

LUNENBURG

OLD TOWN

HERITAGE CONSERVATION DISTRICT

BYLAW

**1.0 DEFINITIONS**

- .1 **Act or Heritage Property Act** means the Nova Scotia Heritage Property Act, Chapter 199, RSNS, 1989 as amended.
- .2 **Building** includes a main building (house, commercial building, etc.) and outbuilding (garage, sheds, etc)..
- .3 **Certificate of Appropriateness** means the permit by which the Heritage Officer certifies that a proposed development conforms with the requirements of this bylaw.
- .4 **Design Guidelines** means the design guidelines enacted as Schedule B of this bylaw.
- .5 **Developer** means any person, incorporated body, partnership or other legal entity which undertakes a development.
- .6 **Development** means any construction, erection, alteration, replacement, reconstruction, restoration of or addition to any building or structure, and includes the demolition or removal of buildings or structures and the construction, erection or placement of signs, fences, walls and utility structures.
- .7 **Existing** means in existence on the date of the adoption of this conservation plan and bylaw.
- .8 **Heritage Officer** means the person or persons appointed by the Lunenburg Town Council to administer the Lunenburg heritage conservation district plan and bylaw.
- .9 **Pre-1940 Building** means any building constructed before 1940 and includes any subsequent alterations or additions thereto.
- .10 **Regulations or Heritage Conservation Districts Regulations** means the Nova Scotia Heritage Conservation Districts Regulations made by the Governor in Council on 14 July, 1992 as amended.
- .11 **Substantially Intact**, with reference to a building, means that the major design elements of the building, such as form, massing, height, proportion, roof shape, the ratio of facade openings to wall area, the shape and size of windows, doors and porches, the appearance of exterior cladding and roof materials, and the location, type, bulk and appearance of chimneys have not been changed in appearance except in the course of normal wear and maintenance, since 1940. Photographs and sketches may be use to identify a building as "substantially intact".

## **2.0 TITLE, PURPOSE, CONTENT, SCOPE AND INTERPRETATION**

### **2.1 Authority and Title.**

This bylaw shall be known and may be cited as the Lunenburg Old Town heritage conservation district bylaw (the conservation bylaw).

### **2.2 Purpose.**

The purpose of this bylaw is to carry out the intent of the Lunenburg Old Town heritage conservation district plan (the conservation plan) by regulating the architectural character of development in the heritage conservation district.

### **2.3 Content**

The schedules attached to this bylaw are hereby declared to form part of this bylaw.

### **2.4 Scope.**

This bylaw shall apply within the Old Town heritage conservation district, the boundaries of which are shown on Schedule A, Old Town Heritage Conservation District Map.

### **2.5 Interpretation of heritage conservation district boundary.**

The boundary of the heritage conservation district, as shown on Schedule A, Heritage Conservation District Map, shall be determined as follows:

- .1 where the boundary is indicated as approximately following a property line, the boundary shall follow such property line;
- .2 where the boundary is indicated as following a street or highway right-of-way, the boundary shall be the centre line of such street or highway;
- .3 where the boundary is indicated as approximately following a watercourse, the boundary shall follow such watercourse and, in the case of tidal water, shall follow the mean high water line including wharves and piers;
- .4 where none of the above provisions apply, and where appropriate, the location of the boundary shall be scaled from the Heritage Conservation District Map.

### **2.6 Certain words.**

In this Bylaw, words used in the present tense include the future; words in the singular include the plural and vice-versa; words in the masculine include the feminine and the neuter and vice-versa; and the word "shall" is mandatory and not permissive. All other words and phrases carry their customary meaning except for those defined in Section 1.0, Definitions.

## **3.0 REQUIREMENT FOR CERTIFICATE OF APPROPRIATENESS**

### **3.1 Types of development for which a Certificate of Appropriateness shall be required.**

A Certificate of Appropriateness shall be required for the following types of development:

- .1 construction of new buildings visible from a public street or other public property
- .2 exterior alteration of existing buildings, including, but not limited to:
  - (a) any alteration to windows, doors, dormers, roof, cladding, trim, porches, verandas, chimneys, foundation, and exterior steps or stairs;
  - (b) any addition, including new ells, wings, dormers, porches, verandas, decks, balconies, and exterior stairs;
- .3 demolition or removal of any pre-1940 building or any post-1940 building subject to demolition control, as identified on Schedule A, Heritage Conservation District Map;
- .4 signs attached to buildings, except for those listed in section 3.2;
- .5 fences;
- .6 utility structures such as fuel tanks, mechanical or electrical equipment, satellite dishes, etc.

### **3.2 Types of development for which a Certificate of Appropriateness shall not be required.**

A certificate of appropriateness shall not be required for the following types of development:

- .1 maintenance and repair of existing buildings or structures, including existing signs, fences and utility structures, provided that such are not altered and remain substantially the same as before the development;
- .2 painting or alteration of exterior colour of buildings;
- .3 outbuildings of 80 sq.ft. ground floor area or less;
- .4 minor yard structures which do not require a Building Permit, such as pet houses, flag poles, play structures, garden trellises, retaining walls or other structural landscape features.
- .5 entrance steps of three risers or less with no hand rails;
- .6 - name & address signs with a sign area of two sq.ft. or less;  
- no trespassing signs with a sign area of two sq.ft. or less;  
- real estate signs with a sign area of fifteen sq.ft. or less;  
- directional signs denoting parking, entrances, exits, etc., with a sign area of five sq.ft. or less;  
- signs erected by a government body (traffic signs, direction signs, safety signs, etc.);  
- historical markers and plaques;  
- election signs.  
- temporary signs or structures erected for special occasions and holidays;  
- temporary signs or structures incidental to construction, maintenance or repair work;
- .7 demolition or removal of outbuildings, except for those identified as pre-1940 buildings on Schedule A, Heritage Conservation District Map;
- .8 demolition or removal of modern (post-1940) buildings, except post-1940 buildings subject to demolition control as identified on Schedule A, Heritage Conservation District Map.

## **4.0 ADMINISTRATIVE PROVISIONS**

### **4.1 Administration by Heritage Officer.**

This bylaw shall be administered by the Heritage Officer appointed by Lunenburg Town Council.

#### **4.2 Requirement for application.**

No developer shall undertake any development in the heritage conservation district without first submitting an application and obtaining a Certificate of Appropriateness from the Heritage Officer, except for those developments specified in section 3.2.

#### **4.3 Content of application.**

- .1 Every application for a Certificate of Appropriateness shall be signed by the registered owner of the property on which the proposed development is to take place or, with written authorization from the owner, by the owner's agent, together with an address and telephone number at which the owner or agent may be contacted.
- .2 Every application shall include elevation drawings or sketches, drawn to scale, to illustrate the architectural design, dimensions and materials of the proposed development.
- .3 Where an application is for an alteration or addition to an existing building, it shall include "before and after" drawings, sketches or photographs to illustrate both the existing situation and the proposed alteration or addition.
- .4 Where an application is for a new building or an addition to an existing building, it shall include:
  - (a) a site plan or sketch, drawn to scale, to illustrate the shape and dimensions of the lot; the location and dimensions of the proposed building or addition, with distances from front, side and rear property lines; the location of other buildings on the lot; the location of existing or proposed driveways, steps, walls, fences, and landscaping features; and the location and dimensions of buildings on adjacent lots fronting on the same street; and
  - (b) sketches and/or photographs to illustrate the design of the proposed building or addition in relation to adjacent buildings in the streetscape.

#### **4.4 Notice to applicant regarding completeness of application.**

Within fifteen days of receiving an application for a Certificate of Appropriateness, the Heritage Officer shall inform the applicant in writing whether or not the application is complete and whether or not additional information is required.

#### **4.5 Additional information.**

Where the information submitted with an application is insufficient for the Heritage Officer to determine whether the application conforms with this Bylaw, the Heritage Officer may require additional information, including architectural plans or elevation drawings prepared by a registered architect or a site plan prepared by a licensed land surveyor.

#### **4.6 Conformity with design guidelines.**

The design guidelines attached to this bylaw as Schedule C establish a frame of reference for determination of the appropriateness of development in the heritage conservation district. No Certificate of Appropriateness shall be issued except where the proposed development conforms with the design guidelines.

#### **4.7 Types of development for which certificates may be issued directly by Heritage Officer.**

A Certificate of Appropriateness may be issued by the Heritage Officer for the following types of development, in accordance with the design guidelines, without requirement for a public hearing:

- .1 alterations or additions to existing buildings;
- .2 construction of new dwellings containing up to two dwelling units;
- .3 construction of new outbuildings;
- .4 signs;
- .5 fences;
- .6 utility structures.

**4.8 Types of development requiring public hearing.**

In accordance with policies 4.6.2 and 4.8 of the conservation plan, applications for a Certificate of Appropriateness for the following types of development shall be referred by the Heritage Officer to the Council for consideration at a public hearing:

- .1 demolition or removal of any pre-1940 building or any post-1940 building subject to demolition control identified on Schedule A, Heritage Conservation District Map.
- .2 new residential buildings containing three or more dwelling units;
- .3 new commercial, industrial, institutional or public buildings;

**4.9 Consultation with Heritage Advisory Committee.**

The Heritage Officer (or the Council where the application requires a public hearing) may refer an application to the Town of Lunenburg Heritage Advisory Committee for advice, or may consult other resource persons for advice, prior to the granting or denial of a Certificate of Appropriateness or the holding of a public hearing, as applicable.

**4.10 Issue of Certificate of Appropriateness within thirty days.**

Where no public hearing is required, within thirty days of receiving a completed application, the Heritage Officer shall grant the Certificate of Appropriateness if the proposed development conforms with the design guidelines or shall inform the applicant, in writing, of the reasons for not granting the certificate. The Heritage Officer may advise the applicant of ways to adjust the development proposal to bring it into conformity with the design guidelines.

**4.11 Issue of Certificate of Appropriateness following public hearing.**

Where a public hearing has been held pursuant to section 4.8 of this bylaw, the Heritage Officer shall issue or deny a Certificate of Appropriateness in accordance with the decision of Council, but no certificate shall be issued until the time for appeal has elapsed or the appeal has been disposed of, whichever is the longer.

**4.12 Conditions on Certificate of Appropriateness.**

The Heritage Officer may grant a Certificate of Appropriateness unconditionally or with conditions in accordance

with the provisions of section 14 of the Nova Scotia Heritage Conservation Districts Regulations.

**4.13 Right to appeal.**

The denial of a Certificate of Appropriateness, the imposition of conditions on a Certificate of Appropriateness, or the approval or denial of a Certificate of Appropriateness following a public hearing may be appealed to the Nova Scotia Utility and Review Board in accordance with the applicable provisions of the Heritage Property Act and the Nova Scotia Heritage Conservation Districts Regulations.

**4.14 Voluntary application for Certificate of Appropriateness.**

Where no Certificate of Appropriateness is required, pursuant to section 3.2 of this Bylaw, e.g., for painting or repair of an existing building, an owner of property in the heritage conservation district may nevertheless wish to apply for a certificate in order to support an application for a partial HST rebate grant from the Department of Housing and Municipal Affairs. In such cases, the property owner or their duly authorized agent may voluntarily apply and the Heritage Officer may grant a Certificate of Appropriateness provided that all applicable requirements and design guidelines of this bylaw are satisfied.

**4.15 Expiration of Certificate of Appropriateness**

Any Certificate of Appropriateness issued pursuant to this bylaw 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 time period, the Certificate shall expire.

**4.16 Non-wooden cladding not permitted**

Non-wooden cladding shall not be permitted in the heritage conservation district except where:

- (a) the building is a new commercial or institutional building of masonry construction for which a Certificate of Appropriateness is issued in accordance with the design guidelines; or
- (b) the building is a new waterfront industrial building for which a Certificate of Appropriateness is issued in accordance with the design guidelines; or
- (c) the Building Code requires non-combustible construction for reasons of fire safety, in which case the cladding over the non-combustible wall shall preferably be of wood but may also be fibre-cement boards that replicate the appearance of traditional wooden cladding.

**4.17 Existing non-wooden cladding may continue.**

Notwithstanding section 4.16, buildings in the heritage conservation district which were clad with vinyl siding or other non-wooden cladding prior to the effective date of this conservation bylaw, including existing masonry buildings, as identified on Schedule B, may continue as such, and repairs and replacement of such non-wooden cladding and masonry shall be permitted. Where such vinyl siding or other non-wooden cladding is removed from any building other than an existing masonry building subsequent to the effective date of this bylaw, the building shall be deemed to have had wooden cladding at the effective date of this bylaw and may only then be further altered in accordance with this bylaw.

**4.18 Existing modern buildings may continue.**

Existing modern (post-1940) buildings situated within the heritage conservation district, as identified on Schedule A, Heritage Conservation District Map, may continue to exist and may be altered or added to in a manner consistent with their existing style and materials. Certificates of Appropriateness shall be required for alterations and additions and shall be issued in accordance with the design guidelines of the conservation bylaw.

**4.19 Compliance with other bylaws.**

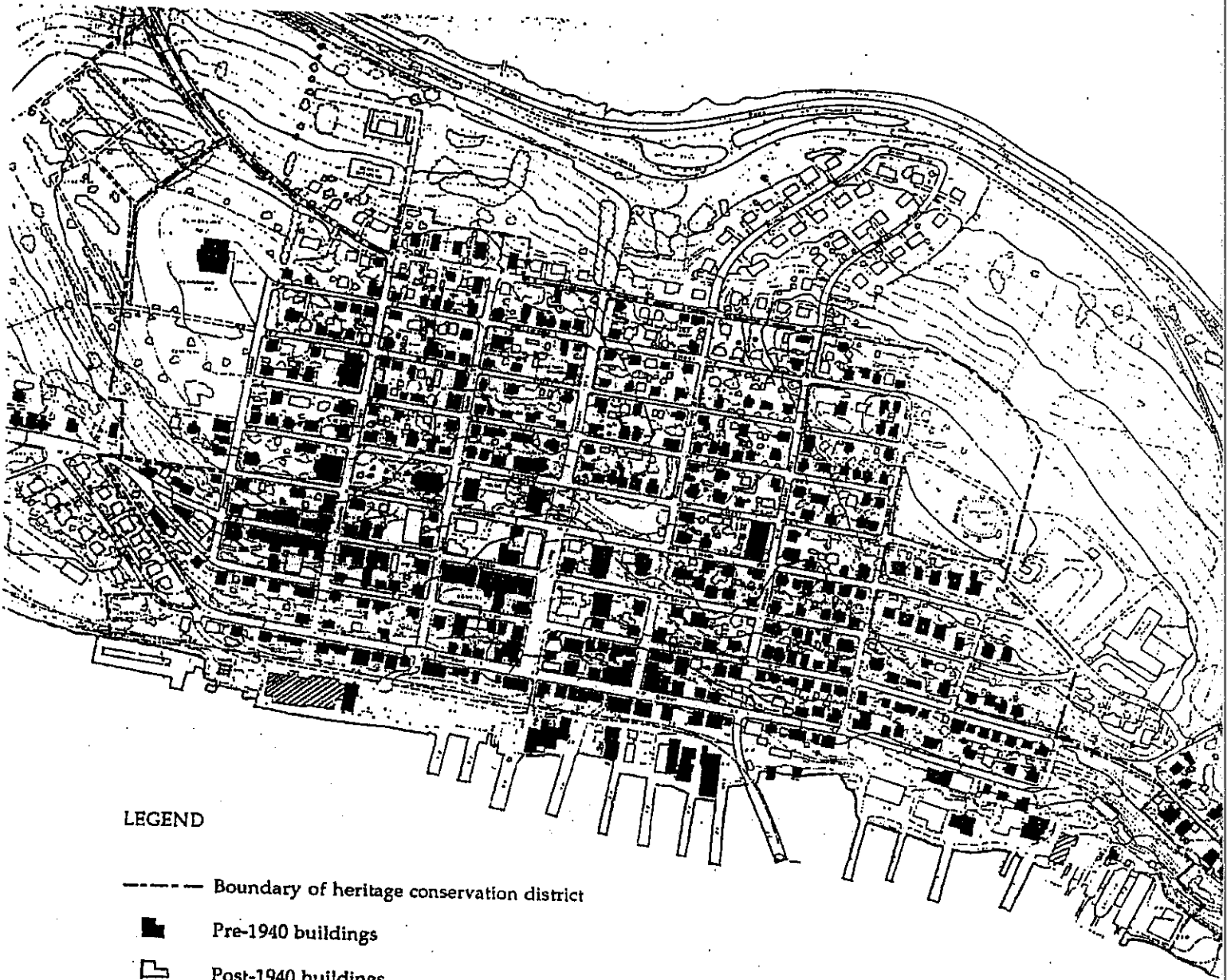
This bylaw does not exempt any developer from complying with the requirements of other bylaws or regulations in force within the Town of Lunenburg.

**4.20 Amendments.**

This bylaw may be amended in accordance with the policies of the conservation plan and the applicable provisions of the Nova Scotia Heritage Property Act and the Nova Scotia Heritage Conservation Districts Regulations.

**4.21 Enforcement.**

In the event of any contravention of the provisions of this Bylaw, the Town of Lunenburg may take action pursuant to the applicable provisions of the Heritage Property Act.



LEGEND

- Boundary of heritage conservation district
- Pre-1940 buildings
- Post-1940 buildings
- ▨ Post-1940 buildings subject to demolition control.

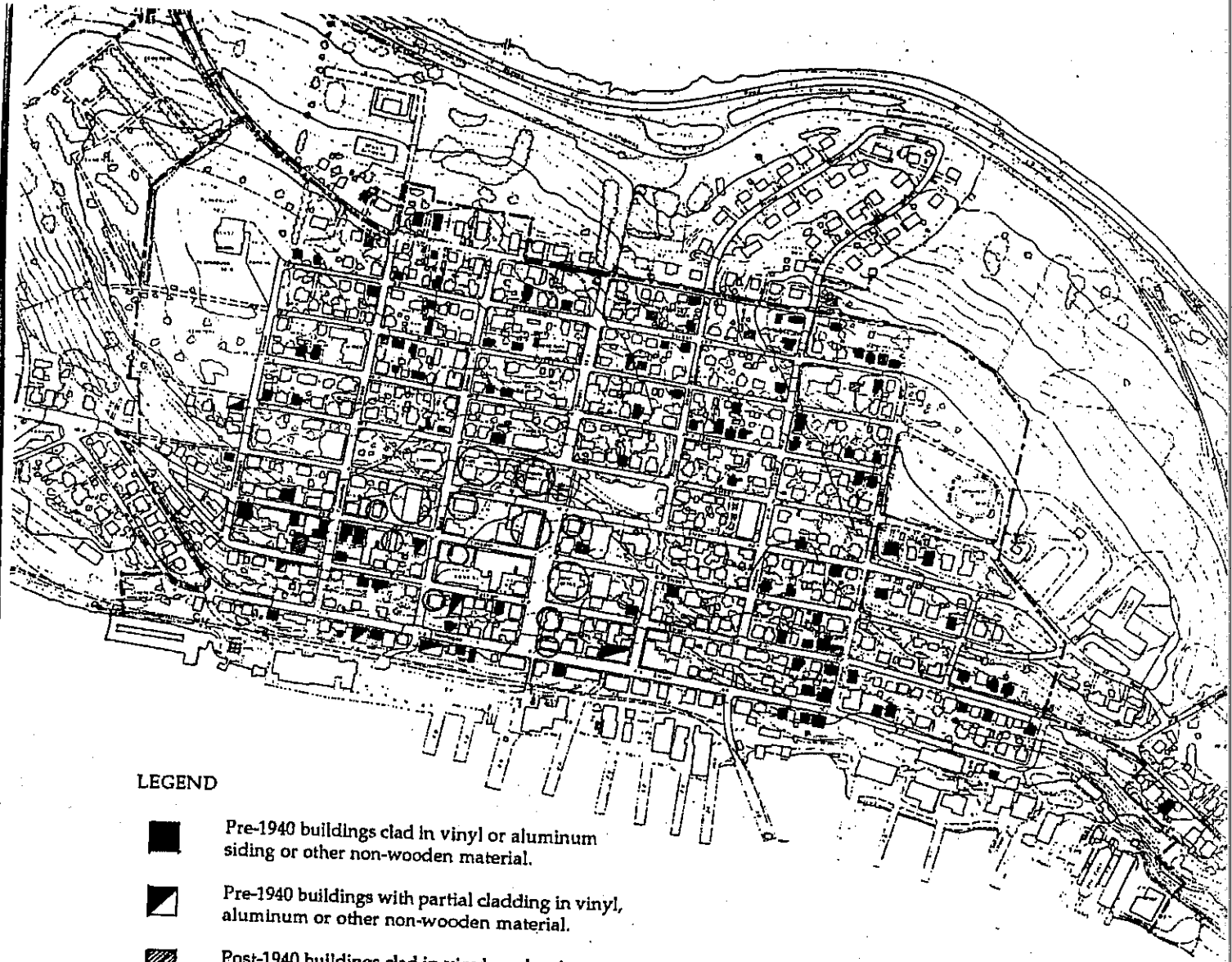


# SCHEDULE A





## OLD TOWN HERITAGE CONSERVATION DISTRICT

Scale 1: 5700 (1 inch = 475')

March 2000



**LEGEND**

- 
 Pre-1940 buildings clad in vinyl or aluminum siding or other non-wooden material.
- 
 Pre-1940 buildings with partial cladding in vinyl, aluminum or other non-wooden material.
- 
 Post-1940 buildings clad in vinyl or aluminum siding or other non-wooden material.
- 
 Masonry buildings.



# SCHEDULE B

## OLD TOWN HERITAGE CONSERVATION DISTRICT EXISTING NON-WOODEN CLADDING

Scale 1: 5700 (1 inch = 475')

March 2000