

GRAND PRÉ

HERITAGE CONSERVATION DISTRICT

BYLAW

GRAND PRÉ HERITAGE CONSERVATION DISTRICT BYLAW

TABLE OF CONTENTS

	Page	
1	DEFINITIONS	1
2	ADMINISTRATIVE PROVISIONS	2
2.1	TITLE, PURPOSE AND SCOPE	2
2.2	CONSERVATION DISTRICT BOUNDARY	2
2.3	INTERPRETATION OF CERTAIN WORDS	2
2.4	TYPES OF DEVELOPMENT FOR WHICH A CERTIFICATE OF APPROPRIATENESS SHALL BE REQUIRED	3
2.5	TYPES OF DEVELOPMENT FOR WHICH A CERTIFICATE OF APPROPRIATENESS SHALL NOT BE REQUIRED	3
2.6	ADMINISTRATION BY HERITAGE OFFICER	4
2.7	REQUIREMENT FOR APPLICATION	4
2.8	FORM AND CONTENT OF APPLICATION	4
2.9	NOTICE TO APPLICANT REGARDING COMPLETENESS OF APPLICATION	5
2.10	ADDITIONAL INFORMATION	5
2.11	CONFORMITY WITH DESIGN GUIDELINES	5
2.12	TYPES OF DEVELOPMENT FOR WHICH CERTIFICATES MAY BE ISSUED DIRECTLY BY HERITAGE OFFICER	6
2.13	TYPES OF DEVELOPMENT REQUIRING PUBLIC HEARING	6
2.14	CONSULTATION WITH PLANNING ADVISORY COMMITTEE OR GRAND PRE HERITAGE SOCIETY	6
2.15	ISSUE OF CERTIFICATE OF APPROPRIATENESS WITHIN THIRTY DAYS	6
2.16	CONDITIONS ON CERTIFICATE OF APPROPRIATENESS	7
2.17	VOLUNTARY APPLICATION FOR CERTIFICATE OF APPROPRIATENESS	7

	Page
2.18 EXPIRATION OF CERTIFICATE OF APPROPRIATENESS	7
2.19 RIGHT TO APPEAL	7
2.20 AMENDMENTS	7
2.21 ENFORCEMENT	7

PART 1 - DEFINITIONS

- 1.1 **Act or Heritage Property Act** is the Heritage Property Act R.S.N.S. 1989, chap. 1999 as amended.
- 1.2 **Certificate of Appropriateness** is the permit by which the Heritage Officer authorizes a development pursuant to this Bylaw, the Act, and the Regulations.
- 1.3 **Design Guidelines** are the design guidelines enacted as an appendix to this Bylaw and constituting a portion of their Bylaw.
- 1.4 **Development** includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structures.
- 1.5 **Heritage Officer** means the person or persons appointed by the Council of the Municipality to administer the Heritage Conservation District Plan and the Heritage Conservation District Bylaw and the issuance of Certificates of Appropriateness.
- 1.6 **Regulations or Heritage Conservation Districts Regulations** are the Regulations enacted from time to time under the Heritage Property Act.

PART 2 - ADMINISTRATIVE PROVISIONS

2.1 TITLE, PURPOSE AND SCOPE

- 2.1.1 This bylaw shall be known and may be cited as the Grand Pré Heritage Conservation District Bylaw.
- 2.1.2 The purpose of this bylaw is to carry out the intent of the Grand Pré Heritage Conservation District Plan by regulating the architectural character of development in the heritage conservation district.
- 2.1.3 This bylaw shall apply within the Grand Pré heritage conservation district, the boundaries of which are shown on the Grand Pré Conservation District Bylaw Map, which forms a part of this Bylaw.
- 2.1.4 This bylaw does not exempt any person from complying with the requirements of other bylaws or regulations in force within the Municipality of the County of Kings.

2.2 HERITAGE CONSERVATION DISTRICT BOUNDARY

The boundary of the heritage conservation district shall be as shown on the Conservation District Map and shall be more precisely located as follows:

- 2.2.1 where the boundary is indicated as approximately following a property line, the boundary shall follow such property line;
- 2.2.2 where the boundary is indicated as following a street or highway right-of-way, the boundary shall be the centre line of such street or highway;
- 2.2.3 where none of the above provisions apply, and where appropriate, the location of the boundary shall be scaled from the Conservation District Map.

2.3 INTERPRETATION OF CERTAIN WORDS

In this bylaw, words used in the present tense include the future; words in the singular include the plural; and the word “shall” is mandatory and not permissive. In the design guidelines which form a part of this bylaw, the word “shall” indicates mandatory requirements, whereas the word “should” carries an advisory meaning, indicating that certain approaches to development or building alteration are preferred and encouraged but not compulsorily required. The term “development” includes any construction, erection, alteration, replacement, reconstruction, restoration of or addition to any building or structure, and includes the demolition or removal of buildings or structures.

2.4 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 conservation district:

- 2.4.1 construction of new buildings;
- 2.4.2 alterations or additions to existing buildings identified on the Conservation District Bylaw Map where the alteration is visible from an adjacent public street or road, including, but not limited to:
 - (a) any alteration of windows, doors, roof, cladding, trim, dormers, chimneys, foundation, porches, verandas, and exterior steps or stairs;
 - (b) any addition of ells, wings, dormers, porches, verandas, decks, balconies, chimneys, or exterior stairs;
- 2.4.3 demolition or removal of buildings identified on the Grand Pré Conservation District Bylaw Map;
- 2.4.4 signs.

2.5 TYPES OF DEVELOPMENT FOR WHICH A CERTIFICATE OF APPROPRIATENESS SHALL NOT BE REQUIRED

Application for a Certificate of Appropriateness shall not be required for the following types of development:

- 2.5.1 repair, reconstruction, or restoration of existing buildings provided that there is no alteration of exterior appearance;
- 2.5.2 repainting or alteration of the colour of existing buildings;
- 2.5.3 alterations or additions to existing buildings where the alterations or additions are not visible from an adjacent public street or road;
- 2.5.4 construction or erection of outbuildings with a ground floor area of 200-sq. ft. or less;
- 2.5.5 fences;

- 2.5.6 minor yard structures such as children's play structures, pet houses, garden trellises, cold frames, retaining walls, flag poles, etc., and minor utilitarian attachments such as domestic fuel tanks, air conditioners, and radio or TV antennae.

2.6 ADMINISTRATION BY HERITAGE OFFICER

The Heritage Officer, appointed by Council, shall administer this bylaw and shall issue Certificates of Appropriateness in accordance with the design guidelines of this bylaw.

2.7 REQUIREMENT FOR APPLICATION

- 2.7.1 No person shall undertake any development in the conservation district without first obtaining a Certificate of Appropriateness from the Heritage Officer, except for those developments specified in section 2.5.
- 2.7.2 The application shall be signed by the owner of the property on which the proposed development is to take place or the owner's agent, together with an address and telephone number at which the owner or agent may be contacted.
- 2.7.3 Nothing in this Bylaw shall exempt any person from complying with the requirements of the Building Bylaw, Subdivision Bylaw, or any other bylaw in force within the Municipality; or to obtain any license, permission, permit authority, or approval required by this or any other bylaw of the Municipality, or other lawful authority.
- 2.7.4 Where the provisions of this Bylaw conflict with those of any other municipal or provincial regulations, bylaws or codes including regulations pertaining to on-site sewage disposal systems, the higher or more stringent requirements shall prevail.

2.8 FORM AND CONTENT OF APPLICATION

An application for a Certificate of Appropriateness shall be accompanied by:

- 2.8.1 sketches, elevation drawings or architectural plans, not necessarily prepared by an architect, but drawn to scale and sufficient to clearly illustrate the design, dimensions, and materials of the proposed development.
- (a) Where the application is for an alteration or addition to an existing building, it shall illustrate the design, dimensions, and materials of the existing building and those of the proposed alteration or addition.
 - (b) Where the application is for a new building, it shall include sketches and/or photographs illustrating the design of the proposed building in relationship to buildings situated on adjacent lots.

- (b) Where the application is for a new building, it shall include sketches and/or photographs illustrating the design of the proposed building in relationship to buildings situated on adjacent lots.

2.8.2 a sketch or plot plan, not necessarily prepared by a surveyor or engineer, but drawn to an appropriate scale and sufficient to illustrate:

- (a) the true shape and dimensions of the lot on which the proposed development is to be undertaken;
- (b) the location of the existing or proposed building or other development in respect of which the Certificate of Appropriateness is applied for, with measurements of the lot frontage and the front, rear and side yards;
- (c) the location of other buildings on the lot (if any);
- (d) the location of existing or proposed driveways, steps, walls, fences and landscaping features;
- (e) where the application is for a new building, the location and dimensions of existing buildings on adjacent lots fronting on the same street.

2.8.3 any other information which the Heritage Officer deems necessary to determine whether the proposed development conforms with the requirements of this bylaw.

2.9 NOTICE TO APPLICANT REGARDING COMPLETENESS OF APPLICATION

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

2.10 ADDITIONAL INFORMATION

Where the Heritage Officer is unable to determine whether the application conforms with this bylaw, the Heritage Officer may require that architectural plans or elevation drawings prepared by a registered architect, or a plot plan prepared by a licensed land surveyor, be submitted.

2.11 CONFORMITY WITH DESIGN GUIDELINES

No Certificate of Appropriateness shall be issued by the Heritage Officer except where the proposed development conforms with the requirements and design guidelines of this bylaw or is approved by Council following a public hearing.

2.12 TYPES OF DEVELOPMENT FOR WHICH CERTIFICATES MAY BE ISSUED DIRECTLY BY HERITAGE OFFICER

A Certificate of Appropriateness may be issued directly by the Heritage Officer, in accordance with the requirements of the design guidelines, for the following types of development:

- 2.12.1 alterations or additions to existing buildings;
- 2.12.2 new dwellings;
- 2.12.3 new outbuildings;
- 2.12.4 demolition or removal of non-heritage buildings;
- 2.12.5 signs.

2.13 TYPES OF DEVELOPMENT REQUIRING PUBLIC HEARING

In accordance with the applicable policies of the conservation district plan, the Heritage Officer shall refer applications for Certificates of Appropriateness to the Council for consideration at a public hearing for the following types of development:

- 2.13.1 demolition or removal of any heritage building identified on the Conservation District Bylaw Map;
- 2.13.2 new commercial buildings.

2.14 CONSULTATION WITH PLANNING ADVISORY COMMITTEE OR GRAND PRE HERITAGE SOCIETY

The Heritage Officer or the Council may refer an application to the Planning Advisory Committee or the Grand Pré Heritage Society for advice prior to the granting or denial of a Certificate of Appropriateness or the holding of a public hearing, as applicable.

2.15 ISSUE OF CERTIFICATE OF APPROPRIATENESS WITHIN THIRTY DAYS

Where no public hearing is required, within thirty days of receiving a completed application, the Heritage Officer shall grant the Certificate of Appropriateness if it meets the requirements and design guidelines of this bylaw or shall inform the applicant, in writing, of the reasons for not granting the certificate.

2.16 CONDITIONS ON CERTIFICATE OF APPROPRIATENESS

The Heritage Officer may grant a Certificate of Appropriateness unconditionally or with conditions, in accordance with the provisions of section 14 of the Heritage Conservation Districts Regulations.

2.17 VOLUNTARY APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

A person may apply for and the Heritage Officer may grant a Certificate of Appropriateness where no Certificate of Appropriateness is required, pursuant to section 1.5 of this bylaw (e.g. for painting or repair of an existing building), provided all applicable requirements and design guidelines of this bylaw are satisfied.

2.18 EXPIRATION OF CERTIFICATE OF APPROPRIATENESS

Any Certificate of Appropriateness issued pursuant to this bylaw shall be in force for a period of one year from the date of issuance. If the development to which the Certificate applies has not commenced within that time period, the Certificate shall expire.

2.19 RIGHT TO APPEAL

The approval with or without conditions or denial of a Certificate of Appropriateness may be appealed to the Nova Scotia Utility and Review Board in accordance with the applicable provisions of the Heritage Property Act and the Nova Scotia Heritage Conservation Districts Regulations.

2.20 AMENDMENTS

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

2.21 ENFORCEMENT

In the event of any contravention of the provisions of this bylaw, the Municipality of the County of Kings may take action pursuant to section 25 of the Heritage Property Act.

GRAND PRE CONSERVATION DISTRICT BYLAW MAP

