



Subject: *Heritage Property Bylaw Review*
To: CAO for Planning Advisory Committee, February 20, 2024
Date Prepared: February 5, 2024
Related Motions: None
Prepared by: Rachel Gilbert, Manager of Planning
Approved by: John Woodford, Director of Planning & Development

Summary

The Heritage Property Bylaw was last reviewed and amended in November 2016. After a review of the current bylaw amendments are proposed as outlined further in this report.

Financial Impact Statement

There are no immediate financial impacts resulting from this report.

Recommendation

That Planning Advisory Committee recommend that Council give first reading to the proposed Bylaw P-700-1, Heritage Property Bylaw.

Recommended Motion

Move that the Planning Advisory Committee recommend that Council give first reading to the proposed Bylaw P-700-1, an amendment to Bylaw P-700 Heritage Property Bylaw.

Background

In 1980, the Government of Nova Scotia passed the Heritage Property Act, to help identify, protect and rehabilitate built heritage throughout the province. Under the act, a heritage property is a building or structure and the land on which it is located;

The Heritage Property Program offers three types of protection:

1. Provincial Registry of Heritage Properties;
2. Municipal Registries of Heritage Properties; and
3. Heritage Conservation Districts.

In addition to the Heritage Property Act the province has two other Acts which help to preserve the province's rich history: The Special Places Protection Act which supports the protection of archaeological, historic and natural sites; and The Cemeteries Protection Act which supports the protection of burial plots and cemeteries.

There are a number of heritage designations at the federal level for historic sites in Canada:

- National Historic Sites of Canada;
- Heritage Railway Stations;
- Heritage Lighthouses; and
- Federally owned Heritage Buildings.

There are no federally recognized historic places within East Hants. Within Nova Scotia, examples of federally recognized historic places includes Province House in Halifax, Halifax City Hall, Halifax VIA Rail Station, and the Bear River lighthouse.

A Municipal Registry of Heritage Properties is a list of properties and structures that have been deemed to have a local or community level of heritage value. The Municipality has adopted the Heritage Property By-Law which administers the protection of the municipally registered heritage properties.

Other Jurisdictions

The Heritage Property Act is fairly limited in its scope of what can be included in a municipal heritage property bylaw. Planning staff undertook a jurisdictional scan of other municipalities in Nova Scotia to understand what other municipal units have included in their Heritage Property Bylaws and what information they include in their Heritage Property Registry.

Heritage Advisory Committee

Town of Truro, The Town of Yarmouth, The Town of Lunenburg and the HRM- For these municipalities the Heritage Advisory Committee is a committee separate from the Planning Advisory Committee and includes members who have expertise in heritage matters.

Town of Wolfville and the Town of Annapolis Royal have their Planning Advisory Committee serving as their Heritage Advisory Committee.

- The Act enables but does not require that the Planning Advisory Committee also act as the Heritage Advisory Committee (HAC). At this point planning staff are not recommending a change to the bylaw to create a separate HAC committee. It's often difficult to recruit public members for committees and over the past few years there has generally not been a lot of heritage items to discuss.

Municipal Registry of Heritage Property

- The HRM has an Open Data app which includes an interactive map and a table with the information. The data included in the table is the heritage property name, the approx. age and the registration date.
- Town of Lunenburg - the registry provides the address of the property, the heritage name and the date it was approved. They have kept copies of research, heritage registry application etc., but this is not kept in the Registry.

The approach taken by the HRM and the Town of Lunenburg are consistent with the approach proposed by staff.

Draft Amended Bylaw

The purpose of a Heritage Program is to conserve heritage resources including buildings, streetscapes, sites, areas and conservation districts that reflect the rich heritage within the Municipality. In East Hants the heritage program includes administering the Municipal Registry of Heritage Properties through the Heritage Property Bylaw which was adopted in 1987.

It's good practice to review bylaws periodically to consider whether the bylaw reflects current legislation and current local circumstances. The Heritage Property Bylaw was last reviewed in November 2016. A general overview of the more significant amendments is included below along with the reasoning for the proposed changes.

Proposed Amendments include:

1. Removal of text which is already covered in the Heritage Property Act and staff feel that it is not necessary to be repeated in the Bylaw;
2. Editing the existing text regarding what the Municipal Registry of Heritage Property shall contain. Historically the registry has been a collection of documents (stored in a binder) relating to the registration of the property - e.g. notices; ceremony agendas; application forms; evaluation criteria, although the level of information stored for each property varied. Staff are suggesting the registry be simplified to include - the location of the property, the property name, the construction date and the date of Council approval. The Heritage Property Act does not indicate what or how much detail should be provided in the registry.

Simplifying the level of detail enables the registry to be provided online and also a hard copy be kept at the municipal office. The documents previously held in the heritage registry binder will be retained and will be provided to any members of the public at request.

3. New text proposed to be added to indicate that the Heritage Advisory Committee may advise Council regarding the administration of the Maitland Heritage Conservation District. Historically this has been the practice but is not reflected in the bylaw or the Maitland Heritage Conservation District Bylaw.

Policy Considerations

STRATEGIC ALIGNMENT

The 2021-2024 East Hants Strategic Plan identifies 'Strong Community' as one of the four areas of strategic focus. The protection of heritage properties helps to create a sense of pride for the community.

LEGISLATIVE AUTHORITY

The legislative authority to create a Heritage Property Bylaw is set out in the Nova Scotia Heritage Property Act.

FINANCIAL CONSIDERATIONS

The financial considerations to having a heritage property bylaw is the costs associated with registering a municipal heritage property. The amendments to the bylaw which are proposed do not have any additional financial impact.

Alternatives

Alternatives that that staff have identified are:

- PAC and Council may decide not to support the changes to the Heritage Property Bylaw.

Attachments

- Appendix A - Draft Amended Heritage Property Bylaw
- Appendix B - Draft Heritage Property Registry