

**COLLINS HERITAGE CONSERVATION DISTRICT BY-LAW**  
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## **Collins Heritage Conservation District By-law**

### **Part One - Preamble**

#### **1.1 Preamble**

Persons referring to this By-law for information should first determine whether the 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 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.

#### **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 lands located within the boundaries of the Collins Heritage Conservation District as shown on the Heritage Conservation District Map, Schedule “A”, of this By-law. 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 centre 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 provisions 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 or a Certificate of Demolition-Removal should, at the discretion of the Heritage Officer, be accompanied by plans and elevations drawn to an appropriate scale showing:

- A.** The true shape and dimensions of the lot to be used;
- B.** The proposed location, height and dimensions of any 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.** Any other such information as may be necessary to determine whether or not every such building, development, reconstruction or redevelopment conforms to 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, he/she may require that the plans submitted under Part 3.2 be redrafted by a registered Architect in the Province of Nova Scotia.

### **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 should no development begin within the aforementioned time period.

### **3.6 Amendments of By-law**

Due to the costs associated with amending this By-law, Council will only consider amendments once in any three (3) year time frame. Notwithstanding, Council may consider an expansion to the District's boundaries at any time.

### **3.7 Collins Heritage Conservation District Architectural Guidelines Booklet**

The Collins Heritage Conservation District Architectural Guidelines Booklet shall be used as a tool to help determine the architectural style of the building and help determine the character-defining elements of the building. Any application for a Certificate of Appropriateness shall be considered in light of the Collins Heritage Conservation District Architectural Guideline Booklet. However, the Collins Heritage Conservation District Architectural Guideline Booklet shall only be used as a guide for reference purposes only. The content of the Collins Heritage Conservation District Architectural Guideline Booklet is not mandatory but only an expression of the intent of the Collins Heritage Conservation District Plan and By-law. Alternative designs that are not consistent with the Collins Heritage Conservation District Architectural Guideline Booklet may be approved provided the requirements of this By-law are satisfied.

## **Part Four - General Provisions**

### **4.1 Certificate of Appropriateness**

A Certificate of Appropriateness shall not be issued for 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.

## **4.2 Certificate of Demolition-Removal**

A Certificate of Demolition-Removal shall not be issued for any demolition or removal of any entire building (main or accessory) within the Collins Heritage Conservation District unless all requirements of this By-law are satisfied.

## **4.3 Significant Alteration Standards**

In determining what constitutes a significant alteration, the Heritage Officer shall refer to Schedule “B”, Significant Alteration Regulations.

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

- A.** not remove any significant decorative trim, moulding, pediment, porch, veranda, chimney or any character-defining elements;
- B.** not change the roof line or increase the height except for the addition of dormers in keeping with the architectural style of the building;
- C.** not change the style and width of any siding or clapboard unless such change is in keeping with the architectural style of the building; and,
- D.** be in keeping with Schedule “D” Significant Alteration Principles.

## **4.4 Developments which require a Certificate of Appropriateness**

A Certificate of Appropriateness shall be required for significant alteration including, but not limited to, the following types of development:

- 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 or character-defining elements of the building;
  - 3.** any change in cladding or trim; and,

- 4. any development that is deemed a significant alteration as defined in Schedule “B”, Significant Alteration Regulations, of this By-law.
- B. Any construction of any new buildings or structures;
- C. Any demolition of or removal from any buildings or structures.

#### **4.5 Developments which do not require a Certificate of Appropriateness**

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

- A. Repairing any existing buildings, structures, fences, signs or similar items provided such is not significantly altered and remains substantially the same as before the repair;
- B. Repainting of any existing buildings or structures where there is no significant change to materials, windows, doors, cladding or trim;
- C. Construction or erection of minor structures including additions to or removals there from, such as, but not limited to, pet houses; children’s play structures; open-sided woodsheds; garden trellises; cold frames; retaining walls; steps, landings and hand rails not attached to a building; historical monuments or markers; and, museum-related interpretive displays;
- D. Construction, erection or placement of fences provided such fences conform to Schedule “E” Fence Regulations of this By-law;
- E. Construction, erection or placement of signs provided such signs conform to Schedule “F” Signage Regulations of this By-law;
- F. Construction, erection or placement of miscellaneous structures such as, but not limited to, garbage containers; recycling containers; compost containers; fuel tanks; air conditioning units; compressors; transformers; heat pumps; solar panels; satellite dishes and similar items provided such structures are screened or placed in an inconspicuous location in keeping with Part 4.13 of this By-law.

#### **4.6 Offense**

Any person who violates a provision of this By-law shall be subject to prosecution as provided for under the *Heritage Property Act, Chapter 199 of the Revised Statutes, 1989* and any amendments thereto.

#### **4.7 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 or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Town of Yarmouth. Where **any** provision of this By-law conflicts with those of any other Municipal or Provincial requirement, the higher or more stringent regulation shall prevail.

#### **4.8 Restoration to a Safe Condition**

Nothing in this By-law shall prevent the restoration to a safe condition of any building or structure provided such restoration to a safe condition does not significantly change the exterior appearance of the building or structure; does not alter any character-defining elements; nor, is deemed to be a significant alteration that requires a certificate of appropriateness.

#### **4.9 Dangerous or Unsightly Condition**

Nothing in this By-law shall prevent any regulations or by-law from rectifying any dangerous or unsightly condition pursuant to the meaning as defined in the *Municipal Government Act, Chapter 18 of the Acts of 1998* and any amendments thereto.

#### **4.10 Certificate of Demolition-Removal Required**

A Certificate of Demolition-Removal is required for the demolition or removal of any entire building (main or accessory building) within the Collins Heritage Conservation District subject to the requirements of Part 6.2 of this By-law.

#### **4.11 Reclamation of Site following Demolition-Removal**

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



#### **4.12 Exterior Cladding Material (Siding) Regulations**

Any exterior siding materials on any new building (main or accessory); any addition to any building (main or accessory); or any change or alteration in the exterior siding materials of any existing building (main or accessory) located within the Collins Heritage Conservation District shall be made in such a fashion to look similar in nature to the materials outlined below. The use of metal siding or vinyl siding or the use of any siding material that looks like metal siding or vinyl siding shall be strictly prohibited. Metal roofs, metal doors or windows, and/or vinyl doors or windows shall be permitted provided they do not adversely affect the character-defining elements of the building; are reasonably consistent with the building's architectural style; and, comply with the provisions of this By-law.

Siding materials shall be limited to the following materials or otherwise be made to look similar to the following materials:

- \* brick or composite material to look like brick;
- \* wood clapboard or composite material to look like wood clapboard (horizontal only - vertical boards and vertical board and batten designs shall be prohibited)
- \* wood shingles or composite material to look like shingles; or,
- \* a combination of material types as listed above.

The following list of prohibited material is not an all inclusive list but rather a list of materials that indicates those siding materials and similar types of siding materials that shall be prohibited:

- \* plywood, chip-board, oriented strand board (OSB), fiberboard, particle board and similar types of materials;
- \* gravel aggregate materials;
- \* stucco materials;
- \* smooth-faced concrete block;
- \* sandstone;
- \* tilt-up concrete panels;
- \* pre-fabricated steel panels, metal panels, or aluminum panels of any kind;
- \* plastic siding;
- \* vinyl siding;
- \* darkly tinted or mirrored glass;
- \* glass block; or,
- \* concrete block.

#### **4.13 Miscellaneous Structures**

Any construction, erection or placement of miscellaneous structures such as, but not limited to, garbage containers; recycling containers; compost containers; fuel tanks; air conditioning units; compressors; transformers; heat pumps; solar panels; satellite dishes and similar items shall not be prominently displayed along any public street and shall be screened or otherwise placed in an inconspicuous location.

#### **4.14 Skylights**

The installation of skylights should not be prominently displayed on the façade facing any public street. If skylights are installed on the façade facing any public street they shall be installed in vertical elongation in reference to any windows along the façade if capable of servicing the room in which they are intended to serve.

#### **4.15 “Green” Technologies**

The installation of “green” technologies shall be permitted provided that steps are taken to minimize any adverse affects on any character-defining elements of the building and shall not be prominently displayed along any public street and shall be screened or otherwise placed in an inconspicuous location.

#### **4.16 Fences**

The installation of any new fence shall comply with Schedule “E” Fencing Regulations of this By-law. Any fence that directly abuts a street (front lot line or flanking lot line) as well as the side yards for a distance of at least half the distance from the street lot line (front lot line or flanking lot line) to the rear lot line or side lot line as the case maybe, shall not obscure or impede the visual public view from the street of not only the building located on the lot but also any main building located within the District. Front yard fences shall be lower and should be constructed with more detail in keeping with the building’s architectural style. Front yard fences shall add to the building’s facade visually rather than detract from it. Rear yard fences may be higher; have less detail; and, may provide for privacy for rear yard activities.

#### **4.17 Stairs and Railings**

Any addition or significant alterations with regards to stairs and railings shall be constructed of wood, stone or wrought iron and be in keeping with the building’s architectural style.

#### **4.18 Signage**

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 comply with Schedule “F” Signage Regulations.

#### **4.19 Colour**

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. However, the colour shall be uniform and consistent throughout and enhance rather than detract from the character-defining elements of the facade. Multi-colour applications of the cladding materials shall be prohibited. However, trims and articulated details of the facade may be multi-colour to enhance their physical appearance.

### **Part Five – Public Information Meetings**

#### **5.1 Significant Alteration – Public Information Meeting Required**

Prior to the approval, approval with conditions or refusal of any Certificate of Appropriateness the Heritage Officer shall refer the matter to the Heritage Advisory Committee for a Public Information Meeting in keeping with the Collins Heritage Conservation District Plan.

### **Part Six - Public Hearings**

#### **6.1 New Buildings (Main or Accessory) – Public Hearing Required**

No new buildings (main or accessory) within the Collins Heritage Conservation District shall be undertaken without a Public Hearing in keeping with the Collins Heritage Conservation District Plan and shall conform to the criteria contained in Implementation Policy 7.2.3.

#### **6.2 Demolition or Removal of Entire Buildings (Main or Accessory) – Public Hearing Required**

No demolition or removal of any entire building (main or accessory) within the Collins Heritage Conservation District shall be undertaken without a Public Hearing in keeping with the Collins Heritage Conservation District Plan and shall conform to the criteria contained in Implementation Policy 7.2.4.

### **6.3 Additions to and Removals from any Buildings (Main or Accessory) – Public Hearing Required**

No additions to or removals from any building (main or accessory) within the Collins Heritage Conservation District shall be undertaken without a Public Hearing in keeping with the Collins Heritage Conservation District Plan and shall conform to the criteria contained in Implementation Policy 7.2.5.

## **Part Seven - Development Standards**

### **7.1 New Construction – Main Buildings**

Any type of new construction for any new main building located within Collins Heritage Conservation District shall be reasonably consistent with and be designed in one (1) of the Architectural Styles as outlined in Schedule “C” Architectural Styles of this By-law and be reasonably consistent with the following:

**A.** building proportions, height, length and width;

**Explanation Note:** Any new main building shall be designed in one (1) of the architectural styles as outlined in Schedule “C” Architectural Styles of this By-law and be reasonably consistent with the style with regards to the building’s proportions, height, length and width.

**B.** roof pitch and roof style;

**Explanation Note:** Any new main building shall be designed in one (1) of the architectural styles as outlined in Schedule “C” Architectural Styles of this By-law and be reasonably consistent with the style with regards to the building’s roof pitch and roof style.

**C.** door and window styles, proportions and orientation;

**Explanation Note:** Any new main building shall be designed in one (1) of the architectural styles as outlined in Schedule “C” Architectural Styles of this By-law and be reasonably consistent with the style with regards to the window and door style; window and door proportions; and their orientation.

**D.** dormer, tower and bay window styles; and,

**Explanation Note:** Any new main building shall be designed in one (1) of the architectural styles as outlined in Schedule “C” Architectural Styles of this By-law and be reasonably consistent with the style with regards to the building’s dormers, towers and bay windows.

**E. exterior materials.**

**Explanation Note:** Any new main building shall be designed in one (1) of the architectural styles as outlined in Schedule “C” Architectural Styles of this By-law and be reasonably consistent with the style with regards to the building’s use of exterior materials and be in conformance with the provisions of this By-law.

**7.2 New Construction – Accessory Buildings**

Any type of new construction for any new accessory building located in Collins Heritage Conservation District shall be compatible with the architectural style of the main building. Any accessory building located in the Collins Heritage Conservation District shall be located in the rear yard. The design of the accessory building may be less formal or plain in appearance with less detail than the main building; however it shall be in keeping with the following:

**A. building proportions, height, length and width;**

**Explanation Note:** Any new accessory building shall be smaller than the main building and be clearly subordinate to the main building with regards to the buildings proportions, height, length and width of the structure.

**B. roof pitch and roof style;**

**Explanation Note:** Any new accessory building’s roof pitch and roof style may be different than the main building but shall be oriented in such a fashion that is in keeping with the orientation of the main building roof line (parallel or perpendicular) and the roof pitch shall be in keeping and be subordinate to the roof pitch and the roof peak of the roof line of the main building.

**C. door and window styles, proportions and orientation;**

**Explanation Note:** Any new accessory building’s door and window styles and proportions may be different than the style and proportions of doors and windows in the main building provided that the style and proportions are similar and consistent throughout the accessory building. Doorways of similar size and type should have a consistent style and proportions. Doorways of different size and type may incorporate a different style and proportion provided that their appearance is overall consistent with the design and proportions of the accessory building. Door and window openings above the first floor shall be located directly above the first floor doors and windows to provide a sense of symmetry, balance and vertical orientation to the building.

D. dormer, tower and bay window styles; and,

**Explanation Note:** Dormers may be incorporated into the design of any new accessory buildings; however they should be simple and plain in appearance unless the main building is a Victorian architectural style with significant details, where the accessory building could have minimal architectural detail while ensuring that it does not overpower the significance of the main building. Traditionally, accessory buildings did not incorporate towers or bay windows and as such, should be avoided. However, if required, they shall not significantly impact the prominence of the main building and shall be insignificant in appearance.

E. exterior materials.

**Explanation Note:** As a general rule, new accessory buildings should be constructed in the same materials as the main building and be in keeping with the main building. However, vinyl siding and metal siding shall be strictly prohibited. Main buildings constructed of brick may have accessory buildings constructed of wood shingles or wood clapboard.

### 7.3 Additions and Significant Alterations – Main and Accessory Buildings

Any additions or significant alterations to any existing building (main or accessory) located within the Collins Heritage Conservation District shall be designed according to the architectural style of the building; be in keeping with Schedule “C” Architectural Details; and, be reasonably consistent with the following:

A. architectural features;

**Explanation Note:** Any addition or significant alteration shall be in keeping with the building’s architectural style with regard to its architectural features related to size, shape as well as the prominence of porches, entrance projections, doorway and bay window push-outs.

B. building proportions, height, length and width;

**Explanation Note:** Any addition or significant alteration shall be smaller (in foot print, height, bulk and scale) than the building and be clearly subordinate to the building with regards to the buildings proportions, height, length and width of the structure.

C. building footprint;

**Explanation Note:** Any addition building’s footprint shall not be greater than or equal to the existing building’s footprint. Any addition shall have a smaller footprint than the existing building.

**D.** facade design;

**Explanation Note:** Any addition or significant alteration shall maintain the facade in a consistent fashion in keeping with the architectural style of the building. In addition, the facade's height from grade to the eaves shall not be more than the width of the building. In addition the width of the facade shall not be more than twice the height of the building from grade to the eaves unless it is architecturally divided with the use of bays or other suitable vertical dividers.

**E.** location;

**Explanation Note:** Any addition or significant alteration shall match or otherwise be within ten (10) percent of the average front yard set-back of those buildings located within the Collins Heritage Conservation District fronting along the same street. Notwithstanding, the restoration or replacement of any building or structure may be constructed on the existing foundation or footprint.

**F.** roof pitch and style;

**Explanation Note:** Any addition or significant alteration shall incorporate the building's roof pitch and style and shall be oriented in such a fashion that is in keeping with the orientation of the building's roof line and the building's roof pitch. Any addition or significant alteration shall be in keeping with and be equal to or subordinate to the existing roof pitch. Any addition or significant alteration shall be in keeping with and be equal to or subordinate to the height of the peak of the roof line of the existing building. Any addition or significant alteration to the roof pitch or style shall be in keeping with the building's architectural style.

**G.** door and window styles, proportions and orientation;

**Explanation Note:** Any addition or significant alteration shall ensure that any doors or windows are designed in the same style and proportions so that the style and proportions are similar and consistent throughout the building. Doorways of similar size and type should have a consistent style and proportions. Doorways of different size and type may incorporate a different style and proportion provided that their appearance is overall consistent with the design and proportions of the building. Window openings above the first floor shall be located directly above the first floor doors and windows to provide a sense of symmetry, balance and vertical orientation to the building or otherwise be consistent with the building's architectural style. Notwithstanding, windows may be stepped or off-centres only in areas where it will reflect existing stepped or off-centred windows, especially along gable ends where the upper floor level is "pushed" inward due

to the roof design. All windows shall be vertically oriented. Windows may be paired, tripled or quadrupled only if there is an existing paired, tripled or quadrupled, as the case may be, set of vertically orientated windows either above or below the location of the proposed window. Otherwise, the windows shall be a single oriented window to match the existing windows of the existing building. The number of panes in any new window shall also match the number of panes in the existing window(s) along the same wall elevation of the existing building and be consistent with the building's architectural style.

Any addition or significant alteration shall maintain the building's facade opening to wall ratio or otherwise vary by not more than twenty (20%) percent from the existing building's facade opening to wall ratio and be in keeping with the architectural style of the building. Notwithstanding, entrance porches, sun porches and window bay push-outs or towers may have a higher opening to wall ratio provided it is reasonably consistent with the architectural style of the building.

**H.** door and window trims;

Any addition or significant alteration shall incorporate or otherwise maintain door and window trims that are in keeping with the building's architectural style.

**I.** dormer, tower and bay window styles; and,

**Explanation Note:** Dormers may be incorporated into the design of additions and significant alterations to existing main and accessory buildings where existing dormers exist. The design of the dormers shall match or otherwise be in keeping with the existing dormers of the structure. The windows in the dormer shall match the existing windows located in the existing dormer(s) with respect to orientation as well as type and number of window panes. Doorway openings in new dormers shall be strictly prohibited.

Towers and bay windows may be incorporated into the design of additions and significant alterations to existing main buildings if they are consistent with the building's architectural style. New towers and bay windows shall not be incorporated into any new accessory building unless there is historical documentation that one existed on the property. New towers or bay windows may only be incorporated into existing accessory buildings if they are reasonably consistent with the building's architectural style or otherwise there is historical documentation that they did exist on the accessory building.



**J. exterior materials.**

**Explanation Note:** Any addition or significant alterations to any main or accessory buildings shall be constructed in the same exterior materials as the existing building. Notwithstanding, if it can be demonstrated that a change in exterior materials is required to meet the Town's Building By-law (National Building Code of Canada) or for any other reason, such as, but not limited to, durability and longevity, different exterior materials may be used provided that it is designed in a fashion that is compatible and in keeping with the existing exterior materials pattern on the existing building and in keeping with the building's architectural style. However, vinyl siding and metal siding materials shall be strictly prohibited.

#### **7.4 Partial Demolition-Removals – Main and Accessory Buildings**

Any partial demolition-removals to any building (main or accessory) located within the Collins Heritage Conservation District shall be minor and incidental to the building's overall architectural features so that its architectural style and its character-defining elements remains relatively intact. Any partial demolition-removal that alters the building's architectural style so that its style is no longer recognizable or otherwise adversely affects a character-defining element of the building shall be prohibited.

#### **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*, Chapter 199 of the Revised Statutes, 1989.

**Accessory Building** means a subordinate building or structure on the same lot as the main building or use devoted exclusively to an accessory use.

**Accessory Use** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

**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.

**Character-defining elements** means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value.

**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.

**Heritage value** means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for the past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings.

**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.

**Significant Alteration** means any substantial alteration as defined in the Heritage Property Act, Chapter 199 of the Revised Statutes, 1989 and any amendments thereto. For clarity, reference may be made to Schedule “B”, Significant Alteration Regulations.

**Substantial alteration** means any action that affects or alters the character-defining elements of a property.

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

**SCHEDULE "A"**  
**COLLINS HERITAGE CONSERVATION DISTRICT MAP**



## **Schedule “B” Significant Alteration Regulations**

### **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.

A “significant alteration” shall include any “substantial alteration” as defined in the Heritage Property Act, Chapter 199 of the Revised Statutes, 1989 and any amendments thereto, in compliance with the following definitions:

**“Substantial alteration”** means any action that affects or alters the character-defining elements of a property.

**“Character-defining elements”** means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value.

**“Heritage value”** means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for the past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings.

**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 neighbouring environment.

**Schedule “C”  
Architectural Styles**

The following architectural styles are intended to provide a general design guideline for developments within the District. Variations in architectural features are admissible provided that such variation is in keeping with and is reasonably consistent with its architectural style.

<b>C-01</b> -----	<b>Modified Gothic</b>	<b>1860-1890</b>
<b>C-02</b> -----	<b>Second Empire</b>	<b>1870-1900</b>
<b>C-03</b> -----	<b>Picturesque</b>	<b>1860-1890</b>
<b>C-04</b> -----	<b>Queen Ann Revival</b>	<b>1880-1930</b>
<b>C-05</b> -----	<b>Italianate</b>	<b>1860-1890</b>
<b>C-06</b> -----	<b>The Four Square</b>	<b>1890-1930</b>
<b>C-07</b> -----	<b>Gothic Revival</b>	<b>1830-1890</b>
<b>C-08</b> -----	<b>New England Colonial</b>	<b>1710-1840</b>
<b>C-09</b> -----	<b>Greek Revival</b>	<b>1830-1890</b>
<b>C-10</b> -----	<b>Scottish, English, German &amp; Irish Vernacular</b>	<b>1830-1880</b>

## **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 façade.  
Two or more steeply pitched pointed dormers with plate glass windows.  
Chimney or peak, discreetly placed.



**C-01**



## **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 façade.

May have two or more dormers, often breaking through eavelines.

Chimneys discreetly placed.



**C-02**

## 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 façade.

One large central dormer with gothic or square headed window.

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



C-03

## 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 façade.

Prominent projecting or eyebrow dormers.

Chimneys when prominent will usually have decorative chimney pots.



C-04

## ITALIANATE 1860-1890

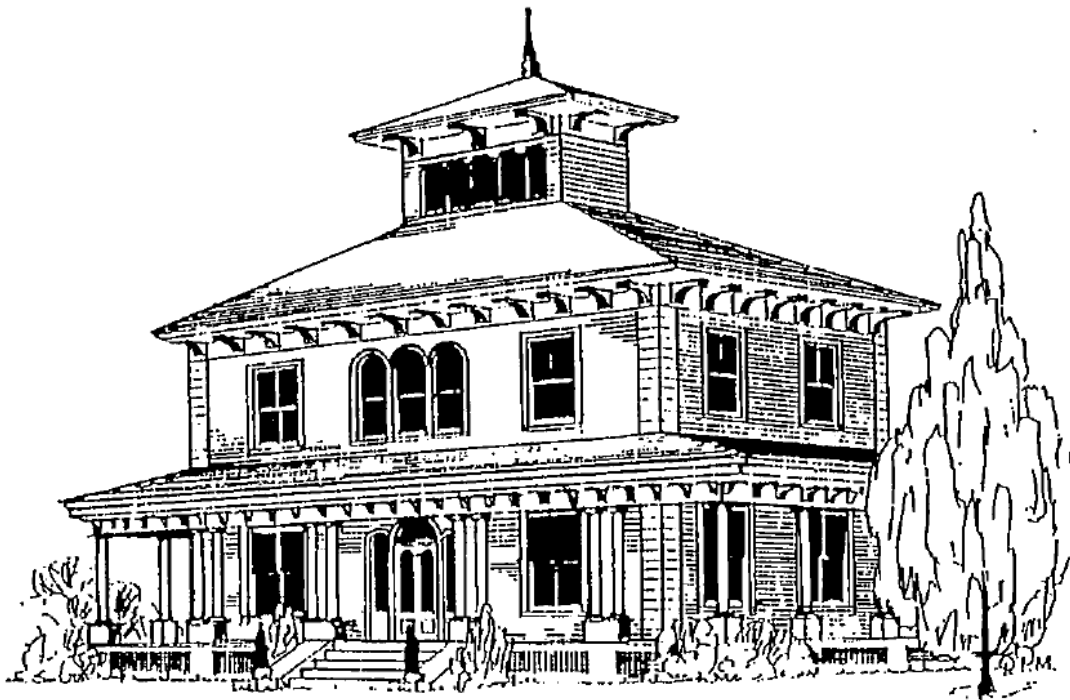
Low pitched hip roof with very wide eaves supported by brackets, and a central or very long gallery.

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

Centered doorway, symmetrical 3 bay façade.

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

Chimney discreetly placed.



C-05

## **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 façade.

Very large dormers with hip roofs.

Chimney discreetly placed.



**C-06**

## **GOTHIC REVIVAL 1830-1890**

Steeply pitched gable roof, emphasis on precision.

One and a half storey, wood construction.

Centered doorway, symmetrical 3 bay façade.

One large central dormer with pointed roof.

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



**C-07**

## 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 façade.  
Dormers absent.  
One large central chimney.



C-08

## **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 façade.

Chimney at peak, discreet placement.



**C-09**



## **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 façade.  
Absent or undersized plain or Scottish (5 sided) dormers.  
Large central chimney or two smaller ¼ inset chimneys.



**C-10**

## SCHEDULE “D” Significant Alteration Principles

*Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.*

*Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.*

*Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.*

*Additions should be designed so that the heritage value of the historic place is not impaired and its character-defined elements are not obscured, damaged or destroyed.*

*Design a new feature that does not obscure, damage or destroy other features of the historic place. It is not recommended to add a new feature that detracts from, damages or destroys features that support the historic place.*

*Additions should not alter or obscure the spatial organization of the district. New features should be compatible in size, scale and design with the spatial organization of the district.*

*Additions should respect the historic visual relations in the district. This can include matching established proportions, densities, such as maintaining the overall ratio of open space to building mass. Do not obscure historic vistas, focal points or significant landscapes of a district.*

*New features to meet health, safety or security requirements shall be done in such a manner that respects the exterior form of the building and minimizes impact on the building’s heritage value.*

*Adding new features to meet sustainable objectives, such as solar panels or green roofs, shall be done in such a fashion that respects the exterior form of the building and minimize impacts on the character-defining elements of the historic place. Such features shall not obscure, damage or destroy character-defining elements. Features should be located in an inconspicuous place while respecting the building’s heritage value and character-defining elements.*

*Designing and installing new windows or doors shall be done in such a manner to be compatible with the building's style, era and character. Incompatible windows and doors that obscure, damage or destroy character-defining elements shall be prohibited.*

*Replacing character-defining materials with compatible substitute materials should be as durable as the overall assembly to maintain its expected service life. Repairs should be physically and visually compatible and identifiable on close inspection for future research.*

## **SCHEDULE “E” 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.

**Lattice Fences** - provided that all lattice work is framed.

#### **Wrought Iron Fences**

#### **Stone Row Fences**

## **SCHEDULE “F” Signage Regulations**

### **General Regulations:**

- \* Any signage erected shall comply with the signage provisions of the Land Use By-law according to the zone in which the sign is located and where there is a conflict the higher or more stringent provision shall prevail.
- \* Any signage erected temporary for thirty (30) days or less in any calendar year shall be exempted from these regulations.
- \* Window signs shall be exempted from these regulations.
- \* Any signage shall be designed to complement the architecture and character of the streetscape.
- \* Any signage shall not be so large as to obscure the character-defining elements of any building or obscure or otherwise detract from the District’s streetscape.
- \* Any signs shall be constructed of wood, stone, metal or a combination of these materials except for real estate signage and on-site security signage.
- \* Any signage shall not incorporate any glass, plastic, fibreglass, vinyl or fabrics except for real estate signage and on-site security signage.
- \* Any signage shall be framed with a definite trim.
- \* Any signage shall be non-illuminated except by means of an external lighting source directed exclusively upon the sign.

### **Permitted Sign Types:**

#### **Facial Wall Signs:**

A maximum of one (1) facial wall signs may be erected per property provided that no sign exceeds 1m<sup>2</sup> (10.76ft.<sup>2</sup>) in sign area.

#### **Projecting Wall Signs:**

A maximum of one (1) projecting wall signs may be erected per property provided that no sign exceeds 1m<sup>2</sup> (10.76ft.<sup>2</sup>) in sign area per face.

**Ground Signs:**

A maximum of one (1) ground signs may be erected per property provided that no sign exceeds 1m<sup>2</sup> (10.76ft.<sup>2</sup>) in sign area per face.

**Real Estate Signage and On-site Security Signs:**

In addition to the permitted facial wall sign, projecting wall sign and ground sign outlined above, a maximum of two (2) real estate signs and/or a maximum of two (2) on-site security signs per property may be erected provided that no sign exceeds 1m<sup>2</sup> (10.76ft.<sup>2</sup>) in sign area per face. Real estate signage and on-site security signage may take the form of a facial wall sign, a projecting wall sign or a ground sign and are not subject to the requirements of this By-law. Window signs are exempted from this provision.

## Schedule "G" - Vegetation Guidelines

### Recommended coniferous trees:

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

### Recommended deciduous trees:

Ash Varieties	Hawthorns	Red Oak
Beech	Honey Locust	Saucer Magnolia
Birch	Horse Chestnut	Sentry Maple
Copper Beech	Linden Varieties	Shubert Chokecherry
Crab Apple	Mountain-ash	Sycamore Maple
Crimson King Maple	Norway Maple	Western Catalpa
English Oak	Pin Oak	Willows
Flowering Cherries	Purple Beech	
Golden Rain Tree	Red Maple	

### Recommended shrubs:

Alpine Currant	Emerald Cedars	Nest Spruce
Anthony Waterer Spirea	Euonymous Varieties	Potentilla Varieties
Azaleas Varieties	Flowering Currant	Privet Varieties
Bayberry	Forsythia Varieties	Purpose Smoke Bush
Beauty Bush	Golden Ninebark	Rhododendron Varieties
Boxwood	Goldflame Spirea	Roses – Rugosa, Japanese & Hansa
Bridal Wreath Spirea	Hollies	Russian Olive
Burning Bush Varieties	Honeysuckles	Siberian Peashrub
Butterfly Bushes	Hydrangea Varieties	Snowberry
Cinquefoils	Japanese Kerria	Spindle Tree
Cotoneaster Varieties	Juniper Varieties	Sumacs
Dogwood Varieties	Lilacs	Summer Sweet
Downy Serviceberry	Magnolias	Viburnums
Dwarf Mugho Pines	Mountain Laurel	Yew Varieties

### Recommended perennials:

Asters	Ferns	Phlox
Astilbe	Foxgloves	Plantain-Lilies
Bellflowers	Garden Salvia	Primroses
Bleeding Hearts	Hens-and-Chickens	Rock-cress
Coral Bells	Iris	Shasta Daisies
Day Lilies	Lilies	Siberian Iris
Delphiniums	Lupines	Silver Mound Angel's Hair
Dwarf Iris	Maltese Cross	
False Rock-cress	Perennial Summer Phlox	

### Recommended perennials ground covers:

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

**Schedule “H”**  
**COLLINS HERITAGE CONSERVATION DISTRICT**  
**CERTIFICATE OF APPROPRIATENESS APPLICATION PROCESS**

**Part Five - Public Information Meeting (No Public Hearing Required):**

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

The denial/refusal by the Heritage Officer of a Certificate of Appropriateness or the imposition of conditions on a Certificate of Appropriateness granted where no public hearing is required may be appealed only by the applicant to the Nova Scotia Utility and Review Board. Such appeal shall be filed with the Nova Scotia Utility and Review Board within twenty one (21) days of the date of receipt of the Heritage Officer’s decision.

A Flow Chart of the process is attached. Please note that the procedures as laid out in this Appendix are subject to amendments to the Heritage Property Act and its Regulations. The procedures as laid out in the Heritage Property Act and its regulations take precedence over this Appendix and as such, this Appendix is only intended as a reference tool for convenience purposes only.

**Part Six - Public Hearing:**

An application for a Certificate of Appropriateness which requires a Public Hearing pursuant to Part 6 shall be referred to the Heritage Advisory Committee who shall hold a Public Information Meeting prior to providing a recommendation to Council.

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.

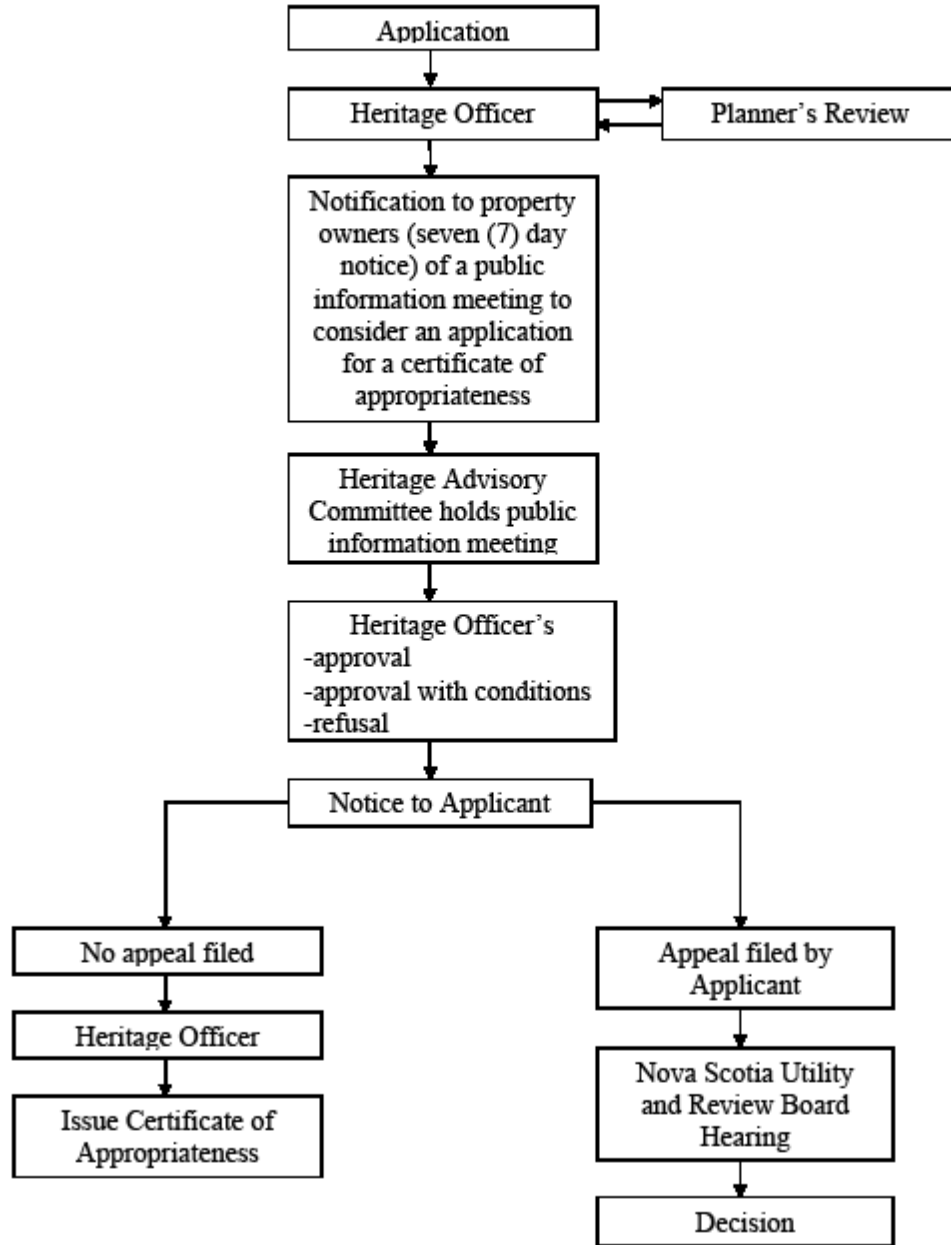
The decision of Council may be appealed by the applicant, an aggrieved person, the Council of a municipality adjoining the heritage conservation district or an official in the public service designated by the Minister. Such appeal shall be filed with the Nova Scotia Utility and Review Board within twenty one (21) 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.

A Flow Chart of the process is attached. Please note that the procedures as laid out in this Appendix are subject to amendments to the Heritage Property Act and its Regulations. The procedures as laid out in the Heritage Property Act and its regulations take precedence over this Appendix and as such, this Appendix is only intended as a reference tool for convenience purposes only.



**Collins Heritage Conservation District Plan and By-law  
Certificate of Appropriateness  
For Part Five – Public Information Meeting  
Application Process**



**Collins Heritage Conservation District Plan and By-law  
Certificate of Appropriateness  
For Part Six – Public Hearing  
Application Process**

