

City of  
*Summerside*

Prince Edward Island



## Heritage Conservation Bylaw CS-37

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This document is an office consolidation of this **Heritage Conservation Bylaw CS-37**.

**Current to October 17, 2022**

It is intended for information and reference purposes only.

This document is not the official version of the Bylaw.

We have tried to ensure the version of the bylaw is as accurate as possible; however, where accuracy is critical, please consult official sources.

If you find any errors or omissions in this consolidation, please contact the Department of Human Resources and Legal Affairs.

**Read A First Time, September 20, 2022**

**Read A Second Time, October 17, 2022**

**Adopted by Council, October 17, 2022**

### First Reading

The Heritage Conservation Bylaw, was read a first time at the Council meeting held on the 20th day of September, 2022.

The Heritage Conservation Bylaw, was approved by a majority of Council members present at the Council meeting held on the 20th day of September, 2022.

### Second Reading

The Heritage Conservation Bylaw, was read a second time at the Council meeting held on the 17th day of October, 2022

The Heritage Conservation Bylaw was approved by a majority of Council members present at the Council meeting held on the 17th day of October, 2022.

### Approval and Adoption by Council


The Heritage Conservation Bylaw, was adopted by a majority of Council members present at the Council meeting held on the 17th day of October 2022.

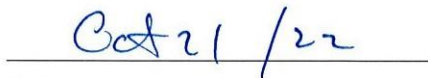
Signatures

  
Basil Stewart, Mayor

  
Gordon, MacFarlane, Chief Administrative Officer

The Heritage Conservation Bylaw, adopted by the Council of the City of Summerside on the 17th day of October, 2022 is certified to be a true copy as seen by me.





Gordon Macfarlane, Chief Administrative Officer

Date

**Table of Contents**

SECTION 1 INTRODUCTION ..... 6  
SECTION 2 INTERPRETATION..... 8  
SECTION 3. HERITAGE DEFINITIONS..... 8  
SECTION 4 ADMINISTRATION..... 11  
SECTION 5 DESIGNATION OF A HERITAGE RESOURCE..... 14  
SECTION 6 HERITAGE PERMITS..... 19  
Schedule 'B' Heritage District Map..... 23  
Schedule 'C' Heritage Permits and Reviewable Developments ..... 24  
Schedule 'D' Fees ..... 25  
Schedule 'E' Heritage Conservation Guidelines ..... 26

## SECTION 1 INTRODUCTION

### 1.1 TITLE

1.1.1 This bylaw may be cited as the *Summerside Heritage Conservation Bylaw CS-37*, but it may also be referred to as the 'Heritage Conservation Bylaw,' or simply as the 'Bylaw' when in context of this document.

### 1.2 AUTHORITY

1.2.1 This Bylaw is enacted under the authority of the *Heritage Places Protection Act, R.S.P.E.I. 1988, Cap.H-3.1.* and the *Municipal Government Act R.S.P.E.I 1988, Cap. M-12.1.*

### 1.3 ADOPTION

1.3.1 The *Summerside Heritage Conservation Bylaw CS-37* is adopted on its approval by Council and the Minister responsible for administering the *Heritage Places Protection Act.*

### 1.4 EFFECTIVE DATE

1.4.1 The effective date of this Bylaw is December 2022. The Heritage Conservation Bylaw SS-20 shall be repealed on the effective date of this Bylaw.

### 1.5 PURPOSE AND IMPLEMENTATION

1.5.1 The purpose of this Bylaw is to implement the *Summerside Heritage Conservation Plan* by regulating the architectural character and the aesthetic setting of the Heritage District and any designated buildings and sites inside and outside the District. This Bylaw adopts *The Standards and Guidelines for the Conservation of Historic Places in Canada (SG)* second edition, 2010.

### 1.6 SCOPE

1.6.1 This Bylaw applies to all lands, buildings, structures, and developments within the City of Summerside, and more specifically to:

- a. Designated Heritage Resources;
- b. All properties located within the Heritage District.

1.6.2 A list of all designated and registered heritage resources shall be maintained by the City and shall be made available in conjunction with this Bylaw.

1.6.3 This Bylaw prescribes the:

- a. Provisions for the Designation of a Heritage Resource;
- b. Provisions for Temporary Designation of a Heritage Resource;
- c. Provisions for Revocation of a Designated Heritage Resource;
- d. The criteria by which a Heritage Permit and a reviewable development will be reviewed and processed.

## **1.7 VALIDITY**

1.7.1 The intent of any Bylaw provision is not invalidated by any errors in its drafting.

1.7.2 Should any Bylaw provision be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the Bylaw shall not be affected.

1.7.3 A change of property owner or development applicant does not affect the rights or obligations attached to any approval, agreement, or notice made in accordance with this Bylaw.

## **1.8 SCHEDULES**

1.8.1 The written body of this Bylaw constitutes its Schedule 'A' and may be referred to as the 'text.'

1.8.2 The following attached schedules form part of this Bylaw:

- a. Schedule 'B.' Map of Heritage District;
- b. Schedule 'C' Heritage Permits and Reviewable Developments;
- c. Schedule 'D' Fees; and
- d. Schedule 'E' Heritage Conservation Guidelines.

1.8.3 Changes to Schedule 'A,' require a Bylaw amendment under the Municipal Government Act (MGA). Schedules 'B,' 'C,' 'D' and 'E' may be amended by simple Council resolution.

## **1.9 OTHER BYLAWS, PERMITS AND LICENSES**

1.9.1 Nothing in this Bylaw shall relieve any person from the obligation to comply with the requirements of any other bylaw of the City in force from time to time, or the obligation to obtain any license, permit, authority, or approval required under any bylaw of the City, or statute or regulation of the Province of Prince Edward Island or the Government of Canada. Where requirements of this Bylaw conflict with any other requirements, the more stringent requirements shall prevail.

## SECTION 2 INTERPRETATION

### 2.1 HERITAGE DISTRICT (HD)

2.1.1 The boundary of the Heritage District (HD), as shown on Schedule 'B', shall be determined as follows:

- a. where the boundary is indicated as approximately following a property line, the boundary shall follow such property line;
- b. 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;
- c. where none of the above provisions apply, and where appropriate, the location of the boundary shall be scaled from the Heritage District Map.

### 2.2 CERTAIN WORDS

2.1.2 In this Bylaw words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular, all as the context allows; and the word 'shall' is mandatory and is not permissive.

### 2.3 USE OF HEADINGS

2.1.3 The headings of sections, subsections, tables, and schedules of this Bylaw have been inserted for convenient reference and in no way define, limit or enlarge the scope of any provisions of this Bylaw.

## SECTION 3. HERITAGE DEFINITIONS

### 3.1 DEFINITIONS

For purposes of this Bylaw all words carry their customary meaning, except those defined in the *Zoning Bylaw* and the *Building Bylaw*, and those additional words defined below. Important cross-references between definitions are shown by use of italics.

**ACCESSORY BUILDING** refer to *building* definition.

**ALTERATION** means any change to an existing building or architectural component which may affect its external appearance.

**APPLICANT** means any *person* responsible for completing an application for a *heritage permit* and for fulfilling any required preconditions or conditions of permit approval under this Bylaw.



**BUILDING** means a building or structure as defined by the *Building Code Act/National Building Code or Building Bylaw* as adopted by the City.

**BUILDING BYLAW** means the Summerside Building Bylaw CS-31 or any successor bylaw as amended.

**BUILDING OFFICER** means any person designated by the *Chief Administrative Officer* to administer this Bylaw or any part thereof.

**CHIEF ADMINISTRATIVE OFFICER (CAO)** means the Chief Administrative Officer of the City of Summerside appointed by *Council*.

**CITY** means the City of Summerside as established by the *PEI Municipal Government Act (MGA)*.

**CLEAR DAY** means any day other than weekends and statutory holidays.

**COMMISSION** means the Island Regulatory and Appeals Commission (IRAC) created pursuant to the *Island Regulatory and Appeals Commission Act R.S.P.E.I. 1988, Cap. I-11*

**COUNCIL** means the duly elected Council of the *City*.

**DESIGNATE, DESIGNATED, OR DESIGNATION** means a *heritage resource or heritage district* recognized for its heritage value and evaluated, researched, and scored pursuant to this bylaw, and includes those *heritage resources* that were *designated* prior to the adoption of this bylaw.

**DEVELOPMENT** means a City approved permit for any or all of the following:

1. changing the use or intensity of use of a parcel of land or the use, intensity of use or size of a structure or building.
2. carrying out of any building, engineering, construction, or other operation, including the erection or alteration of any building.

**DEVELOPMENT OFFICER** means any person designated by the *Chief Administrative Officer* to administer this Bylaw or any part thereof.

**HERITAGE ASSESSMENT REPORT** means a report prepared by City staff describing the heritage value of a *Heritage Resource* with respect to the criteria for designation, temporary designation and revocation of designation or evaluating an application for a Heritage Permit.

**HERITAGE BUILDING** means a building and the property it is located on, which is a designated *heritage resource*.

**HERITAGE CONSERVATION** means the recognition, protection, and promotion of *heritage resources* for the social, economic, and cultural betterment of the community.

**HERITAGE DISTRICT (HD)** means the area or areas in the City of Summerside recognized under the Bylaw as having a high concentration of *Heritage Resources*, as shown in Schedule 'B' of this bylaw.

**HERITAGE BOARD (HB)** means the standing committee of Council and citizen members appointed by Council resolution, with special responsibilities for recommending to Council on heritage issues as specified in this Bylaw.

**HERITAGE PERMIT** means a decision granted by Heritage Board under the authority of this Bylaw.

**HERITAGE RESOURCE(s)** means any designated building, site, or heritage district recognized for its heritage value and for which its protection may serve a social, economic and/or cultural benefit to the community. It includes all *supporting district properties* inside a *heritage district*.

**HERITAGE SITE** See *heritage resource*.

**LOT** means any parcel of land shown on a registered plan of subdivision or described in a deed or other document legally capable of conveying an interest in land approved under the *Summerside Subdivision Bylaw SS-19* or any successor bylaw.

**MAYOR** means the duly elected Mayor of the City of Summerside.

**ORDINARY MAINTENANCE** means those actions taken to prevent the exterior deterioration of a designated building, but does not include cleaning of masonry, minor repairs or painting.

**PERSON** means an owner, individual, association, corporation, contractor, commission, public utility, firm, partnership, or organization of any kind, including both principal and agent in an agency situation.

**REGISTER of DEEDS** shall be the same meaning as defined in the Registry Act R.S.P.E.I. 1988, Cap.R-10.

**REGISTER of HERITAGE PLACES** shall be the same meaning as defined in the Heritage Places Protection Act and Regulations, R.S.P.E.I. 1988, Cap. H-3.1 as amended.

**REVIEWABLE DEVELOPMENT** means an application for a proposed development on a designated *heritage resource* or *supporting district property* which is subject to zoning

bylaw approval as outlined in Schedule 'C'.

**STAFF** means employees of the *City of Summerside* designated by the CAO to administer this bylaw or any part thereof.

**STANDARDS AND GUIDELINES (SG)** means *The Standards and Guidelines for the Conservation of Historic Places in Canada (2010)* second edition as amended.

**STRUCTURE** means anything that is constructed or erected that is not a *building*, such as a fence, or sign.

**SUPPORTING DISTRICT PROPERTIES** means any building, or property within a *Heritage District* which is not a *designated heritage resource*.

**URBAN CORE PLAN** means the Summerside Urban Core Plan 2016 or any successor plan as adopted by Council.

**ZONE OR ZONING** means any zone designated in the *Zoning Bylaw* extending within the boundaries of a *Heritage District* under this Bylaw.

**ZONING BYLAW** means the Summerside Zoning Bylaw SS-15 or any successor bylaw as amended.

## **SECTION 4            ADMINISTRATION**

### **4.1    ADMINISTRATION**

4.1.1 This Bylaw shall be administered by the Development Officer, Building Officer and any other staff of the City of Summerside, as designated by the Chief Administrative Officer.

### **4.2    HERITAGE BOARD (HB)**

4.2.1 In its capacity as a Heritage Board under this bylaw and the *Heritage Places Protection Act*, the board shall recommend to Council on heritage conservation issues, including:

- a. designation, temporary designation and revocation of a designation of heritage resources;
- b. land-use applications with potential heritage impacts (reviewable developments) under the zoning bylaw, as specified in Schedule 'C' of this bylaw;
- c. heritage plan and bylaw text amendments;
- d. reviewing heritage permits for developments;

- e. reviewing and approving heritage incentives, grants, recognition and promotional programs, as applicable;
- f. citizen board representatives shall be available as a resource to advise the Development Officer, Building Officer and other City staff in executing their duties under this Bylaw, but in such capacity shall not constitute part of a Heritage Board;
- g. any other heritage issues as may be assigned from time to time by Council.

4.2.2 The Heritage Board shall have at least six (6) members appointed as follows:

- a. three (3) Councillors;
- b. three (3) citizen members appointed by Council resolution and selected for their knowledge of heritage conservation.

4.2.3 Membership rules for citizen representatives on the Board are:

- a. each citizen representative shall be appointed for a four (4) year term;
- b. a citizen representative may be eligible for re-appointment for no more than two (2) consecutive terms;
- c. a citizen representative who is absent from three (3) consecutive Heritage Board meetings without cause shall be deemed to have resigned; and
- d. in case of a vacancy occurring among citizen representatives other than by expiry of their term, Council may appoint another person to complete the term.

4.2.4 HERITAGE BOARD MEETINGS:

- a. A quorum for the Board shall be two (2) Councillors and two (2) citizen representatives.
- b. The Chair of Heritage Board shall be a member of Council or in their absence another Council member of the board.
- c. The Heritage Board shall meet at least quarterly unless there is no business to be addressed and shall meet at the call of the Chair or at the request of one-third of its members.

### **4.3 REQUIRED APPLICATIONS**

4.3.1 As specified in section 5, applications are required under this Bylaw for the designation of heritage resources and section 6, applications for heritage permits.

4.3.2 As specified in section 6 and section 7, certain development applications under other bylaws are subject to this Bylaw's more stringent requirements for heritage protection, including:

- a. certain building permits under the *Building Bylaw*; and.
- b. certain development permits under the *Zoning Bylaw*.

#### **4.4 CITY OR THIRD PARTY AS INITIATOR**

4.4.1 The City or a third party with written consent of the property owner may initiate any application under section 5, but in accordance with this Bylaw.

#### **4.5 FEES**

4.5.1 Fees levied under this bylaw shall be accordance with Schedule 'D'.

#### **4.6 STATUS OF APPLICATION**

4.6.1 Each application under section 5.1 and section 6.1 shall be completed when:

- a. submitted in format required by the City;
- b. signed and dated by the applicant, who must be either the current property owner (may be another person duly authorized by the owner as a designation of agent), third party or the City;
- c. accompanied with all applicable fees, and supporting information and documentation required under this Bylaw and/or other applicable bylaws.

4.6.2 No application shall be considered for approval until it is completed in accordance with section 4.6.1 above.

4.6.3 An application which is not completed according to section 4.6.1 above within 12 months of the original submission shall be considered null and void.

4.6.4 An application shall not be considered within one year of a similar application being denied, except as the ruling of an allowable IRAC appeal or review procedure.

#### **4.7 DEVELOPMENT AGREEMENT**

4.7.1 A development agreement may be required by Council to any approval under this Bylaw in accordance with section 5.15 of the *Zoning Bylaw*.

#### **4.8 COMPLIANCE**

4.8.1 No development shall be undertaken or continue to be undertaken, and no development shall be approved by the City except in conformity with this Bylaw.

#### **4.9 ENFORCEMENT**

4.9.1 If a development does not comply with the requirements of this Bylaw, the City may issue a written notice to the property owner to:

- a. stop the development in whole or in part within a specified time; and/or, at the City's option:
- b. take measures so that the development complies with requirements of this Bylaw within a specified time.

4.9.2 Council may apply to the Supreme Court of PEI for an injunction to restrain any unlawful development under this Bylaw.

#### **4.10 OFFENCES**

4.10.1 An individual who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding \$20,000 and a corporation up to \$100,000.

## **SECTION 5 DESIGNATION OF A HERITAGE RESOURCE**

### **5.1 APPLICATION**

5.1.1 The process to Designate a Heritage Resource may be initiated by:

- a. An application by the property owner(s); or
- b. with written consent of the property owner(s):
  - i. Council;
  - ii. Heritage Board; or
  - iii. A third party.

5.1.2 The process to Designate a Heritage District may be initiated by:

- a. Council;
- b. Heritage Board; or
- c. An application and petition signed by a minimum of at least 65% of the property Owner(s) affected by the Designation.

5.1.3 Where an Owner(s) or third party initiates the process to Designate a Heritage Resource, the applicant shall submit a completed application form which includes a summary report on the history of the building and copies of historic documents which confirm the age, architect, original owner(s), and/or other historically relevant information on the building or site.

### **5.2 HERITAGE ASSESSMENT REPORT**

5.2.1 The Development Officer with assistance of Culture Summerside staff as necessary, shall carry out research and will prepare a Heritage Assessment Report on a building proposed for Designation.

5.2.2 The Heritage Assessment Report shall take into consideration any information submitted by the applicant, the heritage statement of significance (SoS) and scoring evaluation criteria;

5.2.3 A Heritage Assessment Report for a Heritage District, or a group of Buildings, may also take into consideration the following:

- a. An exceptionally creative achievement in concept and design, technology and/or planning, or a significant stage in the development of Prince Edward Island or the City of Summerside. The creativity so noted must be in keeping with the Historical Districts current make up or flavor and is not to be wildly out of context with that which is already in place;
- b. A symbol in whole or in part of a cultural tradition, a way of life or ideas important in the development of Prince Edward Island or the City of Summerside;
- c. An explicit and/or meaningful association with one or more persons who are deemed of national or local historic significance; or
- d. An explicit and/or meaningful association with one or more events that are deemed of national or local historic significance.

### **5.3 REVIEW PROCESS**

5.3.1 A Notice of the Intention to Designate, a minimum of seven (7) clear days prior to the Heritage Board meeting, shall be:

- a. Published in a newspaper having general circulation in the area;
- b. Posted on the City's website; and
- c. Served on the Owner(s) of the property(ies), when the Owner(s) is not the applicant.
- d. Written Letter to property owners within 30 meters (98.4 ft) from the boundaries of the property subject for designation describing the proposal and inviting comments in writing, within 7 clear days.

5.3.2 The Notice of Intention to Designate a Heritage Resource, Heritage District or portion thereof shall contain:

- a. The civic address and parcel identification number (PID) of the Heritage Resource, or a boundary description and a map for a proposed Heritage District;
- b. A summary of the obligations of Designation;
- c. The date and time by which written public comments or objections must be received; and
- d. Such other particulars as Council deems necessary or relevant.

5.3.3 The Heritage Board shall consider the Heritage Assessment Report and any additional information provided by the applicant, any comments from property owners notified in writing and the public, and shall make a recommendation to Council.

5.3.4 On the recommendation of Heritage Board, Council may approve or deny an application to Designate a Heritage Resource, Heritage District, or a portion thereof.

5.3.5 Where Council has approved or denied an application for a Heritage Resource, written Notice shall be:

- a. Issued to the property Owner(s) and it shall include information for reason(s) in the case of a denial and the right of appeal under the *Heritage Places Protection Act*, R.S.P.E.I. 1988, Cap.H-3.1 and this bylaw;

If approved, the City will:

- b. File the heritage designation with the Registry of Deeds; and
- c. File the heritage designation with the Register of Historic Places of Prince Edward Island and on [HistoricPlaces.ca](http://HistoricPlaces.ca)

5.3.6 If an application to Designate a Heritage Resource is denied or is cancelled, it may again be considered for Designation in accordance with the procedure set out in this bylaw after a one (1) year lapse has occurred since the last application.

#### **5.4 TEMPORARY DESIGNATION**

5.4.1 Where, in the Development Officer's opinion, a Heritage Resource with characteristics that may meet the criteria for Designation, is at risk of imminent irreparable or costly damage to its heritage nature, the Development Officer may, without prior notice, request a Temporary Designation to be reviewed Heritage Board. Council shall consider the Heritage Board recommendation in making its decision.

5.4.2 Where Council approves a Temporary Designation, a Notice of the Temporary Designation, shall be:

- a. Published in a newspaper having general circulation in the area;
- b. Posted on the City's website; and
- c. Served on the Owner(s) of the property(s).

5.4.3 The Notice of Temporary Designation of a Heritage Resource shall contain:

- a. The civic address and tax parcel identification number (PID) of the



Heritage Resource;

- b. A heritage statement of significance (SoS), if available;
- c. The date and time by which written public comments or objections must be received on the Temporary Designation; and
- d. Such other particulars as Council deems necessary or relevant.

5.4.4 Where a Temporary Designation has been approved by Council, no person shall move, alter, develop or demolish any Building, or site for a period of 60 calendar days from the date of service of the Notice under this section, unless the Notice is revoked or cancelled under this bylaw, by Council.

5.4.5 After 60 calendar days of the date of the Notice of Temporary Designation, the status shall expire unless Council orders the process to Designate the Heritage Resource by posting a Notice of Intent to Designate under section 5.3.

## **5.5 REVOCATION OF DESIGNATION**

5.5.1 The process to revoke the Designation of a Heritage Resource, Heritage District or portion thereof may be initiated by:

- a. Council;
- b. Heritage Board; or
- c. An application by the property Owner(s) in the case of a heritage resource.

5.5.2 Where an Owner initiates the process to revoke the Designation of a Heritage Resource, the Owner shall submit:

- a. A completed application form including a description of the reason(s) for requesting revocation; and
- b. A fee in the amount estimated to be sufficient to pay for required Public Notices and costs to remove the Designation at the Registry of Deeds.

5.5.3 The revocation of Designation of a Heritage Resource, may be considered if:

- a. The building has been destroyed or damaged by an Act of God, or fire;
- b. An order by Council has been made for the demolition of the building under another City bylaw; or
- c. The continued Designation of the building appears to be inappropriate as a result of the loss of its heritage value, and was caused by neglect, abandonment or other action or inaction of the owner.

5.5.4 To initiate the process to revoke a Designation, or upon receipt of an application to revoke a Designation, the Development Officer shall prepare a

Heritage Assessment Report.

5.5.5 Before Council approves or denies a revocation of Designated Heritage Resource, Heritage District or portion thereof, Council shall hold a public meeting to receive comments from the applicant and the public.

5.5.6 A Notice of the intention to revoke the Designation of a Heritage Resource, Heritage District or a portion thereof, shall a minimum of seven (7) clear days prior to the Council public meeting be:

- a. Published in a newspaper having general circulation in the area;
- b. Posted on the City's website;
- c. Served on the Owner(s) of the property(ies) when the Owner(s) is not the applicant; and
- d. Written Letter to property owners within 30 meters (98.4 ft) from the boundaries of the property subject to revocation, describing the proposal and advising a minimum of seven (7) clear days of the date, time and location of the Council public meeting.

5.5.7 The Notice of intent to revoke the Designation of a Heritage Resource, Heritage District or portion thereof, shall contain:

- a. The municipal address and parcel identification number (PID) of the Heritage Resource, or a description of the proposed boundary change and a map for a Heritage District;
- b. A summary of the reasons for considering revoking the Designation, or Heritage District, or portion thereof;
- c. The date and time by which written comments or objections must be received, and the date, time and location of the public meeting; and
- d. Such other particulars as Council deems necessary or relevant.

5.5.8 After the public meeting, the Heritage Board shall consider the Heritage Assessment Report and the information provided by the applicant if applicable, and shall make a recommendation to Council to approve or deny the revocation of the Designation of the Heritage Resource, Heritage District or portion thereof.

5.5.9 On the recommendation of Heritage Board, Council may approve or deny a request to revoke a Designation of a Heritage Resource, Heritage District or portion thereof.

5.5.10 Where Council has approved a Revocation of a Designated Heritage Resource, Heritage District, or portion thereof, no Heritage Permit and/or Building Permit shall be issued and no person shall move, alter, develop or demolish any Building, or site for a period of 30 calendar days, unless an order

has been made under a City bylaw.

5.5.11 Where Council has approved or denied the revocation application of the Designation of a Heritage Resource, written Notice shall be:

- a. Issued to the property Owner and it shall include information for the reason(s) in the case of a denial and the right of appeal under the *Heritage Places Protection Act*, R.S.P.E.I. 1988, Cap.H-3.1 and this bylaw;

If revocation is approved, the City will:

- b. Remove the revocation from the Registrar of Deeds at cost to the applicant;
- c. Remove the revocation from the Register of Historic Places of Prince Edward Island and HistoricPlaces.ca

5.5.12 Nothing in this section affects an investigation or charges brought against any person for an offence under this bylaw.

5.5.13 A Heritage Resource or Heritage District or a portion thereof that has been revoked, may be eligible for Designation again in accordance with the procedure set out in this bylaw.

## 5.6 APPEALS TO THE COMMISSION

5.6.1 The decision of Council to Designate a Heritage Resource or to Revoke the Designation of a Heritage Resource under this bylaw, may be appealed by the property owner by written Notice to the Island Regulatory and Appeals Commission (IRAC), within 30 calendar days of Council's decision under the *Heritage Places Protection Act*. For clarity, no third-party appeal is allowed under the *Act*.

5.6.2 Where a Notice of appeal has been filed, no person shall move, alter, develop or demolish any building, structure, site subject to the appeal for the duration of the appeal hearing and until such time as the Commission has made an Order.

## SECTION 6 HERITAGE PERMITS

### 6.1 HERITAGE PERMITS

6.1.1 No Person shall carry out or cause to be carried out any exterior Alteration, Development, or Demolition of a Designated Heritage Resource, or demolition of any Supporting District Property within a Heritage District (but excluding buildings that are less than 50 years old from the current calendar

date), without first obtaining a Heritage Permit from Heritage Board.

6.1.2 Applications for a Heritage Permit shall be accompanied by drawings to an appropriate scale depicting the following:

- a. Building, design or architectural plans and building elevations drawings, if applicable;
- b. Site plan with dimensions, detailing the location(s) of all proposed and existing Buildings and Structures and the existing and proposed setbacks;
- c. The location and details of proposed open space, vehicular circulation and parking areas; and
- d. Any additional information required to assess the application, as requested by the Development Officer and/or Building Officer.

6.1.3 Applications for Heritage Permit demolitions are not subject to the provisions in Section 6.1.2 above.

## **6.2 TYPES OF HERITAGE PERMIT APPLICATIONS**

### **6.2.1 Demolition or Relocation Permits**

- a. Demolition or Relocation Permits pursuant to the *Summerside Building Bylaw* shall be prohibited for Designated Heritage Resources and all Supporting District Properties within a heritage district.
- b. Notwithstanding the prohibition above, the applicant must first revoke the Designation status from the building or site in accordance with Section 5.5 and then obtain a heritage permit for the demolition.
- c. A Supporting District Property must obtain a heritage permit, but the revocation process does not apply. For clarity, a supporting district property must be located within a heritage district, (but excluding buildings less than 50 years old from current calendar date).

### **6.2.2 HERITAGE BUILDING EXTERIOR RENOVATIONS, ALTERATIONS OR ADDITIONS**

- a. Designated heritage buildings require Heritage Board approval of a Heritage Permit. Exterior work may also require a building permit under the Building Bylaw.
- b. Supporting District Properties do not require a Heritage Permit for exterior work but may require a building permit under the Building Bylaw.

## **6.3 PERMIT EXEMPTIONS TO DESIGNATED HERITAGE RESOURCES**

### **6.3.1 A Heritage Permit is not required for:**

- a. Ordinary Maintenance as defined, to the exterior of a Designated Heritage Building provided that any replacement of materials shall be

compatible with the existing material(s). For clarity, heritage permit approval by Heritage Board is required for a heritage grant or incentive application.

- b. Interior Alteration(s) to a Building.
- c. For clarity, additional City permits may be required under the Building Bylaw and/or Zoning Bylaw for exterior and interior work or changes of building use.

## **6.4 PROCESS FOR A HERITAGE PERMIT**

6.4.1 The Building Officer and/or Development Officer, as applicable, shall complete a heritage assessment report of how a proposed development may impact on heritage resources and with consideration of the following information:

- a. any applicable heritage statement of significance SoS profile;
- b. consultation with Culture Summerside staff or Provincial heritage staff, as necessary;
- c. any additional supporting information required from the applicant under this Bylaw for purposes of undertaking the assessment;

### **EVALUATION GUIDELINES**

6.4.2 In evaluating an application for a Heritage Permit involving a Building, the Heritage Board shall review the heritage assessment report, compatibility of the proposed Development in relation to the original and/or existing Building, the criteria in Schedule 'E' of this bylaw and *The Standards and Guidelines for the Conservation of Historic Places in Canada*, (2010) second edition.

6.4.3 Heritage Board shall make a decision to either approve, deny and may place conditions on approval of a heritage permit.

## **6.5 CONDITIONS ON HERITAGE PERMITS**

6.5.1 Heritage Board may place conditions on a Heritage Permit in relation to:

- a. Specifying that the Renovation or Alteration shall be done in the form in which it is proposed or with such variations as considered necessary;
- b. Specifying the siting, dimensions, form, exterior design, finish and other particulars of the construction or renovation;
- c. Requiring restitution to a previous state, where Development has proceeded without approval; and
- d. Such other conditions as considered necessary.

## **6.6 APPEAL OF HERITAGE PERMIT TO COUNCIL**

6.6.1 Heritage Board may deny a heritage permit when an application does not

meet the evaluation guidelines. A heritage permit may be canceled or suspended when the guidelines for evaluating the application have not been upheld by the applicant.

6.6.2 An applicant may appeal the denial of a heritage permit from Heritage Board to Council within 30 days.

6.6.3 Council after receiving the reason(s) for denial from Heritage Board, may approve the heritage permit, approve a permit with conditions or deny the permit.

## **6.7 MAINTENANCE OF HERITAGE PROPERTIES**

6.7.1 Owners of all designated heritage properties shall keep their buildings and land in a good state of repair, subject to review and enforcement provisions under this bylaw.

## **7.0 REVIEWABLE DEVELOPMENTS**

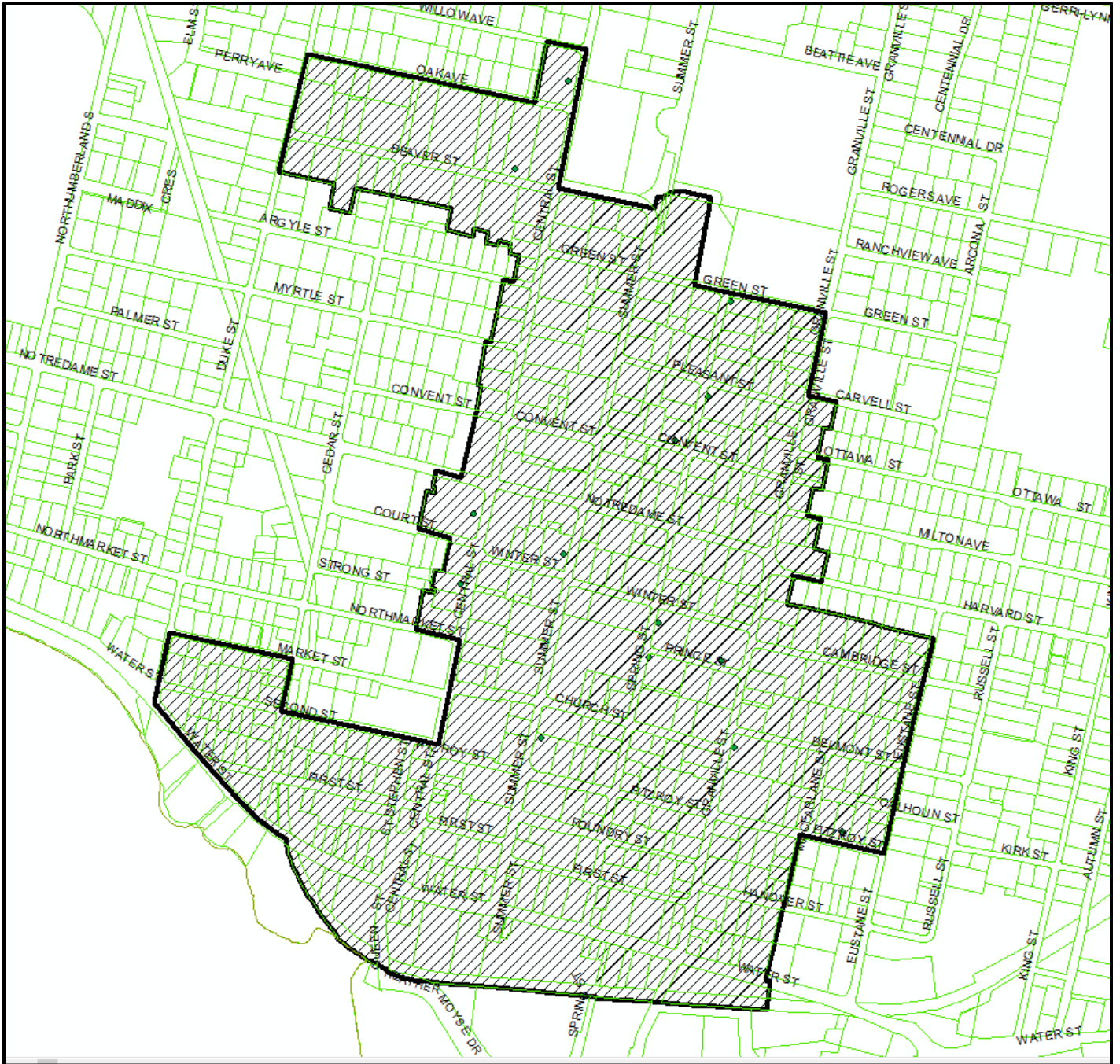
7.1.1 As specified in Schedule 'C', certain proposed developments in this *Bylaw* are deemed to constitute 'reviewable developments,' which shall be subject to heritage protections in accordance with Schedule 'E' of this Bylaw. Reviewable developments do not require a heritage permit but may have land-use impacts on specified heritage resources. Council shall consider the recommendation of Heritage Board in their decision.

### **7.1.2 EVALUATION GUIDELINES**

In evaluating a Reviewable Development, Heritage Board, Planning Board and Council shall review the staff heritage assessment report, compatibility of the proposed Development in relation to the original and/or existing site conditions, and including the following, as applicable:

- a. The original or historical significance of the building, site or Heritage District;
- b. *The Standards and Guidelines for the Conservation of Historic Places in Canada*, (2010) second edition.
- c. The compatibility of the proposed Development with existing Development in the vicinity.
- d. The impact of the proposed Development on the streetscape in the area, and;
- e. Schedule 'E' – Land Uses, Variances or Subdivisions.

### Schedule 'B' Heritage District Map



Schedule 'C' Types of Heritage Permits and Reviewable Developments

A. Types of Heritage Permits	INSIDE a HERITAGE DISTRICT		OUTSIDE a HERITAGE DISTRICT
	1. development on <b>designated</b> heritage property	2. developments on <b>supporting district property</b> (not designated)	3. development on <b>designated</b> heritage property
	on-site impacts	<i>off-site</i> impacts <b>only</b> on heritage resources	<i>on-site</i> impacts <b>only</b> on property itself
1. Heritage building <b>exterior</b> alterations or additions.	<b>Review</b> , Heritage Board	No	<b>Review</b> , Heritage Board
2. Heritage building <b>demolitions or relocation</b> to another property.	<b>Review</b> , Heritage Board and Council in cases of revocation.	<b>Review</b> , Heritage Board (excluding buildings less than 50 years old from current calendar date)	<b>Review</b> , Heritage Board and Council in cases of revocation.
B. Types of Reviewable Developments under the Zoning Bylaw and Subdivision & Site Development Bylaw			
1. Official Plan and Rezoning amendments	<b>Review</b> , Heritage Board/Planning Board/Council	<b>Review</b> , Heritage Board/Council	<b>Review</b> , Heritage Board/Planning Board/Council
2. Discretionary use or Restricted use amendment	<b>Review</b> , Heritage Board/Planning Board/Council	No	<b>Review</b> , Heritage Board/Planning Board/Council
3. Major variances <b>only</b> , (building setbacks and height)	<b>Review</b> , Heritage Board/Planning Board/Council	Review, Heritage Board/Council ( <b>only</b> for impacts on adjacent heritage resources)	<b>Review</b> , Heritage Board/Planning Board/Council
4. Downtown 'D' zone – District #1 – Historic Water	Refer to Downtown 'D' zone (District #1 – Historic Water Street Downtown Core) guidelines as per Section 22 of Zoning Bylaw		n/a
5. Subdivisions (Minor)	<b>Review</b> , Heritage Board	No	<b>Review</b> , Heritage Board



## Schedule 'D' Fees

Schedule 'D' Fees		
1	Applications for Heritage Property Designation	No Fees
2	Applications for Heritage Permit and/ or Building Permit for Work on Designated Heritage Property	No fees
3	Revocation of Designation	Applicant pays all costs of removing designation

## Schedule 'E' Heritage Conservation Guidelines

### Guidelines General

1. Interpretation: the following general review guidelines shall be interpreted with consideration of both the nature of the development and of the heritage resources which it may impact. Consideration shall also be given to any other operative City plans or policies.
2. *The Standards and Guidelines for the Conservation of Historic Places in Canada*, (2010) second edition.
3. Essential historical character: generally, no development shall significantly detract from the essential historical character of a designated heritage property as recorded on its heritage property profile, or, where applicable, of the heritage district generally.

### Designated Heritage Buildings

1. Historical changes: changes that have occurred to a heritage building over time, other than recent modernizations, are part of its evolving character and shall be recognized as having their own historical significance.
2. Alterations to significant heritage features, generally:
  - a. features shall not be removed, but may be repaired or replaced;
  - b. as far as possible, features shall be repaired rather than replaced; and
  - c. where there is no practical alternative to replacements, they shall be of similar scale, proportions and materials to the original features.
3. Addition of features: features added to a heritage building shall be compatible with its essential historical character.
4. Siding: existing wood siding on any heritage building shall only be replaced with siding of appropriate historic styling; it is encouraged that any existing non-wood siding be replaced with wood siding or a similar type of planking and trim pieces with approval of Heritage Board.
5. Arrangement of windows and doors: traditional arrangement of windows and doors on a building shall not be significantly altered; replacement of modernized features with more traditional wooden styles is encouraged.
6. Roofing: traditional roof shapes shall be maintained; roofing materials shall be used which are similar to that generally used on other nearby historic buildings.
7. Surface cleaning: sandblasting or any other potentially damaging cleaning methods shall only be used with extreme care.
8. Additions: additions shall be of a similar historic style, scale and proportions to the original building and with similar features or, at least, shall be of a complementary style, and shall always be done in a way which avoids loss of heritage features on the original building as much as possible.
9. Renovations: renovations of modernized buildings are encouraged that recreate

their previous historical style as much as possible.

10. Relocations: heritage buildings shall only be relocated to another site if there is no serious risk of damage to the building and no other net loss of heritage values within the City.
11. Demolitions: dilapidated heritage resource buildings shall only be demolished if they cannot be repaired at reasonable cost, taking into consideration their present and potential uses; demolitions of heritage buildings due to redevelopment shall be avoided.
12. Accessory buildings: developments effecting accessory buildings with heritage designation shall be subject to the same guidelines as any other heritage building.

### **Land Uses**

1. Changes of use on designated heritage properties: any proposed official plan and/or rezoning amendment, discretionary or restricted use shall be compatible with the property's essential historical character, and any rezoning within the heritage district shall also be compatible with its streetscape.
2. Changes of use on supporting district properties: any rezoning shall be compatible with the essential historical character of nearby heritage properties and of the general character of the heritage district and streetscape.

### **Variances**

1. Variances: any variances shall not detract from the style of a heritage building or its desirable separation from another building, or from its desirable architectural massing in relation to other adjacent buildings.

### **Subdivisions (Minor)**

1. Subdivisions: any subdivision should not detract from the heritage character of heritage resource, heritage district and overall streetscape.