halliday, Assistant Municipal Clerk

Report Approved by: Allan MacLellan, Chair, Heritage Advisory Committee



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Heritage Advisory Committee
February 26, 2003

TO: Heritage Advisory Committee

SUBMITTED BY: 
Jim Donovan, Manager, Planning Applications


Kevin Barrett, Heritage Planner

DATE: February 12, 2003

SUBJECT: **Heritage Case H00101 - Heritage Conservation Districts within Halifax Regional Municipality**

STAFF REPORT

ORIGIN

A request by the Heritage Advisory Committee (on January 22, 2003) that staff investigate the establishment of heritage conservation districts, including residential heritage conservation districts.

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend to Regional Council that staff investigate the possibility of establishing residential heritage conservation districts within Halifax Regional Municipality along with applicable processes.

BACKGROUND

On January 22, 2003, the Heritage Advisory Committee (HAC) heard a presentation by the Heritage Trust of Nova Scotia on the merits of heritage conservation districts. The presentation provided an overview of ten potential areas within the Halifax Regional Municipality (HRM) that would warrant consideration. Given staff are currently exploring the potential of a heritage conservation district for a commercial area within HRM, the HAC felt a residential area should also be explored, specifically Brunswick Street.

The Heritage Property Act of Nova Scotia (Section 19A) permits the consideration of a heritage conservation district within any municipal unit, and can include any type of use (such as commercial or residential uses). The HRM Heritage By-law (H-200) permits the development of such a conservation district within HRM, and outlines the respective role of staff and the HAC.

DISCUSSION

Given the key aspect of developing a heritage conservation district is to protect areas of historical or architectural value, the use of such a tool to promote, preserve and protect heritage within HRM does have merit. Within HRM, there are many areas that could qualify for such recognition, but could only be considered where the basic requirements of the Heritage Act can be satisfied.

Under the Heritage Property Act of Nova Scotia, there is a clear process that must be followed to have an area considered for a conservation district. The basic requirements, (as outlined in Attachment 1), include: the development of a public participation program; the development of background studies to support the rationale for the proposed district; the development of a conservation plan and bylaw for the proposed district; and the holding of a public hearing by Regional Council.

The general timeframe needed to satisfy these requirements can range from two years or more (depending on the staff allocation). Given staff are in the process of recommending the initiation of a proposed conservation district for an area of Barrington Street, which is primarily a commercial area of HRM, staff would be prepared to consider a residential area for the second conservation district within HRM.

Given the Heritage Trust have identified proposed areas for conservation districts (see Attachment 2), and the majority of these areas are residential areas, staff would require time to gather additional information before it would recommend a specific area.

BUDGET IMPLICATIONS

There are no budget implications for this application.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Staff recommend the Heritage Advisory Committee provide a positive recommendation to Regional Council to investigate the potential of a residential heritage conservation district within Halifax Regional Municipality. However, should the Heritage Advisory Committee not recommend the proposal, the Report will be forwarded to Regional Council for review.

ATTACHMENTS

- Attachment 1: Required Steps to consider a Conservation District (as per the Heritage Property Act of Nova Scotia)
- Attachment 2: Excerpt, "Some Heritage Districts of Greater Halifax including Dartmouth and Bedford", by Heritage Trust of Nova Scotia.

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Kevin Barrett, Heritage Planner, 490-4419

Required Steps to consider a Conservation District - An Overview (as per the Heritage Property Act of Nova Scotia)

1. Regional Council must adopt a public participation program by resolution. This is to ensure the public has full opportunity to be actively involved in the process;
2. Regional Council must undertake background studies, provide public access to these studies, and submit the studies to the Minister. This material must provide a rationale for the heritage conservation measures, define its boundaries, the relationship of the conservation plan and bylaw with any municipal planning strategy, land use bylaw, and the social and economic implications of establishing the district. The Minister has sixty (60) days to declare the studies sufficient or request for additional material;
3. Regional Council prepares a draft conservation plan and bylaw. This plan may include policies regarding issues such as demolition or removal of buildings or structures, and the location and architecture of new developments, and design guidelines for future alterations within the district;
4. Regional Council secures public input on draft conservation plan and bylaw;
5. Regional Council gives notice of intention to adopt the conservation plan and bylaw and holds a public hearing. This hearing must provide public notice (newspaper advertisements on two successive weeks and by registered mail or personal service to all property owners, 21 days prior to the date of the public hearing);
6. On the date of publication of the first notice of intention, a 120 day restriction begins on the issuance of development permits (under the Municipal Government Act) and building permits under the Building Code Act that are or may be in conflict with the proposed conservation plan and bylaw. If the plan and bylaw do not come into effect within 120 days, such permits may be issued provided that they meet all other applicable bylaws;
7. Regional Council provides public access to the proposed conservation plan and bylaw;
8. After the public hearing, Regional Council adopts the conservation plan and bylaw by majority vote and submits it to the Minister for approval, with documentation regarding compliance with statutory planning process;
9. Minister approves conservation plan and bylaw, and Regional Council gives notice in newspaper and files document in Registry of Deeds;
10. Conservation plan and bylaw come into effect when approved by Minister.

1. Point Pleasant Area
2. Old South Suburb
3. Schmidtville
4. Downtown Dartmouth
5. Brunswick Street Area
6. Citadel North
7. Bloomfield Area
8. Hydrostone
9. Downtown Halifax
10. Historic Bedford

Introduction

The Halifax Regional Municipality is one of Canada's most historic cities with areas, neighbourhoods and communities that retain their distinctive ambience and identity. These heritage districts are showcases of the significant buildings that line the streets. The buildings range from the quaint and curious that recall the humble pioneer years, to the elegant and grand styles of the prosperous commercial eras. It is hoped that readers will be able to explore the districts, either on foot or by vehicle, to enjoy the character each has to offer, and to see the outstanding examples of all types of construction, from military, industrial and commercial to institutional, residential and religious.

Since its inception in 1959, Heritage Trust of Nova Scotia, Canada's oldest provincial heritage advocacy group, has promoted the preservation of historically and architecturally significant buildings, both individually and as groups in streetscapes and conservation areas. For example, Heritage Trust pressed for legislation to protect heritage buildings throughout the province. After the Heritage Property Act was passed in 1980, Heritage Trust supported an amendment to include protection for heritage conservation districts. Under those provisions, heritage districts can be protected from unwanted encroachments and unsympathetic developments that threaten their distinctive character and property values. These selected districts, along with other historic districts in the HRM, can now be officially protected as heritage conservation districts under the Heritage Property Act.

Base map courtesy of Metro Transit Halifax Regional Municipality

Financial assistance provided by HERITAGE CANADA FOUNDATION

Graphic Design by Arthur Carter Paragon Design Group

3.2 Case H00101 - Heritage Conservation Districts within HRM

- A staff report prepared for Jim Donovan, Manager, Planning Applications, regarding the above, was before the Committee for its consideration.

Mr. Kevin Barrett, Heritage Planner, presented the staff report.

Mr. Creighton expressed concern with most of the focus being placed on urban HRM, noting there must be some rural areas that could be considered for heritage districts. He suggested the rural Councillors should be encouraged to come forward with potential sites. Councillor Harvey agreed, noting rural Councillors will probably come forward once they become aware of the process.

MOVED by Councillor Bob Harvey, seconded by Councillor Sue Uteck, that the Heritage Advisory Committee recommend to Regional Council that staff investigate the possibility of establishing residential heritage conservation districts within Halifax Regional Municipality along with applicable processes. MOTION PUT AND PASSED UNANIMOUSLY.