

## **SECTION 6      HERITAGE PROVISIONS**

### **6.1      COMPOSITION OF THE HERITAGE BOARD**

- .1      There is hereby established a committee of at least six (6) members to be appointed by Council on the nomination of the Mayor, and the committee Shall be known as the Heritage Board.
- .2      At least two (2) members of the Heritage Board Shall be City Councillors, and every Heritage Board member Shall be a resident of the City.
- .3      In order to provide consistency in the Heritage Board's recommendations, Council at its discretion may replace no more than two resident members of the Heritage Board during a term of Council and the appointment Shall be for their term on the Board. Council members of the Heritage Board are appointed at the discretion of the Mayor.
- .4      Any member of the Heritage Board Shall be eligible for reappointment for no more than two (2) consecutive terms.
- .5      Should a vacancy occur on the Heritage Board for any reason other than the expiry of the term of a member, the Council May, within sixty (60) days of notification, thereof appoint a Person to fill the vacancy and the Person so appointed May hold Office for the remainder of the term of the member whose place he or she was appointed to fill.
- .6      A member who is absent from three (3) consecutive meetings of the Heritage Board without cause Shall be deemed to have resigned.
- .7      The Heritage Board Shall meet at least once a month unless there is no business to be addressed, and Shall also meet at the call of the Chair or at the request of one-third of its members.
- .8      A quorum for meetings of the Heritage Board Shall be one-half of the members plus one, with at least one (1) Councillor and one (1) resident member as part of the quorum.
- .9      In the event that conflicts of interest should reduce the number of members of the Board below a quorum, the Mayor May appoint additional member(s) pro ten in order to satisfy the quorum requirements.

### **6.2      ROLE OF THE HERITAGE BOARD**

- .1      The Heritage Board Shall be responsible for developing an inventory of Buildings, sites, Streetscapes and Signs in the City which are considered to be of historical and/or architectural importance.
- .2      The Heritage Board Shall be responsible for developing criteria for the Designation of heritage Buildings, sites and Streetscapes and Shall review and update criteria as required..
- .3      As a means of providing guidance to the public on Standards of Design for the Development of Heritage Resources, the City Shall establish and maintain a library of resource materials which will assist the Heritage Board, the Heritage Advisor and the public in identifying and preserving architectural styles and the original appearance of heritage Buildings and sites, appropriate Building materials, restoration and rehabilitation techniques and examples of adaptive re-Use.
- .4      The Heritage Board Shall be responsible for making recommendations to Council on the administration of Section 6 of this By-law and matters concerning Heritage in the City of Charlottetown.

### **6.3      APPLICATION OF THIS SECTION**

- .1      This section Shall apply to all properties within the Heritage Preservation Area as shown on Appendix "H" (Zoning Map) and to such individual properties as listed in Appendix "A" as a Heritage Resource, and all such properties Shall be protected under the terms of this By-law.
- .2      Appendix "B" (City of Charlottetown Heritage Sign Guidelines) Shall provide general regulations and specific provisions for Signage within the Heritage Preservation Area and on Designated Heritage Resources, and all Signage that is placed for Heritage Resources Shall require the recommendation of the Heritage Board and approval of Council.

- .3 Appendix "C" (Criteria for Evaluation) defines the criteria for evaluation which Shall be Used by the Heritage Board in considering the Designation of a Heritage Resource under the terms of this By-law.

#### **6.4 DESIGNATION OF A HERITAGE RESOURCE**

- .1 Where Council determines that there is sufficient criteria met by a Heritage Resource to be Designated in Appendix "A" or where, in Council's opinion, a site which has characteristics that meet some of the criteria for a Heritage Resource is at risk of imminent irreparable or costly damage to the site's heritage nature, Council May, upon recommendation of the Heritage Board, serve notice on the Owner and publish a notice of Designation in the local newspaper.
- .2 The notice of Designation Shall be served in writing to the Owner and Shall contain:
  - (a) a description of the site, survey plan or plot plan and the municipal address;
  - (b) a summary of the consequences of Designation;
  - (c) a date and time by which the Owner May comment on or object to the proposed Designation; and
  - (d) such other particulars as Council deems necessary or relevant.
- .3 Any notice of Designation published in the paper Shall be published according to "Amendments to the Zoning and Development By-law" under Section 4.
- .4 An Owner served, or any Person, group or organization interested in, or likely to be affected by the proposed Designation May object to the proposed Designation by filing a written notice of objection with the Heritage Advisor.
- .5 Where no notice of objection is filed, the Heritage Board May recommend that the Council designate the Heritage Resource as described in the notice of Designation, and the Council May proceed to amend Appendix "A" of this By-law.
- .6 Council Shall consider the notices of objection filed and May after receiving a recommendation from the Heritage Board:
  - (a) order that the Heritage Resource be designated; or
  - (b) cancel the notice of Designation to designate a Heritage Resource.
- .7 Where Council makes an order under subsection 6 above, written notice Shall be issued to the Affected Property Owner.
- .8 Council May revoke a Designation of a Heritage Resource damaged by an act of God or for any other reason as determined necessary on the recommendation of the Heritage Board, and in so doing, Council Shall:
  - (a) serve the notice on the Owner; and
  - (b) amend this By-law by amending the list of designated Heritage Resources.
- .9 A Heritage Resource May again be considered for Designation in accordance with the procedure set out in this By-law after a one (1) year lapse has occurred since the last application.
- .10 Council, on the recommendation of the Heritage Board, May:
  - (a) allow an Accessory Building as part of a designated Heritage Resource to be removed or demolished without an amendment to this By-law;
  - (b) allow, after following the procedures for a minor variance, Section 4.28(2) in this By-law and giving fourteen (14) calendar days Notice before the Heritage Board meeting, an Accessory Building as part of a designated Heritage Resource to be occupied as a Dwelling or a Heritage Inn after following the procedures for a Heritage Inn, in this By-law.

#### **6.5 APPROVAL OF PERMIT**

- .1 No Person Shall carry out or cause to be carried out any Development of a Heritage Resource, with the exception of ordinary Maintenance, without a permit from the Heritage Advisor. The Heritage Advisor may issue permits for a value up to \$5,000 for Heritage properties and in the Heritage Area for windows, doors, roofing, exterior masonry cleaning, and other minor renovations that would meet the intent of the standards and Guidelines for the conservation of

Historic places in Canada (Parks Canada) as adopted by the City. If there is any doubt, the Heritage Advisor may refer the matter to the Heritage Board.

- .2 Any application for a Development Permit that pertains to a Heritage Resource Shall be filed with the Heritage Advisor for consideration by the Heritage Board. An application May also be reviewed by Planning Board, and if deemed necessary, both Boards May meet concurrently.
- .3 An application Shall include, for review by the Heritage Board, concept drawings and specifications which describe in detail any proposed Alterations to such Building or Structure, or a site plan and specifications which describe in detail any proposed changes to the Existing Open Spaces, Yards, driveways, elevations of the land and Buildings on the Lot and adjoining Lot if applicable and associated details, and where the application has insufficient details, the Heritage Board May request additional information.
- .4 Where the application for Development entails any site, Lot elevation or Landscaping changes, a detailed landscape plan Shall also be submitted for review by the Heritage Board.
- .5 Council May, on the recommendation of the Heritage Board, identify certain types of applications where the Heritage Advisor May undertake an administrative review and issue a permit.
- .6 Prior to making a recommendation on an application for a permit, the Heritage Board Shall take such action as May be reasonably required to inform the applicant, and all others it deems to be appropriate, that the application is pending and Shall give such Persons an opportunity to be heard.
- .7 Failure of any Person to receive notice, as provided herein, Shall not invalidate any action taken by the Heritage Board.
- .9 The Heritage Board May request Council hold a public hearing on the application.
- .10 The Heritage Board Shall make a recommendation to Council on the issuance of a permit, and Council may approve or reject an application for a permit or development. The Heritage Advisor Shall notify the applicant in writing within seven (7) calendar days of Council's decision.
- .11 If the Heritage Board finds that a proposed Development is appropriate and complies with this By-law, it Shall recommend to Council that a permit be issued and the permit Shall state:
  - (a) that the proposed Development for which application has been made was approved by Council;
  - (b) the date of approval; and
  - (c) any terms and conditions on which the approval is contingent.
  - (d) If the Heritage Board finds that a proposed Development is not appropriate nor complies with this By-law, it May recommend to Council for rejection of a permit.
- .12 Where there is any deviation from the terms and conditions on the permit, the Heritage Board Shall review the case, and Council Shall, on receiving a recommendation from the Heritage Board, make its disposition of the case.
- .13 Any Person proposing construction of a new Building or Structure, or relocation of an Existing Building or Structure Shall have regard for the following Development Standards, and Council May refuse to issue a permit where a Heritage Resource in the Heritage Preservation Area or a Designated Heritage Resource is Altered, removed, partially removed or demolished without first receiving a permit.

## **6.6 DEVELOPMENT STANDARDS FOR SITES, BUILDINGS AND STRUCTURES**

- .1 In evaluating any Development, other than demolition, of any Existing Heritage Resource Building or Structure, the Heritage Board Shall consider:
  - (a) the original character of a Building or Structure, the construction and original Architectural Details;
  - (b) Use of the same Traditional Materials already Used on the Building of this era for Alterations to the Existing Building and for new additions to the Building;
  - (c) the scale of any Alterations or additions to a Building in relation the scale of the original or the Existing Building or Structure;

- (d) Existing doors and windows, and these Existing openings in relation and proportion to others in the Building;
  - (e) original door and window casements, sashes, mullions, or muntins, and glazing in doors and windows;
  - (f) Alterations or additions to the pitch, direction and arrangement of the roof and whether these are in keeping with the original or Existing Design of the Building or Structure;
  - (g) Architectural Details which do not need to be changed, removed or replaced; and
  - (h) the location of any attached or protruding mechanical or utility Appurtenances.
- .2 In evaluating any proposed Development of an Existing Heritage Resource site that does not involve an Existing Building or Structure, the Heritage Board Shall consider:
- (a) the original or historical Significance of the site or the Heritage Resource;
  - (b) the environmental and archeological impact of the proposed Development;
  - (c) the application of an appropriate environmental protection plan;
  - (d) the land elevations and the appropriateness of the Landscaping plan; and
  - (e) the restoration of Buildings, Structures or Landscaping features, if any.

## **6.7 DEVELOPMENT STANDARDS FOR NEW DEVELOPMENT IN A HERITAGE PRESERVATION AREA**

- .1 Any Person proposing a Development, other than demolition, within the Heritage Preservation Area, Shall have consideration for the Heritage Resource(s) in the immediate area, and in particular the following:
- (a) the prevalent architectural styles of Buildings located within the area, the Streetscape, the Landscaping and any specific recommendations made by the Heritage Board;
  - (b) the prevalent Height to width ratios of Existing Buildings and Open Space ratios;
  - (c) the style and proportions of windows in Existing Buildings;
  - (d) the pitch, direction and arrangement of roofs on Existing Buildings;
  - (e) the size, shape and prominence of entrances and Porches on Existing Buildings; and
  - (f) the location of any attached or protruding mechanical or utility Appurtenances and right-of-ways or easements associated with the property.
- .2 The Heritage Board May recommend the Use of Contemporary Materials where their appearance is compatible and if Traditional Materials and workmanship are not available.
- .3 Where the Setbacks of Neighbouring Buildings or Structures are uniform, the Setback for new construction should be the same unless otherwise approved by Council on the recommendation of the Heritage Board.
- .4 Where the Setbacks of Neighbouring Buildings or Structures are not uniform, the Setback for new construction Shall reflect the average Setbacks within the same Block on the same side of the Street.
- .5 The Side Yard ratio on each side of a Development Shall conform to the relative Side Yard ratios of either of the adjacent Buildings or Structures so as to maintain the pattern of open and occupied spaces.
- .6 The Height of a Development Shall not vary by more than twenty percent (20%) from the average Height of the Existing Buildings constructed prior to 1900 and not subsequently Altered on the same side of the Street and Block, and the Height of an Accessory Building May be varied with the approval of Council, on the recommendation of the Heritage Board, where an Accessory Building Height and roof pitch closely match the Main Building.
- .7 These Development Standards Shall apply to the unaltered state and appearance of Existing Buildings and Structures as determined from the records of the Heritage Board or original photographs, plans, specifications or evidence produced from other sources, and where such information is not available, the Standards Shall relate to the same type and style of Buildings in the Heritage Preservation Area, constructed prior to 1900 and not subsequently Altered.

## **6.8 SIGNAGE**

- .1 A Sign permit May be issued by Council, on the recommendation of the Heritage Board, within the Heritage Preservation Area or on a Heritage Resource Structure provided that the Sign:

- (a) does not obscure distinctive Architectural Details or features of a Heritage Resource;
  - (b) is constructed of, or appears to be constructed of, natural materials such as wood, metal or fabric;
  - (c) if mounted to the Structure, is fixed in such a manner as not to damage or irreversibly affect the Building or Structure;
  - (d) does not overload or overstress any part of the Building or Structure; and
  - (e) if protruding over a public way or a sidewalk, is covered by a public liability insurance policy which names the City as the insured party.
- .2 The Heritage Board Shall employ the guidelines in Appendix “B” and may employ Section 5 as guidelines when making a recommendation on Signs in the Heritage Preservation Area or on a Designated Heritage Resource.

## **6.9 ORDINARY MAINTENANCE**

For the purposes of this By-law, Maintenance of the exterior of a Building or Structure is permitted, and a permit is not required to undertake such Maintenance provided that:

- .1 Any replacement of materials Shall match what exists on the Heritage Resource.
- .2 If any replacing or patching of material is required, the new material Shall be compatible with the Existing material in colour and composition.

## **6.10 MASONRY MAINTENANCE**

- .1 For the purposes of this By-law, the cleaning of a Building or Structure which is of masonry construction Shall be deemed to be an Alterations to the exterior surface texture and Shall not be considered ordinary Maintenance.
- .2 The cleaning of any Heritage Resource which is of masonry construction Shall employ a technique which does not damage the Facade.
- .3 Any Person who proposes to clean, or have cleaned, any Heritage Resource which is of masonry construction, Shall obtain from the Heritage Advisor a permit before work begins, but no permit Shall be required for the cleaning of a foundation.
- .4 Any Person who proposes to repoint masonry on a Heritage Resource Shall obtain from the Heritage Advisor a permit before work begins, and any such repointing Shall consider the colour, composition, joint thickness and profile of the Existing or original mortar.