

Cape Breton Regional Municipality

Heritage Advisory Committee

AGENDA

**Monday, January 20th, 2020
4:00 p.m.**

**Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS**

**Committee
Members:**

**Councillor Eldon MacDonald – Chair
Councillor Kendra Coombes – Vice Chair
Councillor Clarence Prince
Thomas Ashford, Citizen Appointee
Spyro Trifos, Citizen Appointee
Eric MacDonald Keys Citizen Appointee**

Cape Breton Regional Municipality

Heritage Advisory Committee

Monday, January 20th, 2020

4:00 p.m.

Council Chambers 2nd Floor – City Hall

AGENDA

Roll Call

1. **Approval of Minutes:** February 11, 2019 (previously distributed)
2. **Approval of Agenda:** (Motion Required)
3. **Orientation Presentation:** Karen Neville, Senior Planner/Heritage Officer (See page 5)

Note: Additional documentation for the Committee's information:

- Heritage Incentive Program Policy (See page 11)
- Heritage Property Policy (See page 14)
- Heritage Property Registration Policy (See page 16)
- Travel Policy for Citizen Appointees – Heritage Advisory Committee (See page 18)
- Heritage Conservation District Plan (See page 19)
- Heritage Conservation District By-law (See page 35)
- Heritage Property By-law (See page 59)

4. **Property Registration Requests:** Karen Neville, Senior Planner / Heritage Officer

- 4.1 **Bernie's Bakery – 12 Meadow Street, Whitney Pier:** (See page 66)
- 4.2 **Saint Joseph's Catholic Parish Church – 2735 Trout Brook Road, Albert Bridge** (See page 70)
- 4.3 **Dominion Italian Hall – 14 Gatto Street, Dominion:** (See page 78)
- 4.4 **Grand Narrows Waterfront – 415 Grand Narrows Drive, Grand Narrows:** (See page 82)

Continued...

Heritage Advisory Committee Agenda
January 20, 2020

5. **Invitation for the Heritage Advisory Committee to tour New Dawn Enterprise's Convent Development:** Karen Neville, Senior Planner / Heritage Officer (See page 89)

Adjournment

Heritage Advisory Committee Orientation



1

Powers of Heritage Advisory Committee (HAC)

Advise Council on:

- inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the municipal registry of heritage property
- permission to substantially alter or demolish a municipal heritage property
- conservation plan and conservation by-law
- administration of heritage conservation districts
- an application for a certificate



2

Request for Registration

- Staff will research and score the property using the Heritage Property Registration Criteria Policy
- HAC reviews the request and forwards a recommendation to Council
- Council reviews the request
 - Property owner is notified of Council's decision.
 - If the decision is to approve a public hearing is scheduled
- Following the public hearing, final approval for heritage status is registered at the Registry Office



3

Registered Property

- Substantial exterior alterations and demolitions must be approved by Council
- Council may delay an application for substantial alteration or demolition up to three years
- Maybe eligible for financial assistance
- Plaque for exterior display



4

Registered Properties in the CBRM

39 Municipally Registered Properties

- Sydney Mines - 15
- Sydney - 5
- Glace Bay and North Sydney both have 3
- Dominion and Louisbourg both have 3
- Port Morien, New Victoria, Grand Narrows, George's River, Albert Bridge, Point Edward, Big Pond, Lingan, and South Harbour have 1

There are also provincially registered properties and the North End Heritage Conservation District



5

North End Heritage Sydney Conservation District

- Has more than one hundred buildings, 80% of which are at least 100 years old
- Is the only conservation district east of Truro
- Was approved by Council in 2008



6

Heritage Incentive Program

- Established in 2009
- Total budget \$55,000
- Exterior repairs and renovations is 50% up to a maximum per project of \$12,000
- Roofs repairs is 30% up to a maximum of \$6,000
- Interior repairs may be considered for cost sharing if the integrity of the structure is in jeopardy (beams, trusses, foundations, etc.)



7

Heritage Incentive Program

In 2018:

- 22 Applications were received
- 13 Applications were approved
- Approximately \$160,000 invested in the project



8

67 Esplanade



9

84 Charlotte Street



10

Travel Policy for Citizen Appointees

- Maximum of two citizen can participate in appropriate training and development opportunities
- Budget will be approved by the Planning and Development Department
- Travel Expense Policy for Elected Officials for meals, mileage and accommodations



Heritage Incentive Program Policy

1. OBJECTIVE:

To encourage owners of registered municipal heritage properties to upgrade their properties in a manner that is consistent with the heritage value of the property as stated in the statement of significance for the property and the associated character defining elements.

2. AVAILABLE INCENTIVE:

The incentive shall be 50% of the cost of the repairs or renovations up to a maximum of \$12,000 per property. In the case of roof replacement and/or repair, the maximum grant shall be 30% of the cost up to a maximum of \$6,000. In exceptional circumstances, the Committee may award a higher percentage of cost-sharing, as outlined in 4(c)

3. ELIGIBLE APPLICANTS:

All owners of municipally registered heritage properties and all owners of properties located within municipal heritage conservation districts, except:

- a) Government owned properties, except where the property is leased to a registered non-profit society which is partially or totally responsible for building maintenance;
- b) Properties within a heritage conservation district that were built in 1940 or later.

4. CRITERIA:

- a) All work done must be approved under the Heritage Property Bylaw or, in the case of properties within the Heritage Conservation District, the Heritage Conservation District Bylaw. All work must comply with the Building Bylaw and the Land Use Bylaw.
- b) Work funded under the program should be carried out on the exterior of the property and shall include but not be limited to windows, doors, cladding, roofing, and steps. Landscaping, fencing, and driveway paving are not eligible under any circumstances.

CBRM Heritage Incentive Program Policy

- c) Work that is necessary to ensure the long term viability of a structure (for example, repairs to the foundation, repairs to beams or trusses, or repairs to address significant stormwater infiltration problems) may be considered by the committee for funding assistance at levels higher than the normal amounts in exceptional circumstances. In these cases assistance may be provided for work in the structure's interior if necessary.
- d) Architectural, engineering and other consulting fees are eligible for funding; consultants may have to supply proof of professional qualifications to the HIP Committee.
- e) When an application is being considered priority shall be given to projects that significantly enhance the heritage value of the property. An example would be the removal of windows that are inconsistent with the original windows and replacing them with ones that more closely resemble the originals.
- f) When considering an application priority shall be given to projects that are unlikely to proceed without CBRM assistance. Where a property is owned by a non-profit organization, the availability of funds from other sources (such as federal government programs) shall be a consideration.
- g) Only one project may be approved per property in any given fiscal year. Properties which have received grants in one fiscal year may apply in subsequent years but priority shall be given to first time applicants.
- h) Use of original materials (such as brick or wood) shall normally be required for exterior cladding and corner boards although exceptions may be made where a substitute material is used that very closely resembles the original in appearance. Under no circumstances shall an incentive grant be provided to assist with the cost of replacing or installing vinyl or metal siding on a building originally clad in wood or brick.

5. APPLICATION PROCEDURES:

- a) Applicants must submit an application to the CBRM Heritage Officer. Applications will be reviewed and approved by the Heritage Incentive Program (HIP) Committee, which is comprised of the Heritage Officer, one other CBRM employee or Heritage Advisory Committee member, and an architect licensed to practice in Nova Scotia. Any applicants whose projects do not meet the criteria will be informed of the reason why their projects are not acceptable and will be given an opportunity to revise and resubmit their applications.
- b) All decisions of the HIP Committee shall be final.

6. DISBURSEMENT OF FUNDS:

Funds will be disbursed only after completion of the work and inspection of same by the Heritage Officer. Proof of payment in the form of paid invoices, cancelled cheques, or credit card receipts must be submitted prior to the disbursement of any funds. CBRM will not reimburse any portion of the harmonized sales tax.

Approved by Council: January 15, 2019



CBRM

A Community of Communities

Cape Breton Regional Municipality

Heritage Property Policy

STATEMENT OF POLICY:

- It is the policy of the Cape Breton Regional Municipality (CBRM) to recognize the significance of historical properties within the Municipality by way of a Heritage Designation pursuant to the Heritage Property By-Law.

1.0 OBJECTIVE:

- It is the objective of this policy to ensure that the Municipality shall recover the costs associated with the deregistration of municipal heritage designation of properties pursuant to the CBRM Heritage Property By-Law.

2.0 RESPONSIBILITIES:

- 2.1 The CBRM Council will approve the Heritage Property Policy.
- 2.2 In accordance with Section 49(c)(iii) of the *Municipal Government Act*, a Fee Schedule for the costs associated with the deregistration of a municipal heritage property designation shall be established and reviewed periodically by the Heritage Advisory Committee.
- 2.3 The Applicant shall be responsible for all costs associated with the deregistration of a municipal heritage property designation under the Heritage Property By-Law.

.../2

- 2.4 The Director of Planning shall be responsible for the administration of this policy.

Approved by Council: **March 18, 2003**
Amended: **May 24, 2005**



CBRM

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Cape Breton Regional Municipality

Policy Respecting Criteria for Heritage Property Registration

This Policy shall be known as the “*Heritage Property Registration Criteria Policy*”.

STATEMENT OF POLICY:

- It is the policy of the Cape Breton Regional Municipality (CBRM) to provide detailed, specific criteria to assist both staff and members of the Heritage Advisory Committee (Committee) in evaluating whether or not a property should be registered as a Municipal Heritage Property.

1.0 OBJECTIVE:

- It is the objective of this Policy to streamline the process for evaluating requests for the registration of municipal heritage properties, resulting in better decision making.

2.0 RESPONSIBILITIES:

- 2.1 The CBRM Council will approve the Heritage Property Registration Criteria Policy.
- 2.2 The Heritage Officer will receive the applications for registration of municipal heritage properties and score the properties based on the criteria outlined in Section 3.0 herein.
- 2.3 The Heritage Officer will provide a report to the Committee for each application, including the results of the scoring and recommendation regarding registration.
- 2.4 The Committee will review the Heritage Officer’s report and recommendation and render a decision regarding same. If the Committee recommends registration, the application is then forwarded to CBRM Council with a recommendation for approval.

3.0 CRITERIA:

Historic Significance	
Age of Property	30 points
Association of the property with the community’s economic, social, political, athletic or cultural history	20 points
Association of the property with a well-known person locally, provincially or nationally	10 points
Association of the property with a significant event in a community’s history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points
Architectural Significance	
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed (a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi- detached coal company house)	50 points
Exterior is wood, clay brick or natural stone	10 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points
Property is in a deteriorated state, requiring major repairs	-15 pts
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points
Cultural Significance	
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points
Association of the property with social or sports events within a community over a long period of time	25 points
<p><i>It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.</i></p>	

Approved by Council: February 19, 2019

Travel Policy for Citizen Appointees – Heritage Advisory Committee

1. STATEMENT OF POLICY:

It is the policy of the Cape Breton Regional Municipality to encourage citizen appointees on the Heritage Advisory Committee (HAC) to participate in appropriate training and development opportunities in relation to heritage properties.

2. OBJECTIVES:

This Policy identifies the annual Nova Scotia Provincial Heritage Conference as the most appropriate forum for training and development of citizens on the HAC. Further, this Policy outlines the process to be used for same.

3. CRITERIA:

- a) Subject to budget approval, the funds for travel expenses for citizen appointees on the HAC shall be included in the Planning and Development Department budget.
- b) HAC citizen appointees are eligible to attend the annual Nova Scotia Provincial Heritage Conference. CBRM will sponsor a maximum of two citizen appointees to attend the annual conference, noting that priority will be given to those citizens who have not attended the Conference in the previous year.
- c) If more than two citizens who have not attended the previous year's Conference express an interest in attending the annual conference, the names shall be drawn by lot.
- d) Carpooling shall be practiced whenever possible.
- e) The Planning and Development Department shall be responsible for conference registration and the travel arrangements of the citizen appointees.
- f) The rates for meals, mileage and accommodations, as well as the filing requirements for expense claims, shall be the same as required in the Council Expense Policy and shall be processed through the Planning and Development Department.

Approved by Council: February 19, 2019

Heritage Conservation District Plan North End Sydney

Approved by CBRM Council February 19, 2008

Includes amendments approved by the Minister responsible for the Heritage Property Act on September 25, 2019



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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.

D) 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.



H:\MAPS\North_End_Sydney\8.5x11\Heritage_Consevation_District_Plan\2019\HCDP_Revised_2019

Heritage Conservation District By-law North End Sydney

Approved by CBRM Council February 19, 2008

Includes amendments approved by the Minister responsible for the Heritage Property Act on September 25, 2019



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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) Where the application concerns (1) an addition to an existing building that exceeds 10 square meters in floor area, or increases the height of the building, and is on a side of the building that faces an abutting street, or (2) the total estimated cost of the renovations are \$50,000 or more, the applicant must provide plans prepared by:

- An architect licensed to practice in Nova Scotia, OR
- A person with a diploma in architectural technology who can demonstrate to the Heritage Officer that he/she has significant experience in the restoration of older buildings, OR
- A person with a diploma in Heritage Carpentry who can demonstrate to the Heritage Officer that he/she has significant experience preparing plans for renovations to older buildings.

d) 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.

Façade - 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



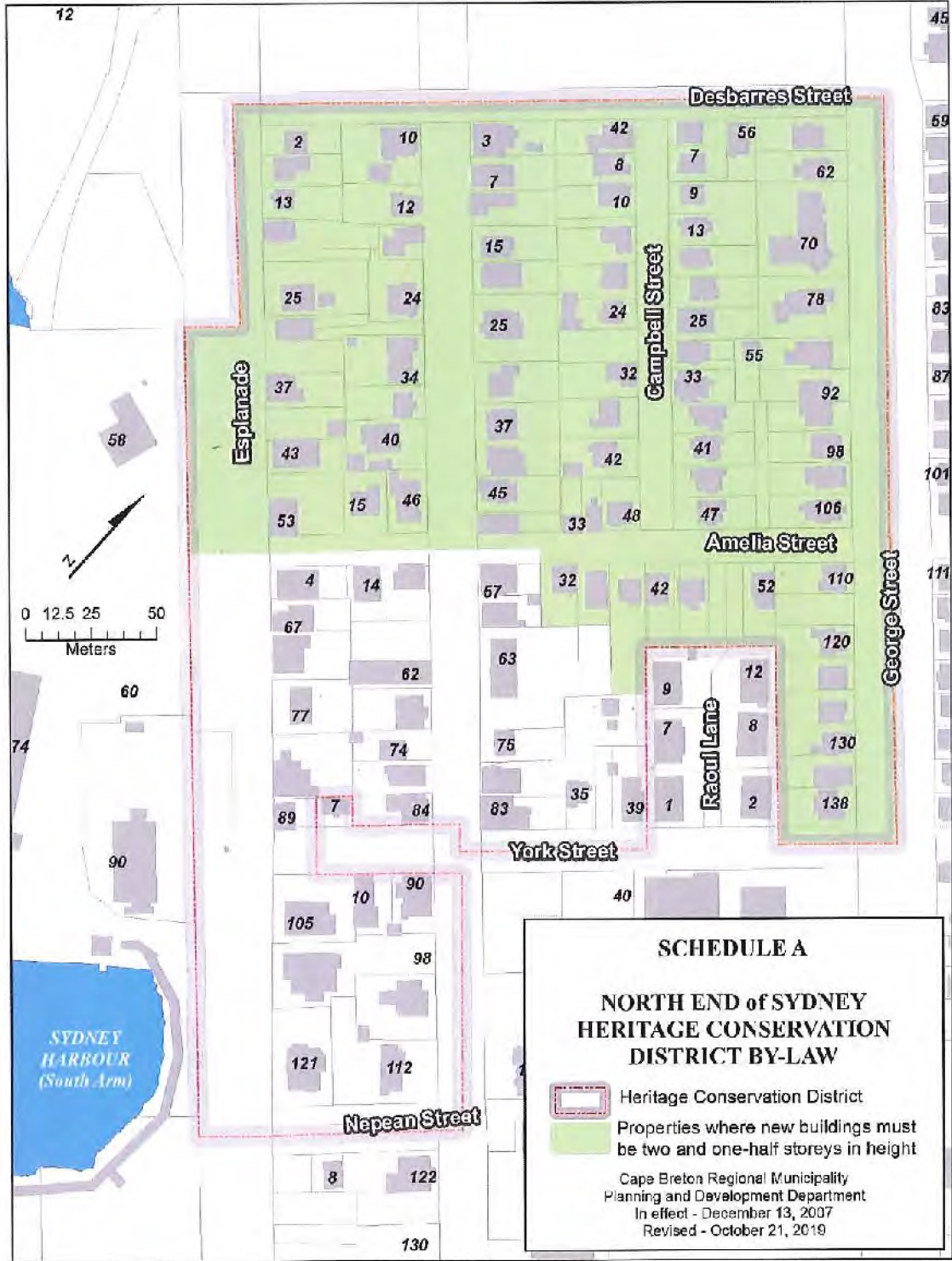








SCHEDULE A: MAP OF NORTH END SYDNEY HERITAGE CONSERVATION DISTRICT



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CAPE BRETON REGIONAL MUNICIPALITY

Bylaw C3

HERITAGE PROPERTY

1. In this Bylaw:
 - (a) "Council" means the Council of the Cape Breton Regional Municipality;
 - (b) "Clerk" means the Clerk of the Cape Breton Regional Municipality;
 - (c) "Act" means the *Heritage Property Act*;
 - (d) "Committee" means the Heritage Advisory Committee, established pursuant to the *Heritage Property Act* and this Bylaw;
 - (e) "Regional Municipality" means the Cape Breton Regional Municipality (CBRM);
 - (f) "Heritage Officer" means a CBRM employee appointed by Council pursuant to the Act."

2.
 - (a) The Heritage Advisory Committee is composed of a minimum of seven and a maximum of ten members appointed by Council for a term of two years.
 - (b) At least two members of the Committee shall be members of the Council and at least three but no more than seven members shall be members of local historical societies or individuals who have in the opinion of the Council otherwise demonstrated active concern for the preservation of buildings of historic significance.
 - (c) The Committee has the powers and duties of a Heritage Advisory Committee pursuant to the Act.
 - (d) The Committee shall be governed, where not inconsistent with the Act or this Bylaw, by the general rules of procedure applicable to committees as contained in the Bylaws of the Regional Municipality.

3. The Heritage Officer shall establish and maintain at the business office of the Regional Municipality, a Registry of Heritage Property, where all prescribed documents relating to

the registration of Heritage Property pursuant to the Act or this Bylaw shall be filed. The registry shall:

- (a) be maintained and updated by the Heritage Officer;
- (b) be properly indexed;
- (c) be accessible to the public at no charge during regular business hours at the Regional Municipality Offices.

4. The Registry of Heritage Property shall contain:

- (a) a description of any building, streetscape or area registered by the Council pursuant to the *Heritage Property Act*;
- (b) the recommendation for registration, all notices pursuant to the registration, recording particulars of all notices recorded in the Registry of Deeds and particulars of service of all notices required pursuant to the *Heritage Property Act*;
- (c) all applications for permission to make a substantial alteration to the exterior appearance, or to demolish, a registered building, streetscape or area, together with the particulars of the recommendations of the Heritage Advisory Committee thereon and the particulars of the disposition thereof;
- (d) in a separate section, all buildings, streetscapes and areas for which registration has been recommended by the Heritage Advisory Committee but on which a decision to register has not been made;
- (e) in a separate section, all buildings, streetscapes and areas for which registration was recommended by the Heritage Advisory Committee but which Council determined not to register.

5. All properties registered by a municipal unit incorporated within the Regional Municipality shall be considered to have been registered pursuant to this bylaw and be included within the Registry of Heritage Property.

6. Notice of a recommendation by the Heritage Advisory Committee that a building, streetscape or area be registered as a Municipal Heritage Property shall be in the form specified in Schedule "A", attached hereto.

- 7. Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and the registration shall be in the form specified in Schedule "B", attached hereto.

- 8. Council may from time to time establish and amend guidelines for the registration of property as a Municipal Heritage Property, and the Heritage Advisory Committee shall, in making recommendations, take the guidelines fully into account.

Passed and adopted by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on October 17, 1995, and amended on April 17, 2007, and March 12, 2019.

Mayor Cecil P. Clarke

Deborah Campbell Ryan, Clerk

This is to certify that the attached is a true and correct copy of the Heritage Property Bylaw of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on October 17, 1995 and amended on April 17, 2007 and March 12, 2019.

Deborah Campbell Ryan, Clerk

DATE OF ADVERTISEMENTS: **October 27, 1995**
July 10, 2007 (amendment)
June 22, 2019 (amendment)

SCHEDULE "A"**NOTICE OF RECOMMENDATION****TO REGISTER A MUNICIPAL HERITAGE PROPERTY****Cape Breton Regional Municipality**

Pursuant to the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description), has been recommended for registration in the registry of heritage property for the Cape Breton Regional Municipality.

The property has been recommended for registration [here set out reason for recommendation].

The **Heritage Property Act** provides that if a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property. For further information refer to the **Heritage Property Act**.

The **Heritage Property Act** further provides that no person shall substantially alter the exterior appearance of or demolish a building for 120 days after notice of recommendation to register the property has been served, unless the Regional Municipality sooner refuses to register the property.

The owner has the right to be heard concerning the recommended registration, and the date of the hearing shall be [here set out date, time and place of hearing]. Submissions may be made orally or in writing if desired, and a written submission may be presented at any time prior to the hearing.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to the Act.

Dated at _____ this _____ day of _____ 2____.

Per:
Regional Municipality Clerk

PROVINCE OF NOVA SCOTIA)
COUNTY OF CAPE BRETON SS)

ON THIS _____ day of _____, A.D., 2____, before me, the subscriber, personally came and appeared _____ the subscribing witness to the foregoing Notice, who, having been by me duly sworn, made oath and said that **THE CAPE BRETON REGIONAL MUNICIPALITY**, a municipal body corporate, caused the same to be executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper officer in h _____ presence.

Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.

SCHEDULE "B"**NOTICE OF REGISTRATION****MUNICIPAL HERITAGE PROPERTY****Cape Breton Regional Municipality**

Pursuant to Section 14 of the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description], has been registered in the registry of heritage property for the Cape Breton Regional Municipality.

The **Heritage Property Act** provides that where a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property.

For further information refer to the **Heritage Property Act**.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to s. 15(3) of the Act.

DATED at Sydney, Nova Scotia, this [date].

Cape Breton Regional Municipality

Per:
Clerk

PROVINCE OF NOVA SCOTIA)
COUNTY OF CAPE BRETON SS)

ON THIS day of , A.D., 2____, before me,
the subscriber, personally came and appeared the subscribing witness to the
foregoing Notice, who, having been by me duly sworn, made oath and said that **THE CAPE
BRETON REGIONAL MUNICIPALITY**, a municipal body corporate, caused the same to be
executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper
officer in h presence.

Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.



To: Heritage Advisory Committee

FROM: Karen Neville

**SUBJECT: Request for Municipal Heritage Registration
– Bernie’s Bakery (12 Meadow Street,
Whitney Pier)**

DATE: January 2nd, 2020

In 1925, at the age of 14, Bernie Kokoszka Sr. officially began his baking as a baker’s helper at the Oriental Baker in Sydney. Within two years he became head baker, replacing his teacher Felix Depenta, who retired. In 1939, Mr. Kokoszka established his own bakery which specialized in European brick hearth baked breads. The original bakery was destroyed by fire in 1954 after which a new bakery was built on Meadow Street. The oven in this bakery was an 18th century model, brick hearth oven designed by Bernie Kokoszka Sr.

On September 13, 1984, Bernie’s Bakery had the honour of having its bread blessed by Pope John Paul II in the traditional offering of “bread and salt”. This presentation was the first of its kind in Canada.

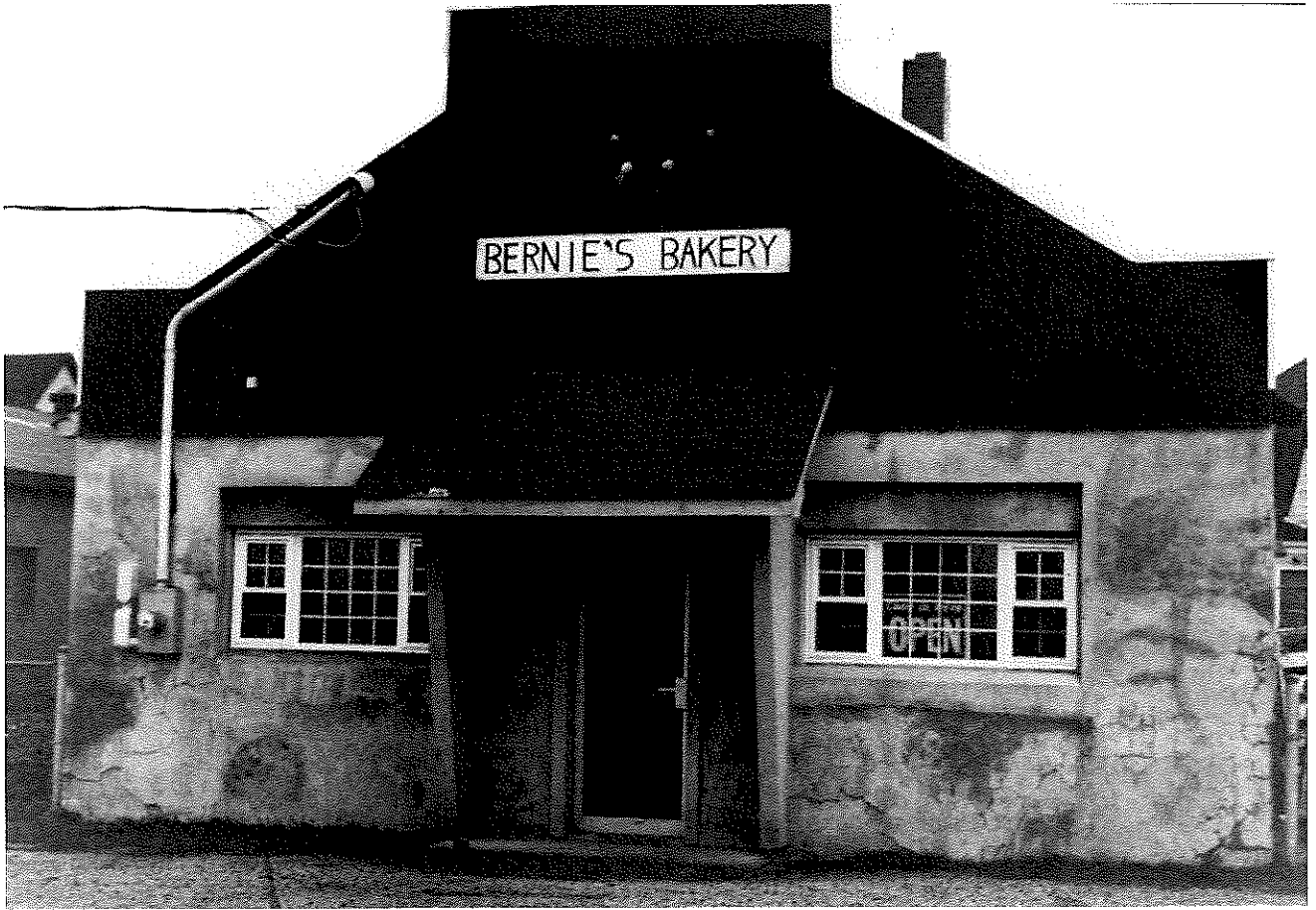
Simple in design, the bakery has retained its original character since its construction. Bernie’s Bakery is valued because it has significant cultural value for the community of Whitney Pier. Therefore, it is reasonable to consider this building for Municipal Heritage Designation.

An historic photo of Bernie’s Bakery can be found in Attachment A. A more modern photo can be found in Attachment B. The scoring criteria for this property can be found in Attachment C.

Recommendation

I recommend that the Heritage Advisory Committee advise Council to initiate the process for registering Bernie’s Bakery located 12 Meadow Street, Whitney Pier (PID 15136088) as a Municipal Heritage Property.

Submitted by:**Originally Signed by****Karen Neville
Heritage Officer**





Property Requesting Registration: Bernie's Bakery, Whitney Pier

Historic Significance		
Age of Property (original bakery 1939 – 81 years, new bakery 1954 – 66 years)	30 points	15 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points	20 points
Association of the property with a well-known person locally, provincially or nationally	10 points	0 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points	10 points
Architectural Significance		
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points	0 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed (a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi-detached coal company house)	50 points	0 points
Exterior is wood, clay brick or natural stone	10 points	8 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points	0 points
Property is in a deteriorated state, requiring major repairs	-15 point	-15 points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points	5 points
Cultural Significance		
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points	25 points
Association of the property with social or sports events within a community over a long period of time	25 points	0 points
*Total	165 points	68 points

* It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.



To: Heritage Advisory Committee

FROM: Karen Neville

SUBJECT: Request for Municipal Heritage Registration
– Saint Joseph's Catholic Parish Church
(2735 Trout Brook Rd, Albert Bridge)

DATE: January 2nd, 2020

Saint Joseph's Catholic Parish Church in Albert Bridge has served the pastoral, spiritual, and community needs of the Catholic people of Albert Bridge (formerly called Mira Ferry) since its construction in 1877. Due to its location high on a hill, the church is recognized as a visual landmark in the community.

The original construction of the building was that a simple design with elements of Scottish and Gothic building styles (Attachment A). In and around 1978 and 1979, the church under went significant renovations. The slides of the building were enlarged from its simple rural church style (Attachment B). Recent photos of the exterior of the church can be found in Attachment C.

Due to renovations, the church no longer retains the simple rural church architectural style; however, due to the age of Saint Joseph's Catholic Parish Church, Municipal Registration can be considered. The scoring criteria for this property can be found in Attachment D.

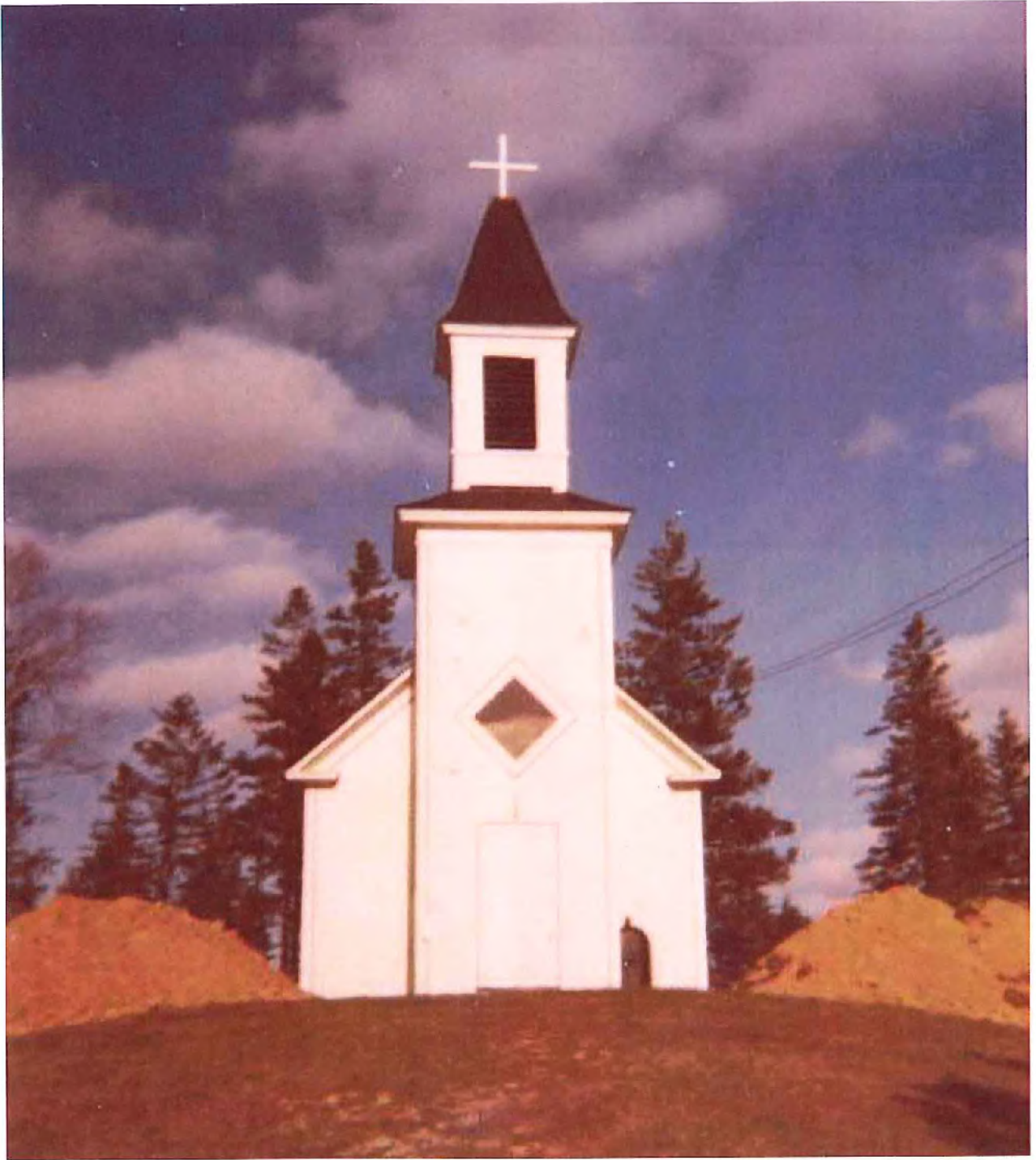
Recommendation

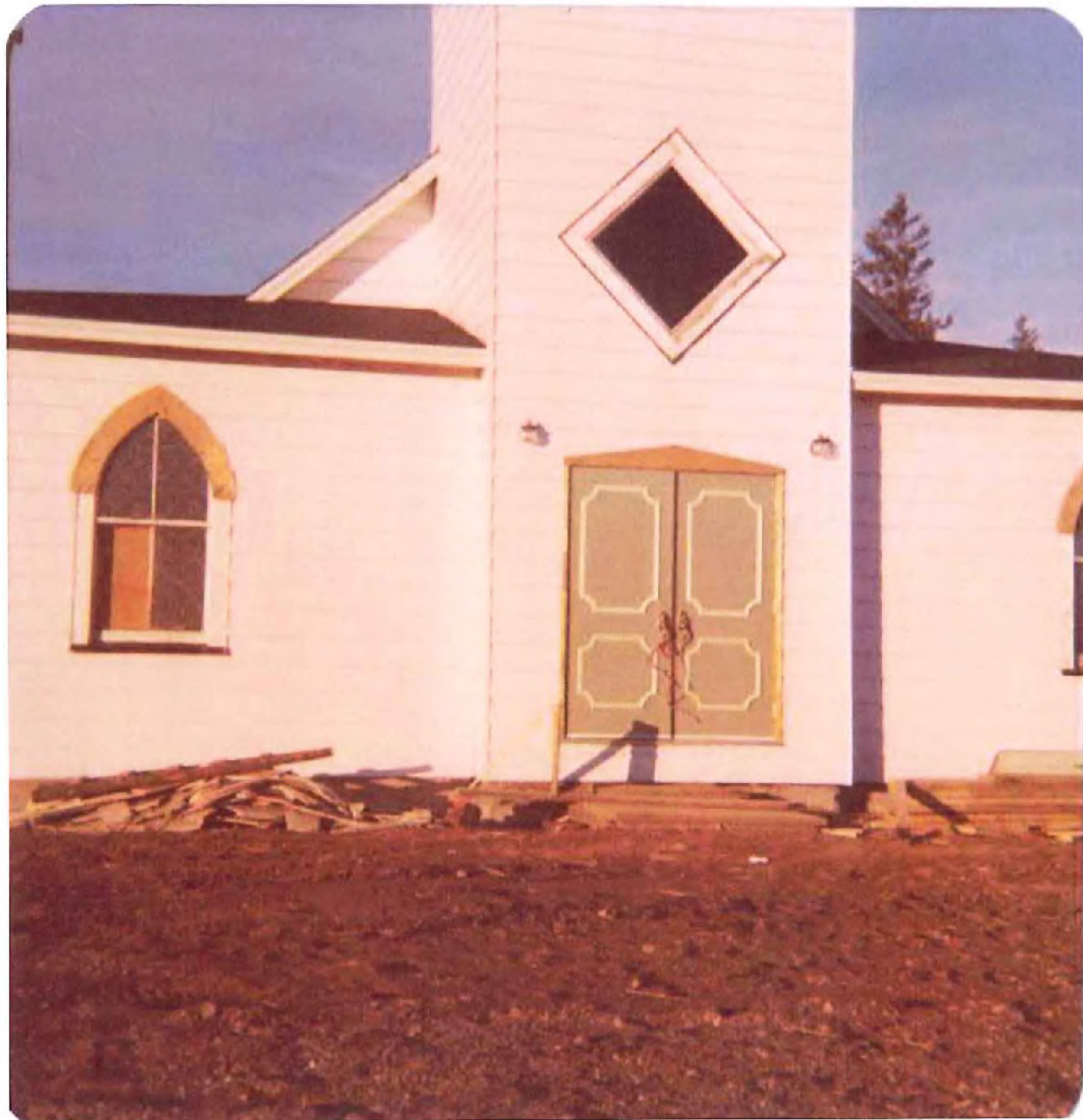
I recommend that the Heritage Advisory Committee advise Council to initiate the process for registering Saint Joseph's Catholic Parish Church located 2735 Trout Brook Rd, Albert Bridge (PID 15341035) as a Municipal Heritage Property.

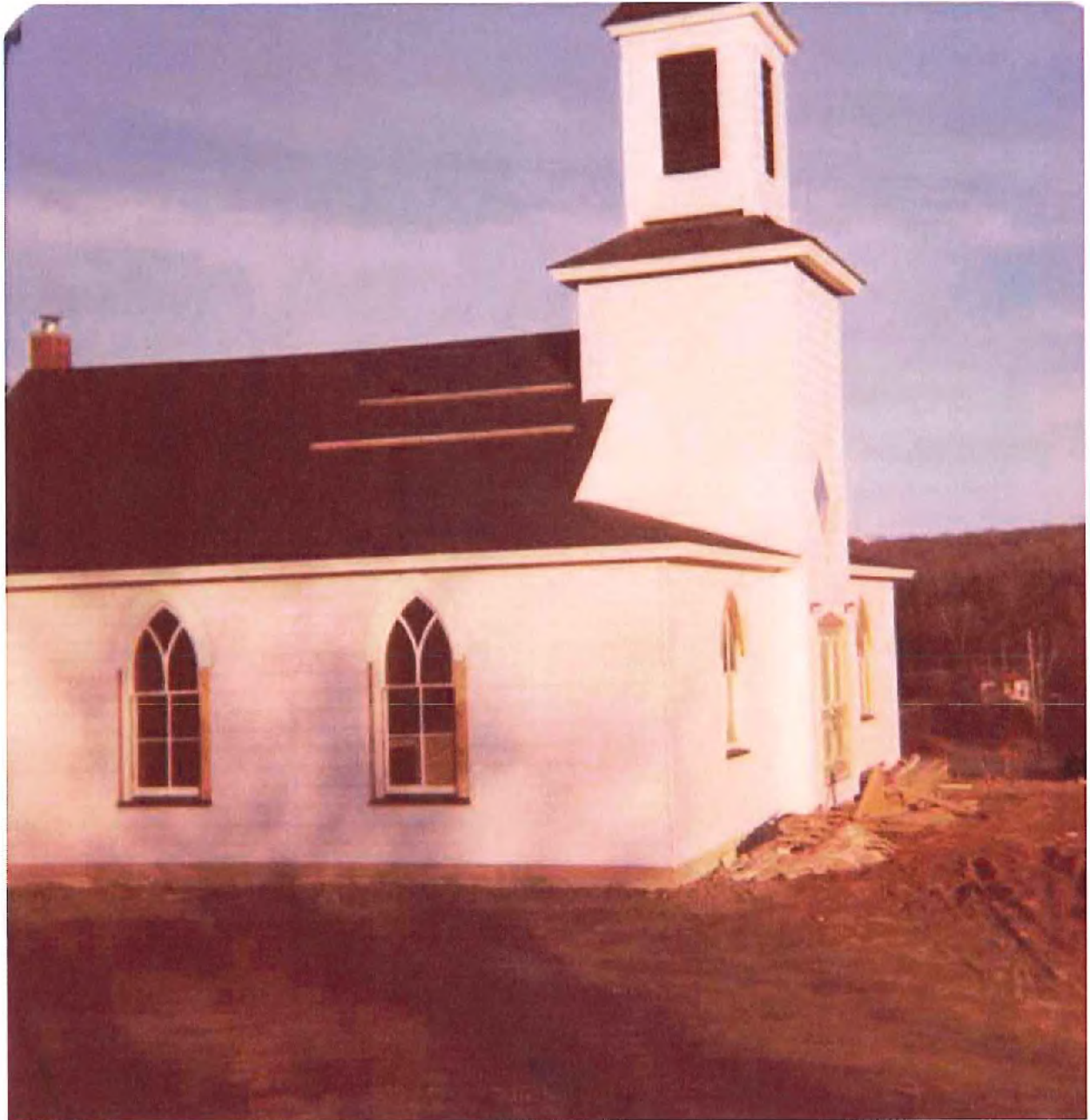
Submitted by:

Originally Signed by

**Karen Neville
Heritage Officer**













Property Requesting Registration: St. Joseph's Church, Albert Bridge

Historic Significance		
Age of Property	30 points	30 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points	0 points
Association of the property with a well-known person locally, provincially or nationally	10 points	0 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points	0 points
Architectural Significance		
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points	10 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed (a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi-detached coal company house)	50 points	25 points
Exterior is wood, clay brick or natural stone	10 points	0 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points	-25 points
Property is in a deteriorated state, requiring major repairs	-15 points	0 points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points	0 points
Cultural Significance		
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points	25 points
Association of the property with social or sports events within a community over a long period of time	25 points	0 points
*Total	165 points	65 points

* It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.



To: Heritage Advisory Committee

FROM: Karen Neville

**SUBJECT: Request for Municipal Heritage Registration
– Dominion Italian Hall (14 Gatto Street,
Dominion)**

DATE: January 2nd, 2020

The Dominion Italian Hall was organized to provide a meeting place for individuals with Italian Heritage living in Dominion. At one time, the town of Dominion featured the largest Italian population in Canada east of Montreal. The coal mines were the main reasons so many individuals from Italy found their way to Dominion. The Dominion Coal Company specifically went to Italy to recruit their workforce.

The first meeting of the group to establish the hall occurred at the Dominion Hotel, also known as the Red Onion, in 1936. The current location of the hall was originally purchased with the intention of establishing a church. The building was designed with gothic peaks to resemble a church. It is believed the church was not established on the site due to the unavailability of an Italian Priest.

While the building is not an exceptional example of a particular architectural style, the Dominion Italian Hall scores high on historical and cultural significance. The Dominion Italian Hall has been a fixture in Dominion and a source of Italian culture since it first opened its doors. The Dominion Italian Hall has played a role in preserving the Italian language in the community for this reason Municipal Heritage Designation is being request. Therefore, it is reasonable to consider this building for Municipal Heritage Designation.

A Painting Lorinda Antonello depicting the original exterior of the Italian Hall can be found in Attachment A and the current exterior can be found in Attachment B. The scoring criteria for this property can be found in Attachment C.

Recommendation

I recommend that the Heritage Advisory Committee advise Council to initiate the process for registering Dominion Italian Hall located 14 Gatto Street, Dominion (PID 15376445) as a Municipal Heritage Property.

Submitted by:**Originally Signed by**

Karen Neville
Heritage Officer

A





Property Requesting Registration: Dominion Italian Hall, Dominion

Historic Significance		
Age of Property (87 years)	30 points	15 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points	20 points
Association of the property with a well-known person locally, provincially or nationally	10 points	0 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points	10 points
Architectural Significance		
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points	0 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed (a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi-detached coal company house)	50 points	15 points
Exterior is wood, clay brick or natural stone	10 points	0 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points	0 points
Property is in a deteriorated state, requiring major repairs	-15 point	0 points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points	0 points
Cultural Significance		
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points	25 points
Association of the property with social or sports events within a community over a long period of time	25 points	25 points
*Total	165 points	110 points

* It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.



To: Heritage Advisory Committee

FROM: Karen Neville

**SUBJECT: Request for Municipal Heritage Registration
– Grand Narrows Waterfront (415 Grand
Narrows Drive, Grand Narrows)**

DATE: January 2nd, 2020

In 1847, ferry service began between Iona and Grand Narrows. The ferry, which was operated by Alexander “Sandy” MacNeil and his son, Hector MacNeil, transported people, horses, cattle, and wagons. The next ferryman to operate were Dan “Dogan” MacNeil and his son, Dan Joe MacNeil in 1877. The Department of Highways took over ferry service in 1927.

With the construction of the Barra Strait Bridge and decommissioning of the ferry service between Grand Narrows and Iona in 1993, there was an opportunity to acquire the surplus land and buildings at the former ferry dock. Since acquiring the property (PID 1S60644S), the Grand Narrows Waterfront Development Society has revived the dock area to make the area more attractive for tourists, boaters, and fisherman (Attachment A). The property consists of the Ferryman’s Warehouse (warehouse, showers, office, and workshop), Ferryman’s Hall (restaurant and meeting facility), accessory buildings, parking area and beach, and dock facilities.

The Society is seeking assistance to carry out repairs to the existing infrastructure and establishing amenities, as a result, they are requesting the site be registered as a Municipal Heritage Property. While the dock has been refurbished, some of the old ferry dock’s full infrastructure is still intact. The Society wants the dock as the focal point of the site and believe that through a plaque, pictures, and a poster board, it will be the needed link to tell generations to come of the proud history of the location and the people who lived and worked there.

While many of the buildings on the property have undergone extensive renovations or are not original to the historic development, aspects of the old ferry dock infrastructure still exist. Due to the fact the many of the existing buildings are not be considered as a part of the criteria for registration, the property does not score high (Attachment E). That being said, the scoring criteria is intended to be used as a guide. If the Heritage Advisory Committee is in agreement, the property and the old ferry dock could be registered, but not the other buildings on the property.

Photo of the dock facilities can be found in Attachment B. Aerial photos of the site from 2008-2009 and 2004 can be found in Attachment C and D.

Recommendation

I recommend that the Heritage Advisory Committee advise Council to initiate the process for registering the property of 415 Grand Narrows Drive, Grand Narrows (PID 15606445) as well as the ferry dock infrastructure as a Municipal Heritage Property.

Submitted by:**Originally Signed by**

Karen Neville
Heritage Officer

A



Derby Point Road

Grand Narrows Drive

Dogan Road

PID: 15606445





C



Derby Point Road

Grand Narrows Drive

Dogan Road



D



Property Requesting Registration: Grand Narrows Waterfront, Grand Narrows

Historic Significance		
Age of Property (ferry service began 1847, but many of the structures are not original to the property)	30 points	15 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points	20 points
Association of the property with a well-known person locally, provincially or nationally	10 points	0 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points	0 points
Architectural Significance		
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points	0 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed (a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi-detached coal company house)	50 points	0 points
Exterior is wood, clay brick or natural stone	10 points	0 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points	-15 points
Property is in a deteriorated state, requiring major repairs	-15 point	0 points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points	0 points
Cultural Significance		
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points	0 points
Association of the property with social or sports events within a community over a long period of time	25 points	25 points
*Total	165 points	45 points

* It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.



MEMO

To: Heritage Advisory Committee

FROM: Karen Neville

**SUBJECT: Tour of New Dawn Enterprise Convent
Development**

DATE: January 3rd, 2020

Erika Shea, Vice President of Development with New Dawn Enterprises, has extended an invitation for the Heritage Advisory Committee to tour the Convent Development. New Dawn Enterprises' architect, Spyro Trifos, will lead the tour and talk about the concept of adaptive reuse and why or how adaptive reuse was the framework applied to this project.

It is their hope that their tenants will begin to move into this new space in February; therefore, it would be preferred to arrange a tour before this time, so that the Heritage Advisory Committee would have more freedom to view the space.

I would ask that the Heritage Advisory Committee discuss the possibility of touring the facility and provide possible dates.

Submitted by:

Originally Signed by

**Karen Neville
Heritage Officer**

