

Plan Review – Heritage Development Agreements

Planning Advisory Committee

October 22, 2026

Planning & Development Department



EAST HANTS

Introduction

What do Heritage Development Agreements allow and why do they exist?

- Heritage Development Agreements allow a property owner to apply for a particular land use or the construction of a building/addition that may not otherwise be permitted in the Land Use Bylaw. Property owners are required to undertake restoration of the heritage property/building and ongoing maintenance, in exchange for the additional development rights they may get through the Development Agreement. These Development Agreements are available to:
 - Help increase the financial viability of owning, maintaining, and using a heritage property, given that the age of such properties often makes them more burdensome to maintain;
 - Help to incentivize property owners away from demolishing their heritage property, and instead to encourage restoring it in exchange for added development rights; and
 - May encourage more owners of non-registered heritage properties to consider requesting registration which would result in the future protection of those properties.

Heritage Properties in East Hants

- The majority of municipally registered heritage properties in East Hants are located in the Rural Use North (RU-2) Zone, with 26 properties. The RU-2 zone is fairly permissive in terms of development rights. Development pressure is also not high in this area so the potential benefits may be limited.
- The following table summarises the remaining municipal heritage properties:

- In total there are 38 municipal heritage properties.

Zone	Number of Properties	Communities
Agricultural Reserve (AR)	1	Gore
High Risk Floodplain (HF)	1	Shubenacadie
Institutional Use (IU)	2	Mount Uniacke, Lakelands
Open Space (OS)	2	<u>Burntcoat</u> , Walton
Established Residential Neighbourhood (R1)	1	Shubenacadie
Two Dwelling Unit Residential (R2)	1	Milford
Rural Use (RU)	2	Nine Mile River, Admiral Rock
Village Core (VC)	1	Enfield
Watercourse Greenbelt (WG)	1	East Noel



Existing Policies and Regulations

Alternative Development for Historic Buildings

Policies TH17 and TH18 of the Municipal Planning Strategy enable an existing heritage building to be used for a use not otherwise permitted in the zone in which the property is located. This is enabled through a development agreement. This enables the protection and adaptive re-use of the building.

Village Core (VC) Zone Regulations

Regulations for the Village Core (VC) Zone, enable additional floor area where the property has a building with historical importance. The gross floor area of the building which is deemed to have the historical importance shall not be counted towards the gross floor area or commercial floor area of the site. The building does not need to be a registered heritage property as not all historically important buildings are registered. This policy is enabled in an attempt to preserve some of the historical buildings in the Village Cores.

Heritage DA's in Halifax Regional Municipality

- Heritage Development Agreements are enabled in HRM and have been for several years. Initially Heritage Development Agreements were enabled in the urban core but in 2019 they were expanded to include the rest of the HRM.
- Some examples of heritage development agreements have been noted below which demonstrate how they have been used in HRM:
 - 173 St. Margarets Bay Road - this agreement enabled a different built form that otherwise permitted. No additional density was approved. This helped to protect the area around the heritage building from development.
 - 1262 Bedford Highway - this agreement is currently under appeal by the developer. The developer requested a taller apartment building than what was permitted as-of-right. Council refused due to community compatibility.
 - 5522-5540 Russell Street - a significant investment into the maintenance of the church on the property (\$1M) was achieved by approving an apartment building which was over the maximum height for the area and additional flexibility in setbacks and stepbacks.

Heritage DA's in Halifax Regional Municipality

- In the HRM, an applicant can apply for any use or built form that is not permitted under the Land Use Bylaw through this type of development agreement. HRM have policies to guide the consideration of the development agreement so it's not an open-door for any land use or built form that Council considers is not appropriate for that location.
- Depending on the wording of the agreement it may incur an obligation regarding the use, preservation or protection of the heritage property.
- Heritage development agreements in HRM have been generally successful at securing funding for the maintenance and improvements of heritage buildings along with encouraging more property owners to seek registration of their property.

Proposed Amendments

- Staff consider that the biggest potential for benefits to heritage properties, from enabling additional or alternative development opportunities, is in areas outside of the Rural Use (RU) Zone and the Rural Use North (RU-2) Zone. Although the number of heritage properties outside of the RU and RU-2 Zones is small, enabling additional development opportunities has the potential to encourage more heritage registration requests. This in turn has the potential to protect more heritage buildings in East Hants.
- Planning staff are recommending amending the policies relating to historic building development agreements, to include new policies regarding the development of the heritage property land.



Proposed Amendments

See staff report for complete draft amendments

TH18. To encourage the conservation of municipal heritage properties, on any lot containing a municipally registered heritage building, located outside of the Maitland Heritage Conservation District, Council may consider a development agreement for the following:

- a) The maximum floor area permitted in the land use bylaw may be increased in size by the gross floor area of the registered heritage building or by 25%, whichever is greater. In addition to this, the gross floor area of the heritage building does not contribute towards the total maximum gross floor area or commercial floor area.
- b) An increase in building height by 3 m for residential and 4 m for commercial.
- c) Any Land Use Bylaw design requirements and form-based zone requirements may be varied.

In considering such development agreement proposals, Council shall have regard to:

- i. the development proposal maintains the heritage value of any registered heritage property of which it is part, and does not propose to demolish any registered heritage buildings that exist on the lot;
- ii. any new construction shall respect and complement the design and character of the heritage building. The design, scale and use of materials shall not have an adverse visual impact on the registered heritage buildings.
- iii. any new construction, additions, or renovations facing a street substantially maintain the predominant streetwall height, setbacks, scale, and the rhythm of the surrounding properties, especially of registered heritage properties;

- iv. Information shall be submitted with the application, prepared by a professional, which demonstrates how the additional development rights are supporting investment in the conservation of the heritage building. Council will consider whether that investment in conservation measures is proportional with the additional development rights provided through the agreement;
- v. any un-registered, historic buildings on the lot that contributes to neighbourhood character are preserved to retain the visual integrity of the lot;
- vi. the development agreement requires a waiver under Section 18 of the Heritage Property Act to be registered on the property before a development permit is issued for any portion of the development; and
- vii. all other applicable policies of this Plan.

Proposed Amendments

- Planning staff recommend that these policies not apply to properties in the Maitland Heritage Conservation District. Properties in Maitland are zoned RU-2, in this Zone permitted land uses are fairly permissive and there are relevant design guidelines for new buildings in the district.

Recommendation

Recommend that policies to enable Heritage Development Agreements are included in the draft updates to the East Hants Official Community Plan.

Recommended Motion

Planning Advisory Committee recommends to Council that:

- policies to enable Heritage Development Agreements, as outlined in Background Paper # 3 regarding heritage development agreements, are included in the draft updates to the East Hants Official Community Plan