

MUNICIPALITY OF THE COUNTY OF KINGS

For By-Law information contact the Municipal Clerk
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BY-LAW # 80

HERITAGE PROPERTY BY-LAW

1. Title and Definitions

- 1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".
- 1.2 In this By-law:
 - 1.2.1 "Clerk" means the Municipal Clerk of the Municipality and shall include anyone designated by the Clerk to carry out the work.
 - 1.2.2 "Municipal Registry of Heritage Property" means the Kings County Municipal Registry of Heritage Property under the meaning of the Act.
 - 1.2.3 "Municipality" means the Municipality of the County of Kings.
 - 1.2.4 "Registry of Deeds" means the Registry of Deeds serving the Municipality.

2. Heritage Advisory Committee

- 2.1 Council shall appoint a Heritage Advisory Committee which may advise the Council respecting any matter conducive to the effect of carrying out the intent and purpose of the Act.
- 2.2 Either of the following may be appointed by Council as the Heritage Advisory Committee:
 - (a) The Committee of the Whole; or
 - (b) The Planning Advisory Committee.
- 2.3 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to committees as contained in the By-laws of Council. The Meeting and Procedure By-law of the Municipality, as amended from time to time, shall apply with only the necessary modifications to the Heritage Advisory Committee.

3. Municipal Registry of Heritage Property

- 3.1 The Clerk shall establish and maintain at the business office of the Municipality, a Municipal Registry of Heritage Property, where all prescribed documents relating to the registration of Municipal Heritage Property pursuant to the Act or this by-law shall be filed.
- 3.2 The Municipal Registry of Heritage Property shall:
 - 3.2.1 contain information with respect to recommendations, registrations and deregistrations, and recording particulars of documents required to be lodged at the Registry of Deeds, and true copies of all notices required by the Act;
 - 3.2.2 be accessible to the public at no charge during regular business hours of the business office of the Municipality.

4. General Provisions

- 4.1 The Heritage Advisory Committee may recommend to Council that a building, public-building interior, streetscape, cultural landscape or area be registered as a Municipal Heritage Property in the Municipal Registry of Heritage Property.
- 4.2 The notice of such recommendation shall be served by the Clerk in accordance with the Act.
- 4.3 Notice of a recommendation by the Heritage Advisory Committee to Council that a building, public-building interior, streetscape, cultural landscape or area be registered as a Municipal Heritage Property shall include the:
 - (a) location of the building; and
 - (b) extent of the recommendation; and
 - (c) effect of registration; and
 - (d) time, date and location of the public hearing regarding the registration.
- 4.4 Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and notice of the registration shall include all of the information set out in Section 4.3 above.
- 4.5 Notice of such registration shall be:
 - (a) sent to each registered owner; and
 - (b) deposited with the Registry of Deeds; and
 - (c) filed in the Municipal Registry of Heritage Property.

- 4.6 Council may deregister a Municipal Heritage Property in accordance with the provisions of the Act and such deregistration shall be filed in the Municipal Registry of Heritage Property.
- 4.7 Council may adopt, and from time to time amend, the terms of reference under which the Heritage Advisory Committee shall operate.
- 4.8 The Heritage Advisory Committee shall make recommendations regarding the terms of reference.

History of this By-law

Enacted - September 2, 1997

Amended - September 13, 2013
May 29, 2014

**NOTE: A and B forms (following) are not part of the Bylaw
but will be used as templates.**

FORM A

NOTICE OF RECOMMENDATION TO REGISTER AS A
MUNICIPAL HERITAGE PROPERTY

TO: _____ (owner(s) name and address) _____

YOU ARE HEREBY NOTIFIED THAT:

1. The (one of: land, building public-building interior, streetscape, cultural landscape or area) herein referred to as "the Property" located at:

Civic Address: _____

P.I.D. No.: _____

Subdivision and Lot No. _____

Registration and Filing Nos. of Plan of Subdivision _____

Approximate Size: _____

Legal Description (attach as a schedule)

has been recommended by the Heritage Advisory Committee of the Municipality of the County of Kings to be registered in the Municipal Registry of Heritage Property for the Municipality of the County of Kings.

2. The reasons for this proposed designation are: (summarize reasons)
3. Section 14 (4) of the Heritage Property Act prohibits any substantial alteration to the appearance of, or demolition of, a building, streetscape or area for a period of one hundred and twenty (120) days from the date and service of this notice except where within the one hundred and twenty (120) days, the Municipality refuses to register the Property.
4. The effect of registration in the Municipal Registry of Heritage Property of the Property described in paragraph 1 is that no:
- demolition; or,
 - substantial alteration in exterior appearance of a building, streetscape, cultural landscape or area; or,
 - substantial alteration in appearance of any public-building interior
- may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality of the County of Kings and the approval, with or without conditions, is granted. Where such application is not approved the owner(s) may make the alterations, or carry out the proposed demolition described in the application at any time after three years but not more than four years from the date of the written application.

5. You are hereby notified that the Council of the Municipality of the County of Kings will give the owner or any other person an opportunity to be heard regarding the recommendation of the Heritage Advisory Committee regarding the Property described in this notice at a Public Hearing to be held on the ___ day of _____ at _____ (*time*), at the Council Chambers, Municipal Administration Building, 87 Cornwallis Street, Kentville, Nova Scotia.
6. Information and particulars concerning the recommendation and reasons to support it may be examined at the office of Planning Services, Municipality of the County of Kings, Municipal Administration Building, 87 Cornwallis Street, Kentville, Nova Scotia, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excepting holidays.
7. You are also invited to forward any comments you might wish to make concerning this matter to the Heritage Facilitator, Municipality of the County of Kings, PO Box 100, Kentville, NS B4N 3W3.

DATED at Kentville, Nova Scotia, this
___ day of _____, 20__.

Municipal Clerk

FORM B

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

(To be filed in the appropriate Registry of Deeds)

TO: _____

WHEREAS the Council of the Municipality of the County of Kings has enacted a Heritage Property By-law pursuant to the provision of the Heritage Property Act of Nova Scotia;

AND WHEREAS the By-law has received the approval of the Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia;

AND WHEREAS a notice of Proposed Recommendation for Registration of the Property hereinafter more fully described was issued on the ___ day of _____, 20__;

AND WHEREAS the Council of the Municipality of the County of Kings did sit to hear any comments regarding the recommendation of the Heritage Advisory Committee and representation of other persons regarding the Property described in the Notice on the ___ day of _____, 20__; at (time) _____ at (place) _____;

AND WHEREAS the said Council of the Municipality of the County of Kings has, after hearing those appearing at the hearing, has registered the subject Property in the Municipal Registry of Heritage Property

YOU ARE HEREBY NOTIFIED THAT:

1. The (*one of: land, building public-building interior, streetscape, cultural landscape or area*) located at (*civic address, location, PID, legal description or other identification of "the Property"*)

Civic Address: _____

P.I.D. No.: _____

Subdivision and Lot No.: _____

Registration and Filing Nos. of Plan of Subdivision: _____

Approximate Size: _____

Legal Description (*attach as a schedule*)

has been designated as a Municipal Heritage Property and has been registered in the Municipal Registry of Heritage Property by resolution adopted at a meeting of Council the ___ day of _____, 20__.

2. This Notice of Registration is being sent to you pursuant to the requirements of the Heritage Property Act and a true copy of this Notice of Registration has been deposited at the Registry of Deeds Office for Kings County, located in Kentville, Nova Scotia.
3. The effect of registration in the Municipal Registry of Heritage Property is that no demolition or substantial alteration in the exterior appearance of a building, streetscape, cultural landscape or area, or substantial alteration in appearance of any public-building interior *[name item registered and area controlled]* may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality of the County of Kings and the application is granted with or without conditions. Where an application is not approved, the owner may make the alteration described in his application or carry out a proposed demolition at any time after three years but not more than four years from the date of the application.
4. Registration of the Property includes the following consequences:
 - 4.1 Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality of the County of Kings ("the Municipality").
5. The following process will be followed for any application to substantially alter the appearance of the designated land, building public-building interior, streetscape, cultural landscape or area:
 - 5.1 An application for permission to alter the exterior appearance of, or demolish a Municipal Heritage Property shall be made in writing to the Municipal Clerk.
 - 5.2 Upon receipt of the application, the Clerk shall refer the application to the Heritage Facilitator for recommendation to the Heritage Advisory Committee.
 - 5.3 The Heritage Facilitator shall determine whether a proposed change is a substantial alteration. If the Heritage Facilitator is unable to determine whether a proposed change is substantial or non-substantial, the application shall follow the process for a substantial change.

If the proposed changes are determined by the Heritage Facilitator to be non-substantial, the Heritage Facilitator will send a letter to the applicant advising that a Heritage Permit is not required.

If the proposed changes are determined to be substantial, a report will be prepared by the Heritage Officer for consideration by the Heritage Advisory Committee and recommendation to Council.

- 5.4 Within thirty days of the referral to the Heritage Facilitator of an application for substantial alteration, the Heritage Advisory Committee shall submit a written report and recommendation to the Council of the Municipality whereupon the Municipality may grant the application either with or without conditions or may refuse it.
- 5.5 The Municipality shall then advise the applicant of Council's decision.
- 5.6 Where an application has been made for permission to alter the exterior appearance or to demolish the Property and the application is not approved, the owner of the Property may make the alteration or carry out the demolition at any time after three years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four years after the date of the application.
- 5.7 The Municipality has the right to place a sign, plaque or other marker on the Property indicating the significance of the designation.