



THE HERITAGE CONSERVATION PLAN

A Heritage Conservation Plan for the
establishment of the Collins Heritage District

FILED AT REGISTRY OF DEEDS
ON 19TH DAY OF AUGUST,
1997 AS PLAN # 3718

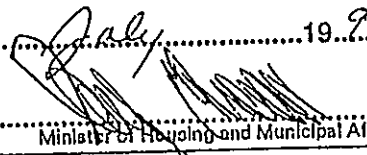
HERITAGE CONSERVATION PLAN


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I, Raymond E. Gallant, Town Clerk,
Town of Yarmouth, hereby do certify
the enclosed to be a true copy of the
Collins Heritage Conservation District
Plan and By-law passed and adopted
at a regular meeting of the Town
Council of Yarmouth held on the 10th
day of April A.D., 1997.

DATED at Yarmouth, Nova Scotia,
this 14th day of April A.D., 1997.

Department of Housing and Municipal Affairs
APPROVED this <u>31</u> day
of <u>July</u> 19 <u>97</u>
 Minister of Housing and Municipal Affairs


 R. E. Gallant
 Town Clerk

HERITAGE CONSERVATION PLAN COLLINS HERITAGE DISTRICT

Chapter 1

1.1 Preamble

This Heritage Conservation Plan for the Town of Yarmouth has been prepared in accordance with the provisions of the Heritage Property Act, R.S.N.S., 1991. With its adoption by the Town of Yarmouth and approval by the Minister of Municipal Affairs, it is intended that the Plan, and its implementing Heritage Conservation By-law will establish a Heritage Conservation District in the Collins Street area. This Plan provides provisions to promote sensitive developments that are intended to enhance the historic, cultural and architectural values of the district.

1.2 Review Process

A committee consisting of property owners within the proposed District drafted a public participation program, in keeping with the requirements of the Heritage Property Act. A preliminary Plan and By-law outlining the review process, the general policies and their implementing by-law provisions, was prepared by the committee and distributed to every property owner within the proposed District.

Initially, Council focused upon two prominent heritage areas most commonly referred to as the Collins "P" District and the Prince Street District. After considerable discussions with the residents of these areas, it became apparent that the majority of residents in the Prince Street District were not in favor of designating their area as a Heritage District. However, those residents, within the proposed Collins "P" District, were interested in continuing with the Heritage District Designation process. The residents continued the process by establishing a committee to draft policies and By-law provisions for the District.

1.3 Purpose

The purpose of the Heritage Conservation District Plan is to provide a framework for making decisions that will protect, conserve, and enhance the District. The Plan will provide a guide for sensitive growth within the area through sound and rational policies and By-law provisions. It is not the intent of this Plan to prohibit development or preserve the area in time, but rather to enable growth in a sensitive fashion.

1.4 Goals

The following goals have been identified and are intended to serve as the basis for the development of more detailed policy objectives and policy statements:

- 1. The primary goal of this Plan is to protect, conserve and enhance the historical, cultural and architectural integrity of Yarmouth's past through the establishment of a Heritage Conservation District.**
- 2. The secondary goal of this Plan is to promote sensitive development, compatible with the Heritage Conservation District, to enhance the historic quality of its architecture and its overall physical appearance.**

1.5 Amendments to the Plan

The Heritage Conservation District Plan is intended to enable sensitive growth that is compatible with other developments within the area. Council recognizes that the Plan and By-law may be amended from time to time to reflect changing values and/or needs of the community.

1.6 Amendments to the By-law

The Heritage Conservation By-law is the primary means for implementing policies of the Heritage Conservation Plan. The By-law is more specific than the Heritage Conservation Plan and is, therefore, more likely to require amendments as changes are deemed necessary. New circumstances may also arise which were not considered in the By-law provisions. For these reasons the Heritage Conservation By-law may be amended from time to time.

1.7 Structure of the Heritage Conservation Plan

The primary contents of the Plan are the policy statements related to various heritage conservation issues. More detailed explanations on certain policies are also provided for clarity. The policy and the text together provide a clear expression of the intent of the Plan. This is important when Policy interpretation is required.

Chapter 2 The Background

2.1 Historic Context

The Town peaked as a seafaring Town by the late 1800's when the fishing and shipping industries emerged as the main cultural and economic mainstream of the society. Today, the Town's economic and cultural base has diversified into a regional centre, though the fishing industry is still considered the backbone of the local economy. Many homes were built using those crafts and construction techniques learned in the ship building trade, which is evident in the exceptional details and finishes of the Town's architecture.

The Town of Yarmouth is fortunate to have many significant structures from the 19th Century remaining. These structures are strong reminders of the Town's prosperous past, especially those structures located within the Collins Street area. Therefore, it is the Town's intention to designate the Collins Street area as the **Collins Heritage Conservation District** as a means of focusing on Yarmouth's historic, architectural and cultural past. The Collins Heritage Conservation District, located within the heart of the Town, clearly reflects the best of these early architectural styles. Many of the homes from this period were built in the following styles: Four Square, Gothic Revival, New England Colonial, Second Empire, Italianate, Queen Anne Revival, Greek Revival, and the Vernacular.

The following objectives have been identified for the Collins Heritage Conservation District:

1. To recognize Yarmouth's historic, architectural and cultural past by designating the Collins Street area as the "Collins Heritage Conservation District" pursuant to the Heritage Property Act.
2. To recognize the Town's built and natural heritage as a valuable social and economic asset and, where possible, provide for its protection while encouraging its maintenance and upgrading.
3. To promote and develop the Collins Heritage Conservation District as a significant historic, architectural and cultural area for all residents and visitors.

Chapter 3 Conservation District

As previously stated, the primary goal of this plan is to protect, conserve and enhance the historic, cultural and architectural integrity of Yarmouth's past. The Collins Street area has been identified as one of the areas that best represents significant architectural elements of Yarmouth's past. As such, it shall be Council's intention to designate this area as the "Collins Heritage Conservation District".

The secondary goal of this Plan is the promotion of sensitive development, compatible with the District, which enhances the historic quality of its architecture and its overall physical appearance. Therefore, it shall be the intention of Council to encourage sensitive development which reflects the area's historic and architectural features.

The following policies have been developed to implement Council's goals, objectives and intents with respect to the establishment of the Collins Heritage Conservation District;

3.1 It shall be the intention of Council to designate the area roughly between Parade Street and Cliff Street in the North and South directions and roughly between Seminary Street and Second Street in the East and West directions respectively, as shown by the map in Schedule "A", as the Collins Heritage Conservation District.

3.2 It shall be the intention of Council to include a Collins Heritage Conservation District Map, Schedule "A" and Significant Alteration Guidelines, Schedule "B", as part of this Plan.

3.3 It shall be the intention of Council that an amendment to this Heritage Conservation District Plan and its corresponding Schedules shall be required where any policy is to be changed, where any amendment to the Heritage Conservation District By-law would violate the intent of this Plan or where this Plan is in conflict with any applicable Provincial policies or regulations. All Heritage Conservation District Plan amendments shall be carried out in accordance with the Heritage Property Act.

3.4 Deleted.

3.5 It shall be the intention of Council to identify the Collins Heritage Conservation District on a Schedule as part and parcel of the Land Use By-law as an "Architecturally Sensitive Area".

3.6 It shall be the intention of Council to encourage conservation, protection, improvement and enhancement of the historic and architectural character of buildings and sites within the Collins Heritage Conservation District.

3.7 It shall be the intention of Council to support the efforts of the Collins area residents in their endeavour to enhance and promote the area.

3.8 It shall be the intention of Council to prohibit incompatible developments within the Collins Heritage Conservation District.

3.9 It shall be the intention of Council to develop a Heritage Conservation District By-law containing design regulations and by-law provisions that will ensure compatible developments.

3.9 It shall be the intention of Council to include the Heritage Conservation District Map and Design Regulation Schedules as part of the Collins Heritage Conservation District By-law which may be amended by Council from time to time. There will also be Appendix Guidelines attached to the By-law dealing with colours and vegetation. The Design Regulation Schedules are outlined below:

Schedule "A" – Heritage Conservation District Map

Schedule "B" – Architectural Style Regulations

Schedule "C" – Architectural Detail Regulations

Schedule "D" – Fencing Regulations

Schedule "E" – Signage Regulations

3.11 It shall be the intention of Council to enforce provisions and Schedule Regulations of the Heritage Conservation District By-law. However, it shall not be the intention of Council to enforce Appendix Guidelines of the Heritage Conservation District By-law.

3.12 It shall be the intention of Council to waive any fees associated with obtaining a Certificate of Appropriateness or a Certificate of Demolition - Removal.

Chapter 4 Conservation and Development

Any development or significant alteration (see Schedule "B") within the Collins Heritage Conservation District shall require, prior to commencement, a Certificate of Appropriateness. The Certificate of Appropriateness ensures that the design of the proposal satisfies the intent of the Heritage Conservation District Plan and the requirements of the Heritage Conservation District By-law.

Any addition to or removal from any building or structure within the Collins Heritage Conservation District greater than five hundred (500) or more square feet of gross floor area shall require a public hearing, prior to the issuance of a Certificate of Appropriateness.

Any demolition or removal of any entire building or structure within the Collins Heritage Conservation District shall require a public hearing, prior to the issuance of a Certificate of Demolition-Removal.

In order to proceed with any proposal, the applicant must also apply for and receive a development permit and a building permit or demolition permit as the case may be. Development and building permit requirements have a tendency to affect the final appearance of developments. Therefore, it is recommended that the applicant apply for all required permits at the same time.

4.1 It shall be the intention of Council to require any person undertaking a development or significant alteration within the Collins Heritage Conservation District to apply for and receive, prior to commencement, a Certificate of Appropriateness. Significant alterations, as outlined in Schedule "B", include any change in materials, proportions, height, footprint, architecture, location, wall/window ratio, roof pitch, roof type, roof and wall trim, door and window trim, bulk, scale, and other similar alterations.

4.2 Notwithstanding Policy 4.1, it shall be the intention of Council to require any person undertaking a demolition or removal of an entire building or structure within the Collins Heritage Conservation District to apply for and receive, prior to commencement, a Certificate of Demolition-Removal, subject to Policy 5.1.

4.3 Notwithstanding Policy 4.1, it shall be the intention of Council to require any person undertaking any construction, significant alteration or removal of part of any building or structure consisting of five hundred (500) or more square feet of gross floor area, within the Collins Heritage Conservation District to apply for and receive, prior to commencement, a Certificate of Appropriateness, subject to Policy 5.2.

4.4 It shall be the intention of Council to include in the Heritage Conservation District By-law provisions for the regulation of the following: proportions, height, accessory structures, front yard set-backs, side yard set-backs, facade opening/wall ratio, roof standards, roof pitches, window and door styles, window and door trims, architectural features, stairs and railings, fences and signage.

4.5 It shall be the intention of Council to include in the Heritage Conservation District By-law a provision that where the provisions of the By-law conflict with any other Municipal or Provincial requirements, the higher or more stringent regulation shall prevail.

4.6 Council or its Traffic Authority may, when considering changes to traffic patterns and/or parking that may impact the Collins Heritage Conservation District, consult with the Heritage Advisory Committee.

4.7 It shall be the intention of Council, upon recommendation by a majority of property owners within the Collins Heritage Conservation District, to consider establishing a financial assistance fund pursuant to Section 22 of the Heritage Property Act.

4.8 It shall be the intention of Council to exempt the previously approved Yarmouth County Museum expansion from the requirements of this Plan and By-law.

4.9 Nothing in this Plan shall prevent any applicable provincial regulation or Town By-law from rectifying any unsightly, unsafe or dangerous condition.

Chapter 5 Public Hearings

The Collins Heritage Conservation District has many substantial, well-maintained buildings and structures. However, buildings and structures tend to deteriorate through the natural aging process or other unforeseen incidents. Council therefore intends to consider the demolition or removal of buildings and structures within the Collins Heritage Conservation District, through a Public Hearing process, in keeping with the intent of the Heritage Property Act.

5.1 It shall be the intention of Council to consider proposals for demolition or removal of entire buildings or structures within the Collins Heritage Conservation District by holding a Public Hearing in keeping with Section 19G(5) of the Heritage Property Act and subject to conformity with criteria contained in Implementation Policy 6.1.

Any construction, alteration or removal consisting of five hundred (500) or more square feet of gross floor area within the Collins Heritage Conservation District shall require, prior to commencement, a Certificate of Appropriateness. In order to ensure public input, Council intends to review these types of developments through a Public Hearing process.

5.2 It shall be the intention of Council to consider proposals for additions to or removals from any building or structure within the Collins Heritage Conservation District greater than five hundred (500) or more square feet by holding a Public Hearing in keeping with Section 19G(5) of the Heritage Property Act subject to criteria contained in Implementation Policy 6.2.

Chapter 6 Implementation

This Chapter contains policies that address development standards in regards to applications for a Certificate of Appropriateness and for Certificate of Demolition-Removal. General criteria for the evaluation of Certificate applications and for Public Hearings are meant to guide Council to evaluate the proposal in terms of satisfying the intent of this Plan.

6.1 It shall be the intention of Council, in considering applications for a Certificate of Demolition-Removal, to have regard for the following matters:

A. That Council shall not approve the application unless:

1. there is irreversible structural damage or deterioration to the building or structure; or

2. the applicable policies respecting demolition or removal of the building or structure are met and conform with the intent of this Plan.

B. That adequate requirements are contained in the Heritage Conservation District By-law to ensure the protection of adjacent or nearby buildings or structures.

6.2 It shall be the intention of Council, in considering proposals for additions to or deletion from any building or structure within the Collins Heritage Conservation District greater than five hundred (500) or more square feet, to have regard for the following matters:

A. That the proposal conforms with the intent of this Plan;

B. That adequate requirements are contained in the Heritage Conservation District By-law to promote the enhancement of adjacent or nearby buildings or structures within the Collins Heritage Conservation District; and,

C. That the proposal conforms with relevant criteria contained in Implementation Policy 6.3.

6.3 It shall be the intention of Council in considering any application for a Certificate of Appropriateness or a Certificate of Demolition or Removal which requires a Public Hearing, enabled by various policies contained in this Plan, to regard the following matters:

A. The submission of a site plan(s) showing the following:

- 1. Physical characteristics of the proposed site including lot dimension, elevations and any existing buildings or structures;**
- 2. Adjacent public streets and rights-of-way;**
- 3. Proposed location and use of all buildings or structures to be constructed or utilized; and,**
- 4. Proposed loading, parking and outdoor facilities including driveways, aisles and ramps as well as any exterior signage, fences or lighting.**

B. The submission of conceptual or preliminary plans and elevations showing the nature of any buildings or structures through plan and elevation renderings.

C. The proposed development shall generally conform with other buildings and structures within the Collins Heritage Conservation District in terms of Schedule "B" Architectural Styles and Schedule "C" Architectural Details of the Heritage District By-law in regard to the following:

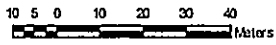
- 1. the building's exterior materials;**
- 2. the building's proportions (bulk and scale);**
- 3. the building's height;**
- 4. the building's footprint;**
- 5. the building's location;**
- 6. the building's wall/window ratio;**

7. the building's door and window proportions and style;
8. the building's roof pitch;
9. the building's roof type;
10. the building's roof and wall trim;
11. the building's door and window trim;
12. the building's architectural features such as towers, trim, form, bay windows, and their proportions;
13. the building's exterior stairs and railings; and,
14. other similar features.

D. Conform with Schedule "B", Significant Alteration Guidelines, of this Plan.

COLLINS HERITAGE DISTRICT

SCHEDULE 'A'



Parade St

School St

Brunswick St

Ryerson Gr

Willow St

Collins St

Carleton St

Clément St

High St

Thurston St

Alma St

John St

Second St



Schedule "B"

Significant Alteration Guidelines

General Definition

A "significant alteration" shall be any change which alters, in a significant way, the exterior appearance or character of a building or property.

Significant alterations to an exterior are considered to include, but not be limited to, the following:

1. any addition, deletion, or alteration;
2. any change in the exterior surface material(s);
3. any alteration of a feature identified as especially interesting, rare or unique;
4. any change in the immediate surroundings obscuring the property or inconsistent with its historic character; and,
5. any alteration changing a property's conformity to, or harmonious relationship with, the neighbouring environment.

Application Considerations For Certificates of Appropriateness:

The following factors should be considered in making any recommendations or decisions regarding an application for a Certificate of Appropriateness:

1. the purpose of the alteration, such as the restoration to a particular historical period or the recycling or rehabilitation of a property;
2. the materials used should be in conformity with the identified historical characteristics; however, modern or more economical substitutes may be approved for such use;
3. the comparative costs of all alternatives; and,
4. the effects on the neighboring environment.



THE HERITAGE CONSERVATION BY-LAW

A Heritage Conservation By-law for the
Collins Heritage District

COLLINS HERITAGE CONSERVATION DISTRICT BY-LAW
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Appendix "B"	Vegetation Guidelines
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Collins Heritage Conservation District By-law
Part One - Preamble

1.1 Preamble

Persons referring to this By-law for information on the standards for development should first determine whether or not the subject property is located within the Collins Heritage Conservation District. This may be done by referring to the Heritage Conservation District Map (Schedule "A") which forms part of this By-law. Secondly, persons should determine whether or not the proposed development satisfies the requirements of the Land Use By-law and Building By-law. It is intended that the Collins Heritage Conservation District By-law, the Land Use By-law and the Building By-law work in unison to provide a complete reference to the development's applicable regulations. Reference can be made to the definitions in the Interpretation Section.

1.2 Title and Application

This By-law shall be known and may be cited as the "Collins Heritage Conservation District By-law" of the Town of Yarmouth and shall apply to all those lands located within the boundaries of the Collins Heritage Conservation District as shown on the Heritage Conservation District Map (Schedule "A"). The Heritage Conservation District Map and all other schedules attached hereto, are hereby declared to form a part of this By-law.

Part Two - Interpretation

2.1 Interpretation

Boundaries defining the Heritage District shall be determined as follows:

- A. Where a boundary is indicated as following a street or highway, the boundary shall be the center line of such a street or highway.
- B. Where a boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
- C. Where none of these above provision apply, and where appropriate, the boundary shall be scaled from the Heritage Conservation District Map, Schedule "A".

2.2 Certain Words

In this By-law, unless clearly indicated otherwise, words used in the present tense include the future, words in the singular number include the plural, words in the plural include the singular number, words in the masculine include the feminine, and the word "used" includes "arranged", "designed or intended to be used", and the word "shall" is mandatory and not permissive.

Part Three - Administration

3.1 Administration

This By-law shall be administered by the Heritage Officer appointed by the Council of the Town of Yarmouth.

3.2 Scope of Application

Every application for a Certificate of Appropriateness (Appendix "C") should, at the discretion of the Heritage Officer, be accompanied by plans and elevations drawn to an appropriate scale and showing:

- A. The true shape and dimensions of the lot to be used;
- B. The proposed location, height and dimensions of the building, structure, or work in respect of which the certificate is applied for;
- C. The location of every building or structure already erected on or partly on such lot;
- D. The proposed location and dimensions of parking spaces, loading spaces, accesses to any public street(s) or right(s)-of-way, driveways, and landscaping areas; and,
- E. Other such information as may be necessary to determine whether or not every such building, development, reconstruction or redevelopment conforms with the requirements of this By-law.

3.3 Design Necessary

Where the Heritage Officer is unable to determine whether the proposed development conforms to this By-law and its provisions which affect the proposed development, he/she may require that the plans submitted under Part 3.2 be redrafted by a registered Architect.

3.4 Signature for Application

The application shall be signed by the registered owner or by the owner's duly authorized agent. The application shall set forth in detail each building or structure or part of each building or structure, together with all information necessary to determine whether or not the land, building or structure conforms with the requirements of this By-law.

3.5 Expiration of Certificate of Appropriateness

Any Certificate of Appropriateness issued shall expire twelve (12) months from the date of issue of such permit should no development begin within the aforementioned time period.

3.6 Amendments of By-law

A. Any person who wishes to amend or revise this By-law shall submit an application in writing to the Heritage Officer.

B. The application shall state an address for service.

C. The applicant shall deposit with the Town an amount sufficient to pay the cost of advertising required by the Heritage Property Act. Where Council decides not to proceed with the application, the deposit shall be returned to the applicant.

D. After the notice and advertising required under Section 19A of the Heritage Property Act has been completed, the applicant shall pay to the Town any additional amount necessary to defray the cost of advertising or if there is a surplus, the Clerk shall refund the same to the applicant.

Part Four - General Provisions

4.1 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 within the Collins Heritage Conservation District

A. Any development or significant alteration to an existing building or structure, including, but not limited to:

1. any addition, including new porches, verandas, balconies and exterior stairs;
2. any alteration to windows, doors, porches, verandas, roof shape or any significant features; and/or,
3. any change in cladding or trim;

B. Any construction of any new buildings or structures;

C. Any demolition of or removal from buildings or structures.

4.2 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:

A. Repair, reconstruction or restoration of existing buildings, structures, fences and signs provided such is not significantly altered and remains substantially the same as before the development;

B. Repainting or alteration of the colour of existing buildings and structures where there is no significant change to materials, windows, doors, cladding or trim;

C. Construction or erection of minor structures, such as, but not limited to pet houses, children's play structures, open-sided woodsheds, garden trellises, cold frames, retaining walls, radio or TV antennae, satellite dishes, clothes line poles, steps not attached to a building, historical monuments or markers, and museum-related interpretive displays;

D. Construction, erection or placement of signs provided such signs conform with the Signage Regulations pursuant to Schedule "E" of this By-law;

E. Construction, erection or placement of fences provided such fences conform with the Fence Regulations pursuant to Schedule "D" of this By-law;

F. Construction, erection or placement of utility structures such as garbage containers, fuel tanks, air conditioning units, compressors, transformers, etc., provided such utility structure is screened or placed in an inconspicuous location.

4.3 Offense

Any person who violates a provision of the By-law shall be subject to prosecution as provided under the Heritage Property Act.

4.3 Licenses, Permits and Compliance with other By-laws

Nothing in this By-law shall exempt any person from complying with the requirements of the Land Use By-law, Building By-law or any other By-law in force within the Town or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Town of Yarmouth. Where the provisions of this By-law conflict with those of any other Municipal or Provincial requirements, the higher or more stringent regulations shall prevail.

4.4 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure within the Collins Heritage District provided such strengthening or restoration does not significantly change the exterior appearance of the building or structure.

4.5 Certificate of Demolition or Removal Required

A Certificate of Demolition or Removal is required for the demolition or removal of any entire building or structure within the Collins Heritage Conservation District subject to the requirements of Part 5.1 of this By-law.

4.6 Yarmouth County Museum Expansion

A Certificate of Appropriateness shall not be required for the previously approved Yarmouth County Museum Expansion.

4.7 Unsightly, Unsafe or Dangerous Condition

Nothing in this By-law shall prevent any applicable provincial regulation or Town By-law from rectifying any unsightly, unsafe or dangerous condition.

Part Five - Public Hearings

5.1 Demolition or Removal

A. No demolition or removal of any entire buildings or structures within the Collins Heritage Conservation District shall be undertaken without a Public Hearing pursuant to Policy 5.1 and shall conform to the criteria contained in Implementation Policy 6.1.

B. Within thirty (30) days from the date of any demolition or removal of any entire building or structure within the Collins Heritage Conservation District, the site shall be landscaped in a suitable fashion, in keeping with the general appearance of the District.

C. Notwithstanding 5.1 (B), the Heritage Officer may approve, upon application, an extension to the thirty (30) day period due to prohibitive winter weather conditions.

5.2 Development Greater than Five Hundred (500) Square Feet

No additions to or removals from any building or structure within the Collins Heritage Conservation District greater than Five Hundred (500) or more square feet shall be undertaken without a Public Hearing pursuant to Policy 5.2 and shall conform to the criteria contained in Implementation Policy 6.2.

Part Six - Certificate of Appropriateness

6.1 Certificate of Appropriateness

A Certificate of Appropriateness shall not be issued for any type of development, any significant alteration or any additions to or removals from any building or structure within the Collins Heritage Conservation District unless all requirements of this By-law are satisfied.

Part Seven - Development Standards

7.1 General

It is intended that the following development standards be reviewed in light of Schedule "B" Architectural Styles, Schedule "C" Architectural Details, Schedule "D" Fencing Regulations, Schedule "E" Signage Regulations; and, Appendix "A" Colour Guidelines and Appendix "B" Vegetation Guidelines.

7.2 New Construction

Any type of new construction located within the Collins Heritage Conservation District shall be compatible with the District's architectural styles in keeping with Schedule "B" and "C" with respect to the following:

- A. building proportions, height and width;
- B. roof pitch and style;
- C. window and door style and proportions;
- D. dormer, tower and bay window styles; and,
- E. exterior materials.

7.3 Significant Alterations

Any type of significant alteration to any building or structure located within the Collins Heritage Conservation District shall be similar to the District's architectural styles in keeping with Schedule "B" and "C" with respect to the following:

- A. building proportions, height and width;
- B. roof pitch and style;
- C. window and door style and proportions;
- D. dormer, tower and bay window styles; and,
- E. exterior materials.

7.4 Significant Alteration Standards

Significant alterations to any building or structure within the Collins Heritage Conservation District shall:

- A. not remove any significant decorative trim, mouldings, pediments, porches, verandas, etc.;
- B. not change the roof line or increase the height except for the addition of dormers in keeping with the District; and,
- C. not change the style and width of any siding or clapboard unless such change is in keeping with the district or otherwise conforms with its architectural style.

7.5 Proportions

The height/width ratio of the facades of any development shall not vary by more than ten (10) percent from the height/width ratio of the facades of existing buildings or structures located within the District, and shall conform with the architectural style in which the building or structure is designed. In addition:

A. the height from the ground to the eaves shall not be more than the width of the building; and,

B. the width of the front of the building or structure shall not be more than twice the height of the building from the ground to the eaves unless it is architecturally divided with the use of bays or other suitable vertical dividers.

7.6 Height

The height of any development within the Collins Heritage Conservation District shall not be less than eighty (80) percent and not more than one hundred and twenty (120) percent of the average height of existing buildings or structures located within the district. Flag poles, chimneys, towers, cupolas, and steeples are exempted from this requirement.

7.7 Accessory Buildings and Structures

Accessory buildings and structures shall be constructed entirely of wood with wood cladding and trim, except for the foundation; be placed in the rear yard; and, have the same exterior colour as the main building.

7.8 Front Yard Set-back

A. The front yard set-back of any new buildings or structures shall not vary by more than ten (10) percent from the average of those buildings or structures fronting along the same street.

B. Notwithstanding 7.8 (A), the restoration or replacement of any building or structure may be constructed on the existing foundation or footprint.

7.9 Facade Opening/Wall Ratio

A. The facade opening/wall ratio for the facade of any development shall not vary by more than ten (10) percent from the facade opening/wall ratio of the facades of existing buildings located in the District, and shall conform with the architectural style in which the building or structure is designed.

B. Notwithstanding 7.9(A), the Heritage Officer may approve, upon application, entrance porches, sun porches and towers with a higher facade opening/wall ratio provided all other requirements of this By-law are satisfied.

7.10 Principal Roof Standard

The principal roof of any building or structure in regard to its direction and arrangement shall conform to those located in the District, and shall conform with the architectural style in which the building or structure is designed.

7.11 Principal Roof Pitch

A. The principal roof of any building or structure shall not have a pitch of less than thirty (30) degrees with the exception of minor additions, porches and dormers.

B. Notwithstanding 7.11(A), the Heritage Officer may approve, upon application, a principal roof of any building or structure with a pitch less than thirty (30) degrees provided it conforms with the style of architecture in which the building or structure is designed and provided all other requirements of this By-law are satisfied.

7.12 Window and Door Styles

The style of any window or door shall be compatible with those located in the District or otherwise conform with its architectural style.

7.13 Window and Door Trims

The trims of any window or door shall be compatible with those located in the District or otherwise conform with its architectural style.

7.14 Architectural Features

A. The architectural features such as the size, shape and prominence of porches, entrance projections, doorways or bay windows shall conform to those located in the District.

B. Notwithstanding 7.14, the Heritage Officer may approve, upon application, architectural features such as the size, shape and prominence of porches, entrance projections, doorways or bay windows provided they conform with the style of architecture in which the building or structure is designed, following the regulations pursuant to Schedule "B" Architectural Styles and Schedule "C" Architectural Details and provided all other requirements of this By-law are satisfied.

7.15 Stairs and Railing

All stairs and railings shall be constructed of wood, stone or wrought iron and conform with the style of architecture in which the building or structure is designed.

7.16 Fences: Certificate Not Required

Any fence erected within the Heritage Conservation District shall not require a Certificate of Appropriateness but shall be in keeping with Schedule "D" Fencing Regulations.

7.17 Signage: Certificate Not Required

In addition to the signage requirements of the Land Use By-law, any signs erected within the Heritage Conservation District shall not require a Certificate of Appropriateness but shall be in keeping with Schedule "E" Signage Regulations.

7.18 Colour: Certificate Not Required

Any change in colour or application of colour to any exterior facade of any main building, accessory building, fence or sign located within the Collins Heritage Conservation District shall not require a Certificate of Appropriateness. Applicants may wish to refer to Appendix "A" Colour Guidelines of this By-law.

7.19 Vegetation: Certificate Not Required

Any change in vegetation within the Collins Heritage Conservation District shall not require a Certificate of Appropriateness. Applicants may wish to refer to Appendix "B" Vegetation Guidelines of this By-law.

Part Eight - Definitions

For the purpose of this By-law, all words shall carry their customary meaning except for those defined hereafter:

Act means the Heritage Property Act R.S.N.S. 1991.

Alter means to change in any manner, structurally or otherwise, in whole or in part, the exterior of a building or structure and includes to restore, renovate, repair, construct or to change in any manner the design of such building or structure;

Alteration means any change or rearrangement of the exterior appearance of an existing building or structure, such as the facade, roof, doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically.

Certificate means a Certificate of Appropriateness provided for by the Act.

Council means the Council of the Town of Yarmouth.

Design means general appearance of the exterior of a building or structure including size, shape, exterior surface textures, colours, decorative features, and standards of maintenance, qualities and types of exterior material, landscaping, relationship of building or structure to its site, and other matters related to the nature of the exterior appearance.

Development means the erecting, placing, relocating, removing, renovating, restoring, demolishing, altering, repairing or replacing of the exterior of a building or structure, in whole or in part.

Facade means any exterior wall of a building or structure exposed to the outside.

Facade Opening means any penetration of solid materials comprising the building facade. This includes window openings, doors, and archways.

Facade opening/wall ratio means the ratio between the area of the facade devoted to windows and door openings and the area of the facade composed of opaque materials (wall).

Front Yard Setback means the distance between the street line and the front building line of a principal building or structure projected to the sidelines of the lot.

Height of a Building or structure means the vertical distance from the ground at the centre of the building facade to the highest point of the coping of a flat roof between the eaves and a ridge, or to the deck line of a mansard roof, or the average height between the plate and ridge of a gable, hip, or gambrel roof and excluding such structures as elevator penthouses, chimneys, smoke stacks and steeples.

Heritage Officer refers to an individual appointed by Council to administer this By-law.

Municipality means the Town of Yarmouth.

Maintenance means those actions undertaken to prevent the deterioration of a building or structure but does not include any alteration, design change and/or replacement where such replacement involves a change in design.

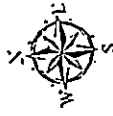
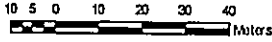
Owner means the registered owner of land.

Restore means any actions which intend to return a building or structure to its condition or appearance at any significant historic period in time.

Yard means an open space on the same lot with a building, such space being unoccupied and unobstructed from the ground upward.

COLLINS HERITAGE DISTRICT

SCHEDULE 'A'



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Brunswick St

Ryerson Cr

Willow St

Carlton St

Alma St

John St

Second St

Chambers St

High St

Thurston St

Schedule "B"

Architectural Styles

The following Architectural Styles are intended to provide a general design guideline for developments within the District. Variation in the Architectural features is admissible provided that such variation is in keeping with overall design elements that are present within the District.

B1	----- Modified Gothic	1860 - 1890
B2	----- Second Empire	1870 - 1900
B3	----- Picturesque	1860 - 1890
B4	----- Queen Ann Revival	1880 - 1930
B5	----- Italianate	1860 - 1890
B6	----- The Four Square	1890 - 1930
B7	----- Gothic Revival	1830 - 1890
B8	----- England Colonial	1710 - 1840
B9	----- Greek Revival	1830 - 1890
B10	----- Scottish, English, German & Irish Vernacular	1830 - 1880

MODIFIED GOTHIC 1860-1890

Steeply pitched gable roof with ell or "L" plan and front porch

One and a half, or two and one half storey wood construction

Off-center doorway, asymmetrical plan and facade

Two or more steeply pitched pointed dormers with plate glass windows

Chimney at peak, discreetly placed



SECOND EMPIRE 1870-1900

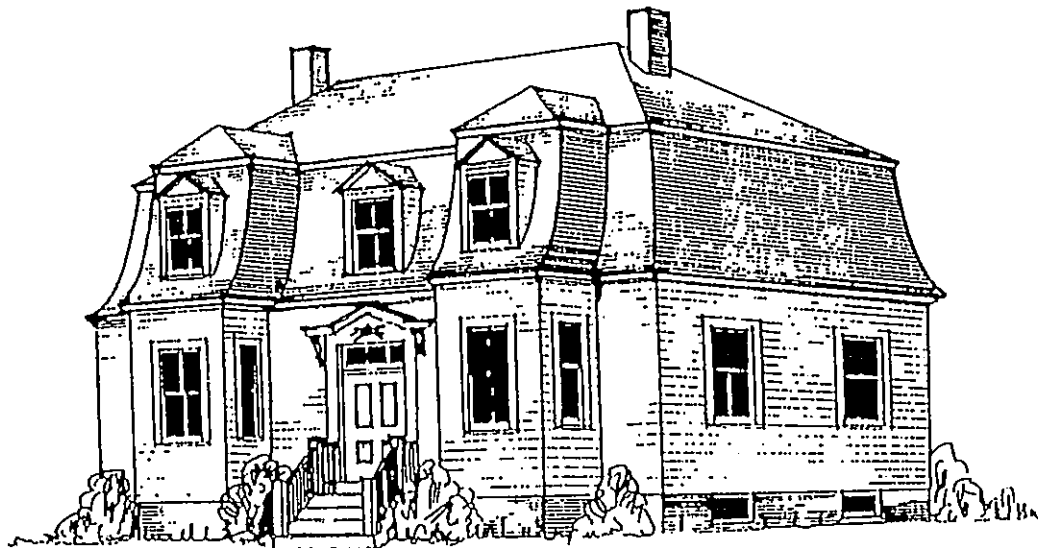
Steeply pitched mansard roof often with one or more square or polygonal projecting towers

Usually two or three storey, wood or stone construction with dramatized details

Centered doorway, symmetrical 3 or 5 bay facade

May have two or more dormers, often breaking through eavelines

Chimneys discreetly placed



PICTURESQUE 1860-1890

Steeply pitched gable roof with barge boards or gingerbread trim

One and one half storey, wood construction

Centered doorway, symmetrical 3 or 5 bay facade

One large central dormer with gothic or square headed window

Two chimneys at peak both $\frac{1}{4}$ inset



QUEEN ANN REVIVAL 1880-1930

Steeply pitched hip roof often with round corner towers, gallery and variations on Palladian window

Usually two or more stories, with a variety of textures and materials usually expressed in wood construction

Off-center or centered doorway punctuates symmetrical or asymmetrical facade

Prominent projecting or eyebrow dormers

Chimneys when prominent will usually have decorative chimney pots



ITALIANATE 1860-1890

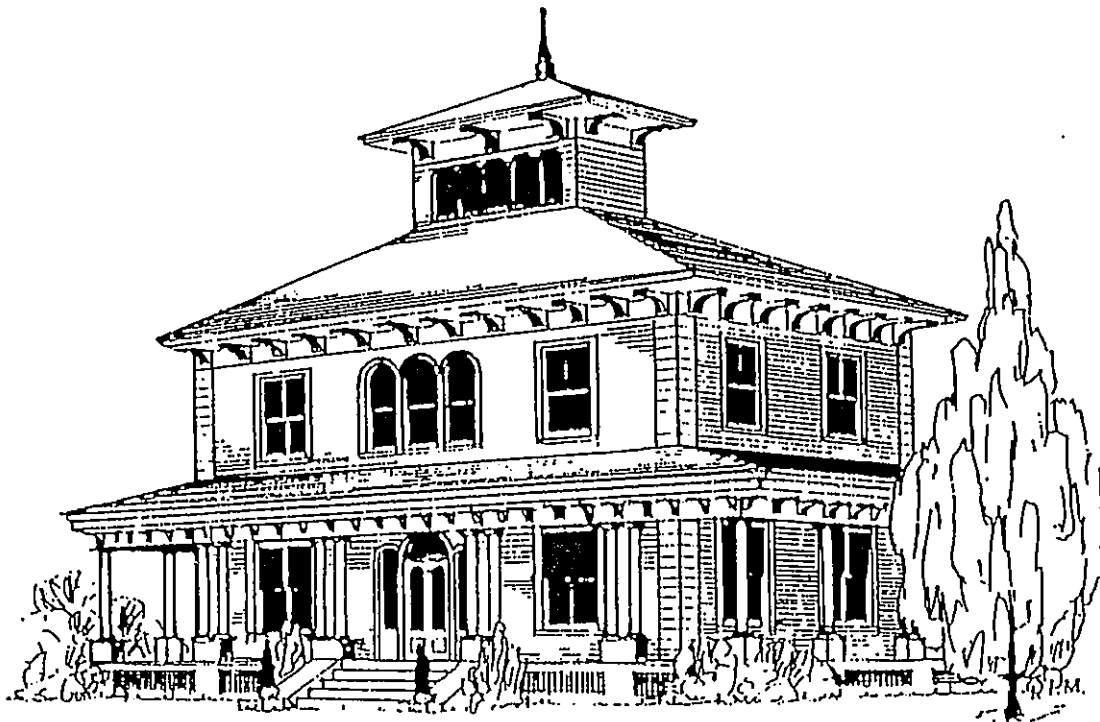
Low pitched hip roof with very wide eaves supported by brackets, and a central or very long gallery

Usually two or three storey, wood, brick or stucco construction

Centered doorway, symmetrical 3 bay facade

No dormers, but often a cupola or square tower(s) at peak

Chimney discreetly placed



THE FOUR SQUARE 1890-1930

Steeply pitched hip roof with prominent cornice and large columned veranda or gallery

Usually two storey, masonry or wood construction

One very large off-center doorway, symmetrical 2 bay facade

Very large dormers with hip roofs

Chimney discreetly placed



GOTHIC REVIVAL 1830-1890

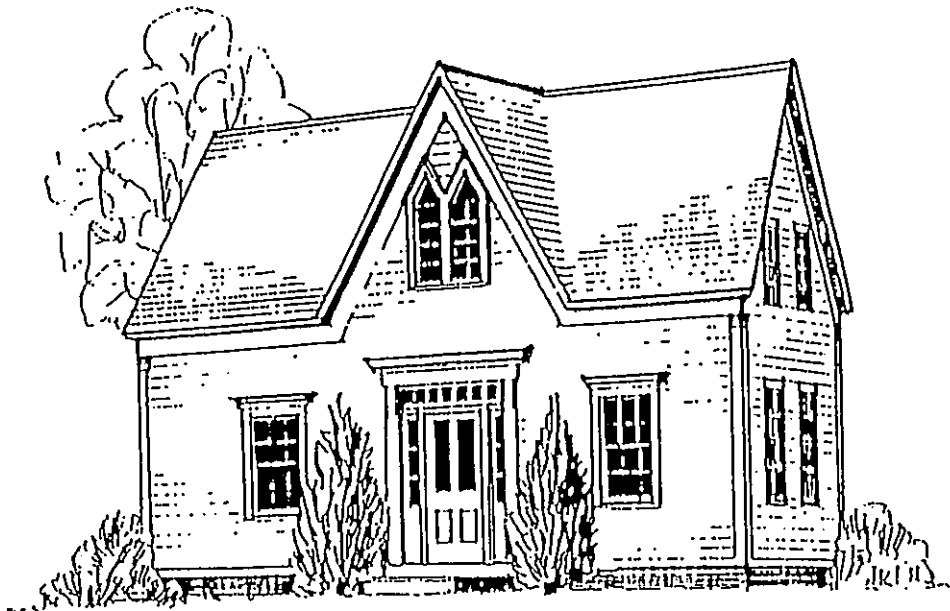
Steeply pitched gable roof, emphasis on precision

One and a half storey, wood construction

Centered doorway, symmetrical 3 bay facade

One large central dormer with pointed roof

End-wall chimney (earlier) or chimneys discreetly placed (later)



NEW ENGLAND COLONIAL 1710-1840

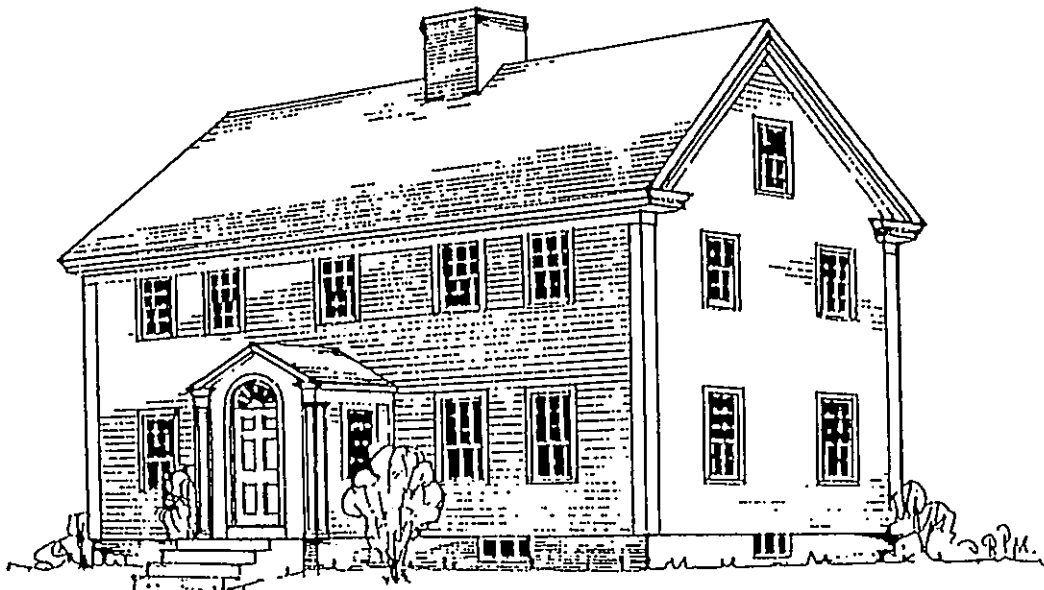
Steeply pitched gable or salt-box roof with handsplit shingles

One and a half or two and a half storey wood construction

Central doorway with symmetrical 3 or 5 bay facade

Dormers absent

One large central chimney



GREEK REVIVAL 1830-1890

Medium or steeply pitched gable roof with front gable or temple plan and return eaves

One and a half or two and a half stories usually wood construction

Off center (residential) or centered (administrative) doorway, symmetrical 3 bay facade

No dormers

Chimney at peak, discreet placement



SCOTTISH, ENGLISH, GERMAN & IRISH VERNACULAR
1830-1880

Steeply pitched gable roof without eaves or decoration

Usually one and a half storey, wood, brick or stone

Centered doorway, symmetrical 3 or 5 bay facade

Absent or undersized plain or Scottish (5 sided) dormers

Large central chimney or two smaller $\frac{1}{4}$ inset chimneys

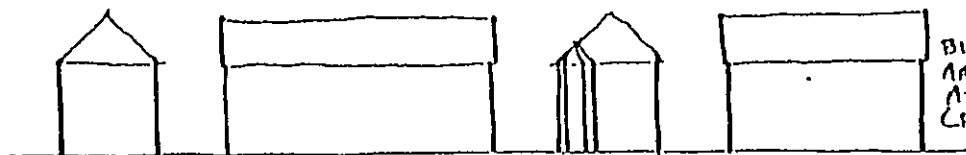


SCHEDULE "C"
"PROPORTIONS"



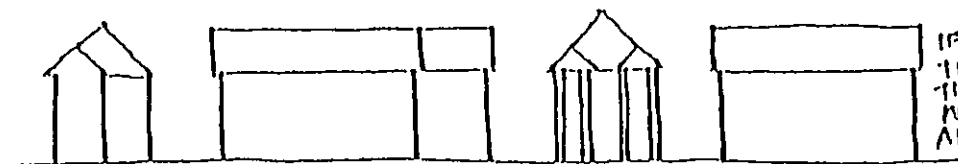
BUILDINGS WITHIN THE DISTRICT ARE NOT TALLER (FOUNDATION TO EAVES) THAN THEY ARE WIDE.

No



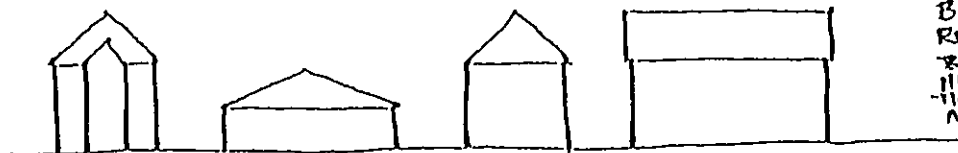
BUILDINGS WITHIN THE DISTRICT ARE NOT MORE THAN TWICE AS LONG AS THEY ARE HIGH (FOUNDATION TO EAVES)

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IF BUILDINGS ARE MORE THAN TWICE AS LONG AS THEY ARE HIGH, THEY ARE DIVIDED BY VERTICAL ARCHITECTURAL FEATURES

OK,



BUILDING HEIGHTS ARE RELATIVE TO NEIGHBORING BUILDINGS AS WELL AS NOT BEING MORE THAN TWICE AS LONG AS THEY ARE HIGH.

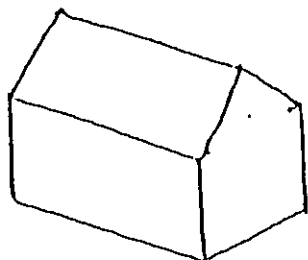
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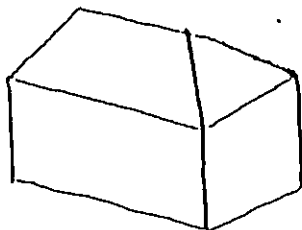
BUILDINGS MAY HAVE VARIATIONS IN PROPORTIONS (HEIGHT AND WIDTH) PROVIDED THEY COMPLY WITH THE ABOVE STANDARDS.

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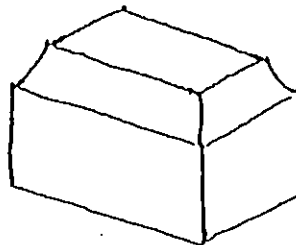
"ROOF TYPES"



GABLE ROOF

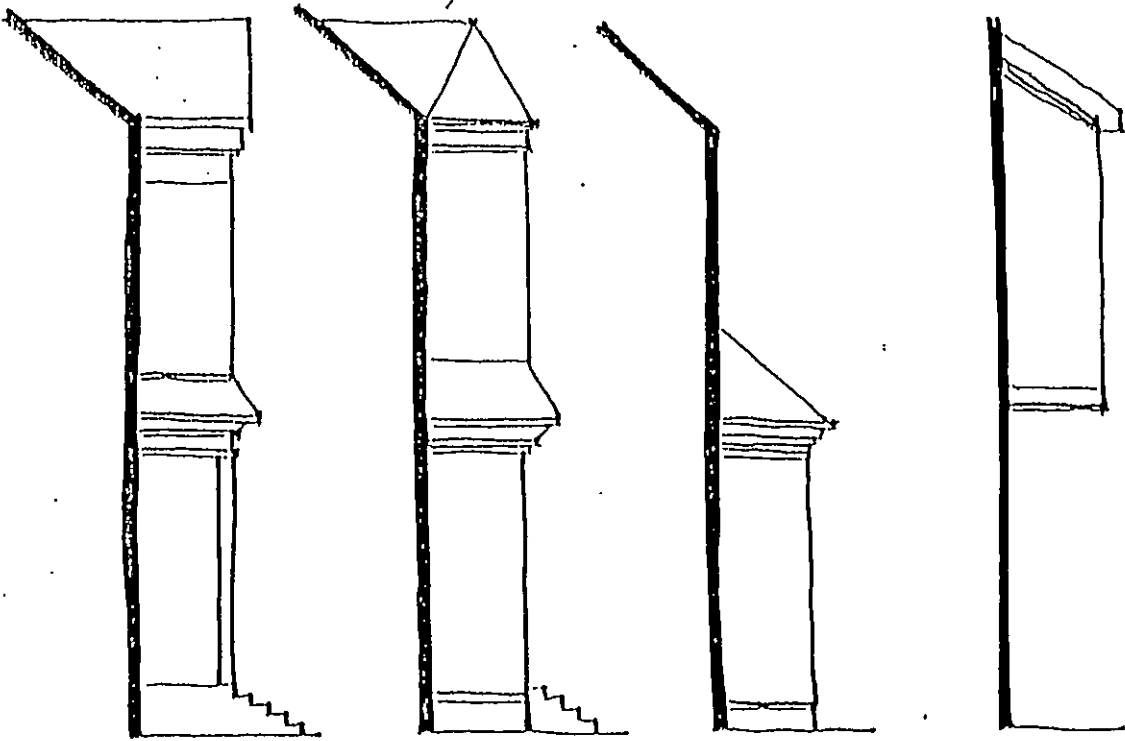


HIP ROOF

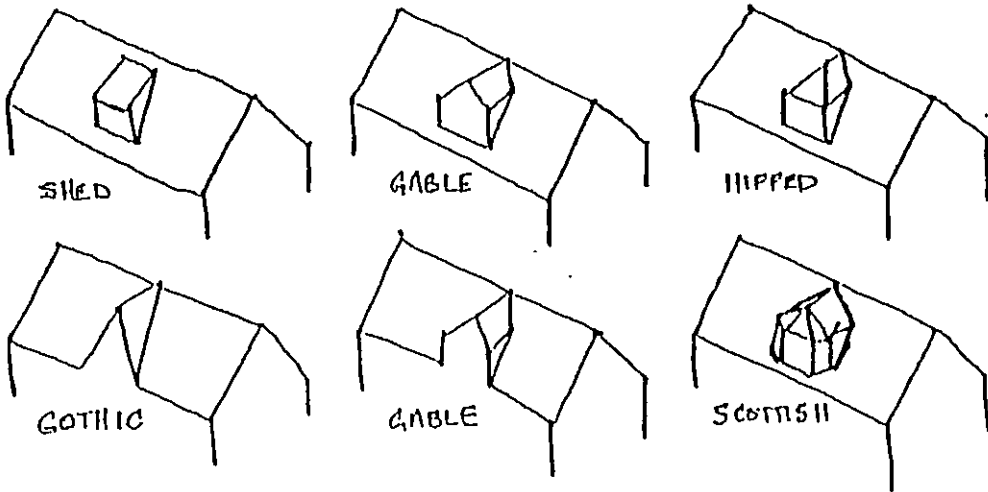


MANSARD ROOF

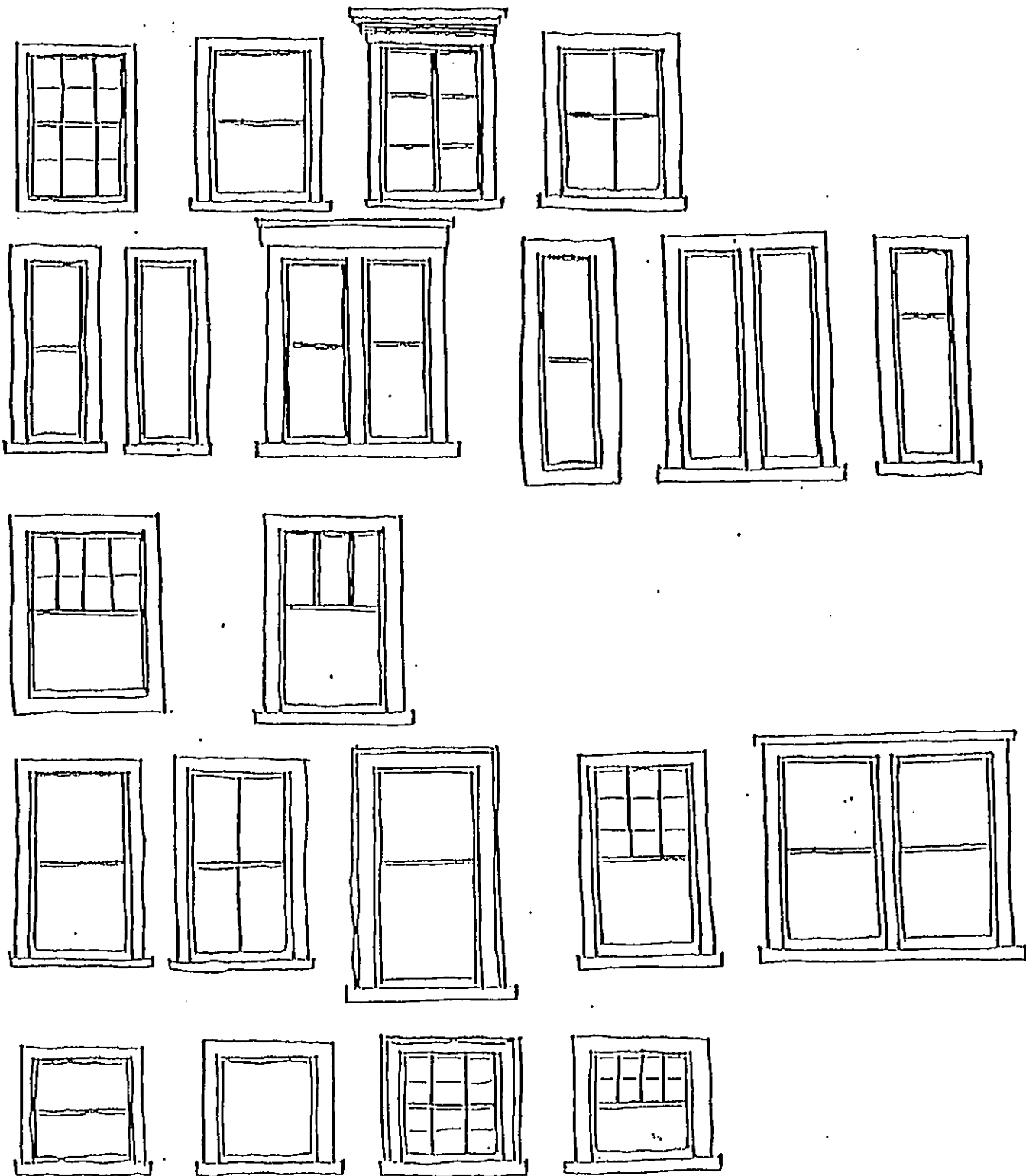
SCHEDULE "C"
"BAY WINDOWS & PORCHES"



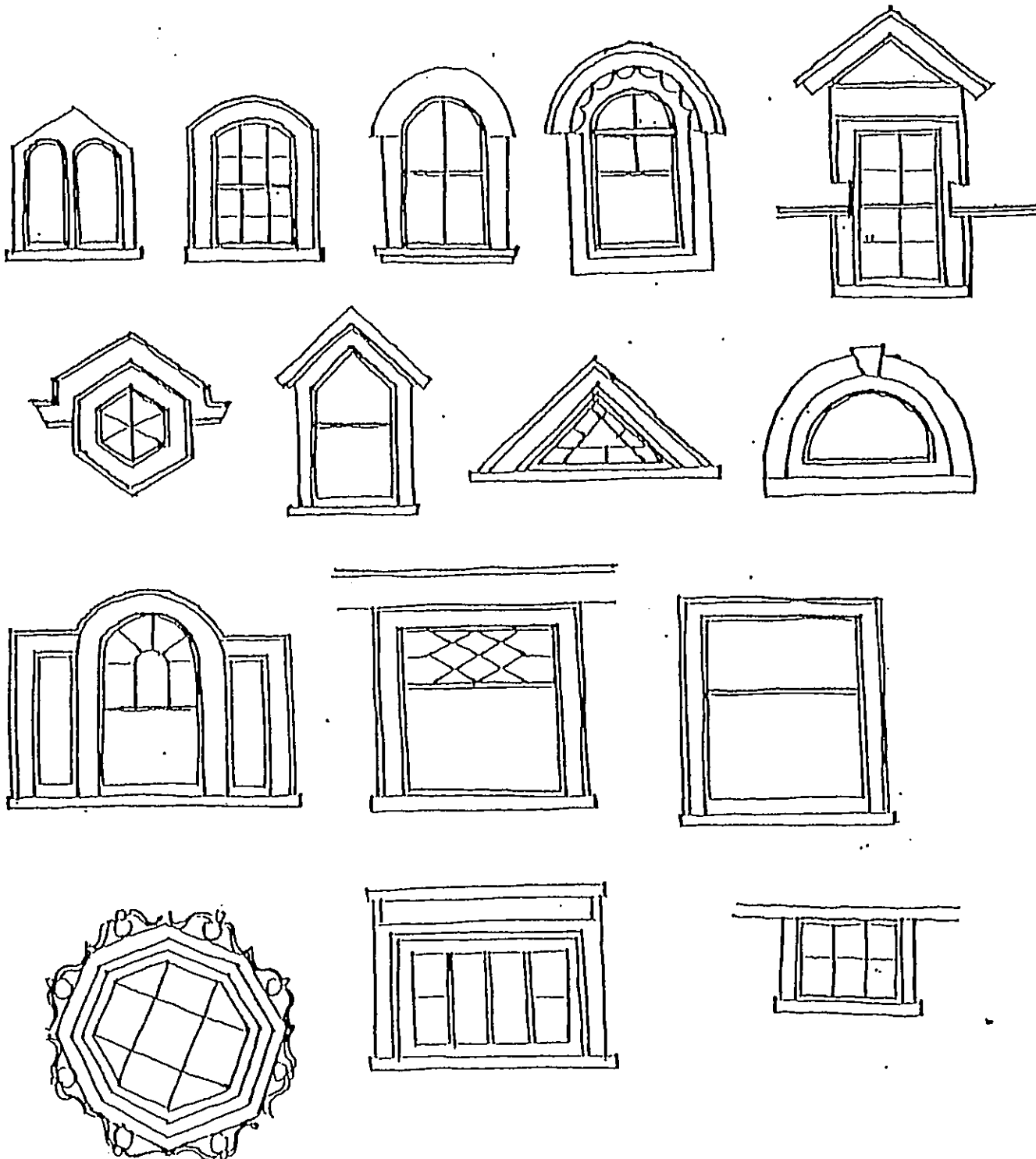
"DORNERS"



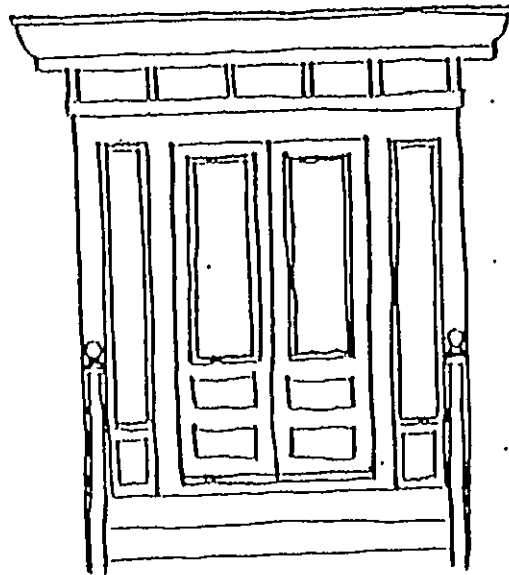
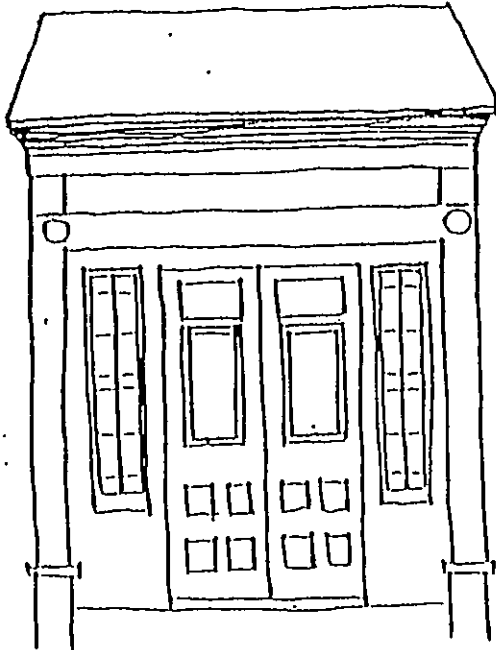
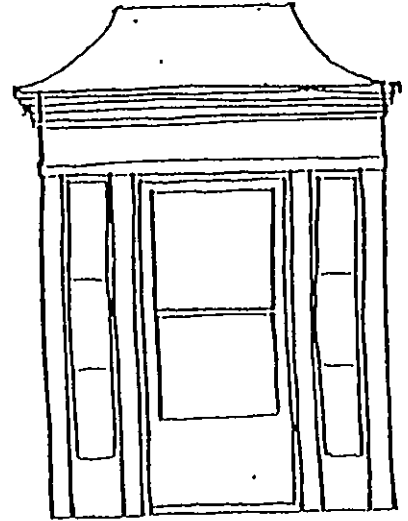
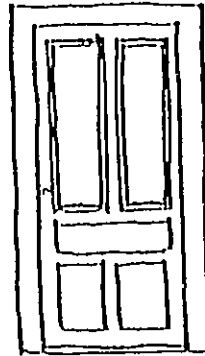
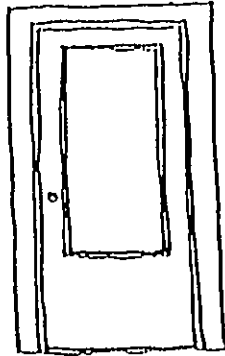
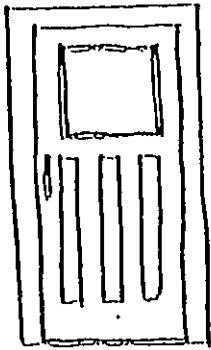
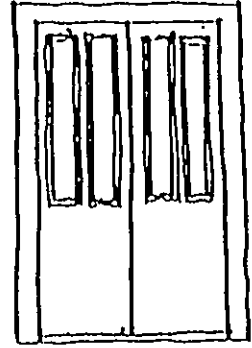
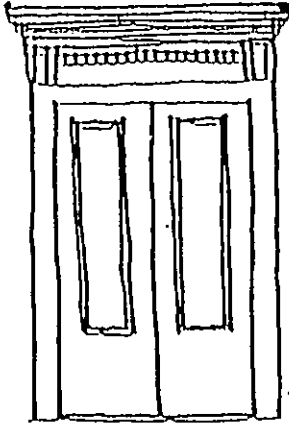
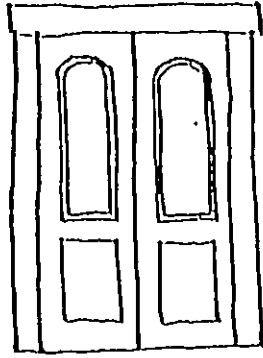
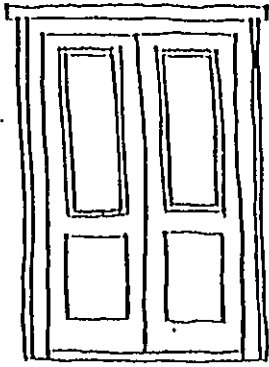
SCHEDULE "C"
"WINDOW TYPES"



SCHEDULE "C"
"WINDOW TYPES (OTHERS)"



SCHEDULE "C"
"DOOR TYPES"



SCHEDULE "D"
Fencing Regulations

A. General Regulations:

- * Fences shall be constructed so that the "finished" or "dressed" side will be fronted to the street or adjacent properties;
- * Fences shall be finished in colours that reinforce and complement the character of the main building;
- * Fences shall be designed and constructed in a manner which reinforce and complement the character of the main building;
- * Fences shall be constructed of wood, stone or wrought iron;
- * No chain link, barbed wire or other similar metal fencing materials shall be permitted; and,
- * Fences shall not exceed 6 ft. (approx. 1.8 Meters) in height.

B. Permitted Fence Types:

- * Any type of fence that is not listed as a permitted fence shall be prohibited.
- * The following fence types shall be permitted:

Post and Rail Fences

Board Fences - all boards shall be attached vertically and in a consistent manner.

Picket Fences - pickets shall be vertically attached on the same side of fence;
- shall be of a uniform width; and,
- pointed or rounded rather than blunted.

Lattice Fences - provided that all lattice work is framed.

Wrought Iron Fences

Stone Row Fences

Wooden Fences - of Victorian "cut-out" design.

SCHEDULE "E" Signage Regulations

A. General Regulations:

- * The maximum number of ground signs permitted on any lot zoned Downtown Commercial (C-1) within the Heritage Conservation District shall be two (2) signs per street frontage.
- * All signage shall be designed to complement the architecture and character of the streetscape of the District.
- * No sign shall be so large as to obscure building features or detract from the District's unique street-scape.
- * Signs shall present clear, concise information in a simple manner.
- * Signs shall be constructed of either wood, stone or metal.
- * Signs shall have painted, carved or raised lettering or designs and be framed with a definite trim.
- * Signs shall not incorporate any glass, plastic, fibreglass or fabrics within a permanent sign.
- * Signs shall be finished in colours that reinforce and complement the character of the main building.
- * All signs shall be non-illuminated, except by means of an exterior lighting source discretely placed on the property and directed exclusively upon the sign.
- * Historical markers or monuments and museum-related interpretive displays shall be in keeping with the character of the District and the intent of this By-law.

B. Permitted Sign Types:

Facial Wall Signs may be erected within the District, provided that no sign;

- * exceeds eight (8) square feet (approx. .74 Meters squared) in total sign area;
- * exceeds one (1) facial wall sign per street frontage; and,
- * is erected above the first storey of the building.

Projecting Wall Signs:

Projecting Wall Signs may be erected within the District, provided that no sign:

- * exceeds five (5) square feet (approx. 0.46 Meters squared) in sign area per face; and,
- * be erected above the first storey (including any supporting structure).

Ground Signs:

Ground Signs may be erected within the District, provided that no sign:

- * exceeds twelve (12) square feet (approx. 1.1 Meters squared) in sign area per face;
- * has more than two (2) sign faces; and,
- * Notwithstanding the general signage regulations above, a maximum of one (1) security identification ground sign per lot identifying the name of the on-site security provider may be erected provided such sign does not exceed one (1) square foot in area and two (2) feet in height.

APPENDIX "A" Colour Guidelines

The exterior finish of existing buildings, or those subsequently built in the Collins Heritage Conservation District, should take into consideration the following exterior finish guidelines:

A. General Guidelines:

Finishes should be applied to structures in a way that is sympathetic to the historical design and finish of neighbouring structures in the district.

All new construction, alteration and renovation within the district should complement the colour schemes of buildings and structures identified within the District.

Contrast: Historically the homes of the Victorian Era had bodies finished in lighter coloured hues with a low contrast trim in a complementary shade.

B. Colours - Body and Trim:

The following colours are suggested for the exterior finishing of structures in the Collins Heritage Conservation District.

Typically the exterior colours of this era were of more subdued or lighter hue of the following choices.

TABLE ONE

BODY Colour	PRIMARY TRIM Colour						SECONDARY TRIM Colour	
	<u>White</u>	<u>Tan</u>	<u>Gray</u>	<u>Yellow</u>	<u>Blue</u>	<u>Cream</u>	<u>Green</u>	<u>Red</u>
<u>White</u>	X	Yes	Yes	Yes	Yes	Yes	Yes	No
<u>Tan</u>	Yes	X	Yes	No	Yes	Yes	Yes	Yes
<u>Gray</u>	Yes	Yes	X	No	Yes	No	Yes	Yes
<u>Yellow</u>	Yes	Yes	Yes	X	Yes	Yes	Yes	No
<u>Blue</u>	Yes	Yes	Yes	Yes	X	Yes	Yes	Yes
<u>Cream</u>	Yes	Yes	Yes	No	Yes	X	Yes	Yes

** please see the following (Table 2) to confirm colour samples.*

C. Colours - Roof:

Historically the roofs of Victorian homes were finished with wood shingles, slate, rolled metal, or terra cotta tile and typically the roof colour was chosen to complement the colour of the structure's body. In recent years these traditional roofing materials have usually been replaced by asphalt shingles. However, "replica" asphalt shingles are now available and might be considered as an alternate roofing material during construction or repair.

Suggested Roof Colours: Black, Red, Green, Brown or Grey.

D. Colours - Foundation:

Foundations of homes from the late 19th century were sometimes painted to complement the colour scheme of the rest of the structure, or simply left unfinished.

Suggested Foundation Colours: Grey, Red or tones complementary with the buildings colours.

Color variations may differ slightly due to reproduction techniques

Cream:

Sheraton Beige
HC-57

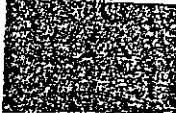
Shell Creek
20YY 83/100

Wistful Beige

St. Lawrence Hall
CH206-4

Spanish Sherry
00YY72/168-7

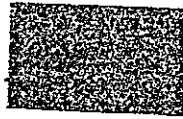
Green:



Providence Olive
HC-98



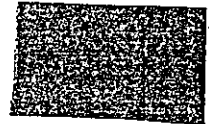
Silver Leaf
50YY 43/103



Chino



Voyageur Green
CH217-1

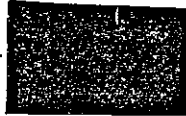


Gold

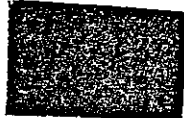
Red:



Rouge Chalet
22



Colonial Red



Red Pot



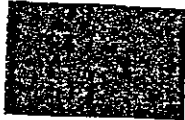
Pioneer Village
CH208-8-5



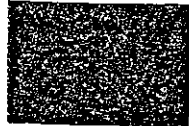
Colonial Rouge

SUGGESTED FOUNDATION COLORS:

Gray:



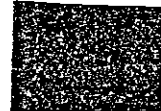
Chelsea Gray
HC-168



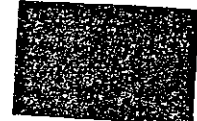
Quaker Gray
30YY 25/026



Cape Gray



Citadel Gray
CH227-2

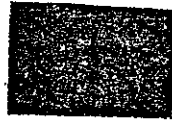


Gray

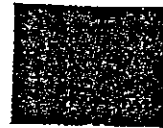
Red:



Old Glory
16YR 18/587



Emberglow

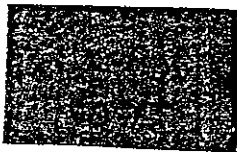


Fort Rouge
CH230-3



Brick Red
1212

SUGGESTED ROOF COLORS:



Green



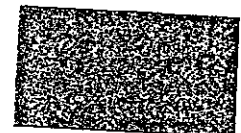
Black



Red



Brown



Grey

Appendix "B"

Vegetation Guidelines

- B1 ----- Coniferous & Deciduous Trees
- B2 ----- Shrubs
- B3 ----- Perennials & Those Useful as Ground Covers

CONIFEROUS TREES

Balsam Fir
Norway Spruce
Siberian Spruce
White Spruce
Austrian Pine
Scots Pine
White Pine

DECIDUOUS TREES

Ash Varieties
Beech
Birch
Copper Beech
Crab Apple
Crimson King Maple
Sentry Maple
English Oak
Flowering Cherries
Golden Rain Tree
Hawthorns
Honey Locust
Horse Chestnut
Linden Varieties
Mountain-ash
Norway Maple

Pin Oak
Purple Beech
Red Maple
Red Oak
Saucer Magnolia
Shubert Chokecherry
Sycamore Maple
Western Catalpa
Willows

SHRUBS

Alpine Currant
Anthony Waterer Spirea
Azaleas Varieties

Bayberry
Beauty Bush
Boxwood
Bridal Wreath Spirea
Burning Bush Varieties
Butterfly Bushes

Cinquefoils
Cotoneaster Varieties
Downy Serviceberry
Dogwood Varieties
Dwarf Mugho Pines

Euonymous Varieties
Emerald Cedars
Flowering Currant

Forsythia Varieties

Golden Ninebark
Goldflame Spirea

Hollies
Honeysuckles
Hydrangea Varieties

Japanese Kerria
Juniper Varieties
Lilacs

Magnolias
Mountain Laurel

Nest Spruce
Potentilla Varieties
Purple Smoke Bush
Privet Varieties
Rhododendron Varieties
Roses - Rugosa, Japanese
and Hansa
Russian Olive

Snowberry
Sumacs
Summer Sweet
Spindle Tree
Siberian Peashrub

Viburnums

Yew Varieties

PERENNIALS

Bleeding Hearts
Iris
Delphiniums
Day Lilies
Bellflowers
Foxgloves
Dwarf Iris
Ferns
Coral Bells
Astilbe
Asters
Hens-and-chickens
Lilies
Lupines

Rock-cress
Primroses
Perennial Summer Phlox
Plantain-Lilies
Silver Mound Angel's Hair
Maltese Cross
False Rock-cress
Garden Salvia
Siberian Iris
Phlox
Shasta Daisies

PERENNIALS USEFUL AS GROUND COVERS

Goutweed
Lily-of-the-valley
Crown Vetch
Candytuft
Cinquefoil
Thyme
English Ivy
Periwinkle

Appendix "C"

Collins Heritage Conservation District APPLICATION FOR CERTIFICATE OF APPROPRIATENESS - No Public Hearing Required -

An application for a Certificate of Appropriateness which does not require a Public Hearing is issued by the Heritage Officer. The Heritage Officer shall issue a Certificate if the proposal satisfies the requirements of the Heritage Conservation District By-law. The Heritage Officer may approve, refuse or approve with conditions.

The denial of a Certificate or the imposition of conditions on a Certificate granted where no public hearing is required by the Conservation Plan or By-law may be appealed to the Nova Scotia Utility and Review Board by the applicant for the Certificate. Such appeal shall be filed with the Nova Scotia Utility and Review Board within twenty one days of the date of receipt of the Heritage Officer's decision.

- Public Hearing Required -

An application for a Certificate of Appropriateness which requires a Public Hearing is issued by Council through the Heritage Officer. Council, after holding a Public Hearing, shall cause notice of the decision to be published in a local newspaper outlining the approval, the approval with conditions or the refusal, and set out the right to appeal within 21 days to the Nova Scotia Utility and Review Board.

The decision of Council may be appealed by the applicant, an aggrieved person, the Council of a municipality adjoining the heritage conservation district or an official in the public service designated by the Minister. Such appeal shall be filed with the Nova Scotia Utility and Review Board within twenty one days of the publication of the notice.

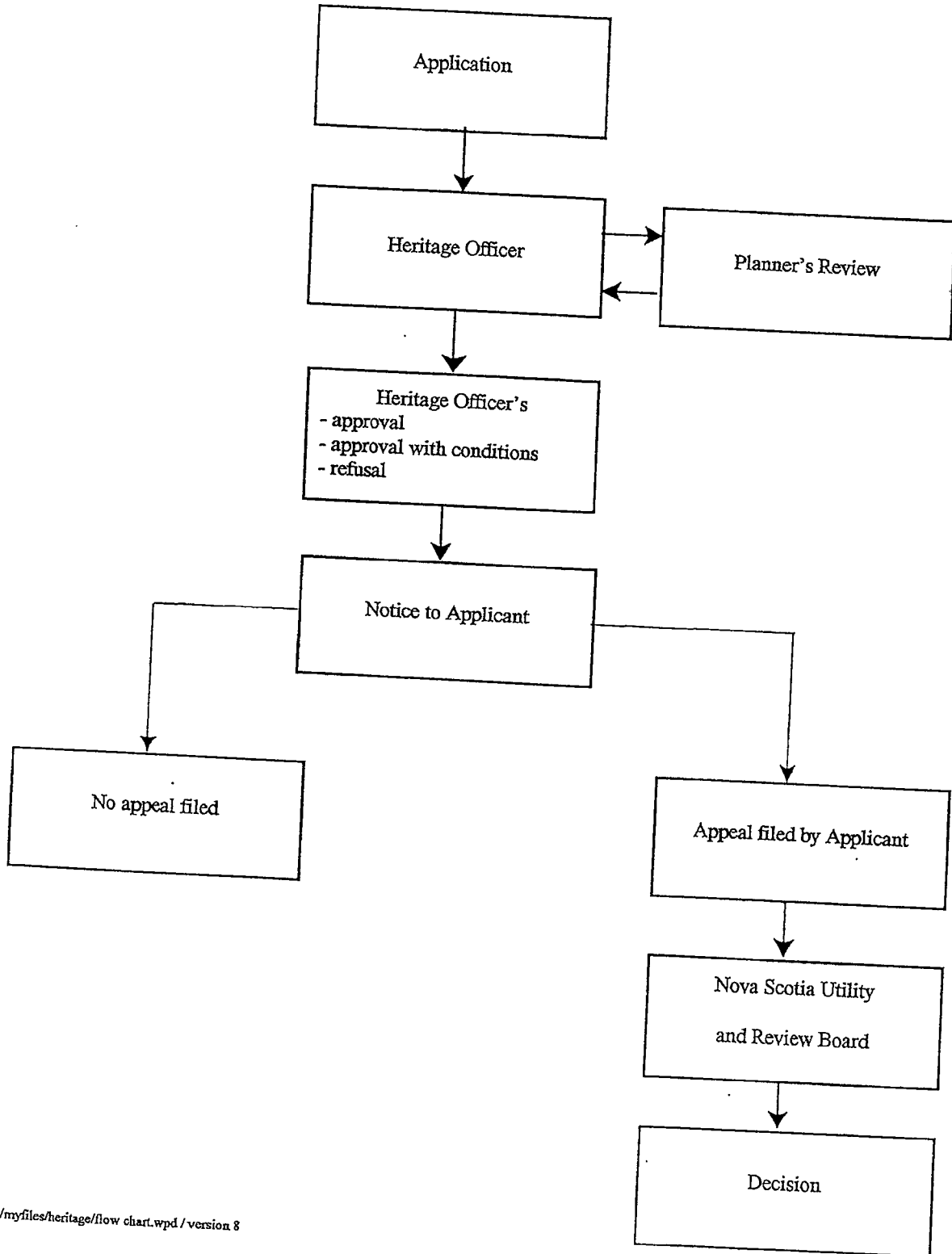
If no appeals have been filed within twenty one days of the publication of the notice, the Heritage Officer may then grant approval by issuance of the Certificate of Appropriateness.

Please refer to the following two flow charts.

Please note that the procedures as laid out in this Appendix are subject to amendments to the Heritage Property Act and its corresponding Heritage Conservation District Regulations. The procedures as laid out in the Heritage Property Act and its corresponding Heritage Conservation District Regulations take precedence over this Appendix "C" and as such Appendix "C" is only intended as a reference for convenience purposes only.

Heritage Flow Chart #1

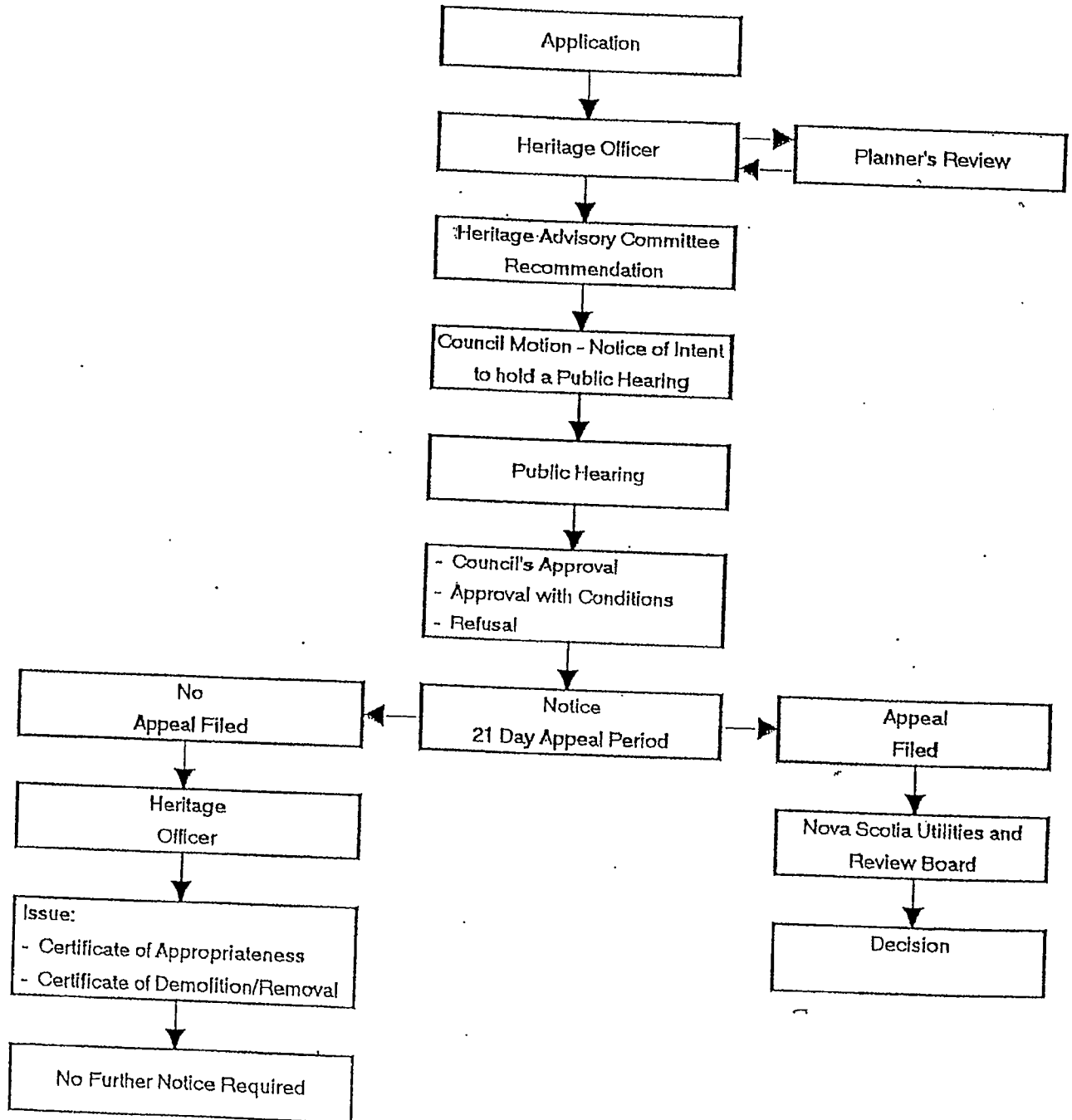
Collins Heritage Conservation District Plan and By-law
Certificate of Appropriateness
Application Process



Heritage Flow Chart #2

COLLINS HERITAGE CONSERVATION DISTRICT PLAN AND BYLAW
APPLICATION PROCESS FOR THE FOLLOWING:

- A). Removal of entire Building or Structure.
- B). Additions to, or removal of, 500 (or more) sq/ft of gross floor area, of a building or structure.



NOTE: A Development, a Building and/or a Demolition Permit(s) may also be required prior to any demolition or development proceeding.