

BY-LAW NO. 219

TOWN OF SACKVILLE MUNICIPAL HERITAGE CONSERVATION AREA BY-LAW

The Council of the Town of Sackville, under authority vested in it by the Heritage Conservation Act, Chapter H-4.05, Statutes of New Brunswick 2010, enacts as follows:

INTERPRETATION

1. In this By-law,
 - (a) "Act" means the Heritage Conservation Act, Chapter H-4.05, Statutes of New Brunswick 2010;
 - (b) "alter" means to change the character-defining elements of the exterior appearance of a building;
 - (c) "alteration" means any change set out in clause (b);
 - (d) "Appeal Board" means the Appeal Board defined in the Act;
 - (e) "Board" means the Heritage Board appointed pursuant to the Act by the Town of Sackville;
 - (f) "building" in the case of properties that are or were used for residential purposes means only the structure or structures on the property within which people live or once lived, unless other structures on those properties are specifically listed in Schedule "A" or Schedule "B" to this by-law;
 - (g) "character-defining elements" mean the materials, forms, spatial configurations, size, shape, exterior surface textures, colours, decorative features, relationship to its site and other elements concerning the exterior appearance of a building that must be retained in order to preserve the heritage value of that building;
 - (h) "conservation area" means a municipal heritage conservation area established under the Act and defined in Section 2 of this By-law;
 - (i) "development" means an alteration, the construction of a new building, the construction of an addition to a building, the demolition of a building, or the relocation of a building into or within a conservation area;
 - (j) "owner" means the registered owner or lessee of a building, or a person in possession of a *bona fide* contract to purchase a building; and
 - (k) "permit" means a municipal heritage permit provided for by the Act.

CONSERVATION AREA AND ADMINISTRATION

2. Those portions of the Town of Sackville described in Schedule "A" and Schedule "B" to this By-law are hereby established as conservation areas.
3. The Board shall administer this by-law in accordance with the Act and shall
 - a) maintain a register of buildings,
 - b) maintain images and descriptions of the types of buildings and their character-defining elements,
 - c) make every reasonable effort to ensure that owners are aware of the character-defining elements of their buildings,
 - d) make available to owners advice on how those elements can be maintained,
 - e) maintain records of its decisions and of the reasons for its decisions and make those records available to the public, and
 - f) keep owners advised on the financial support that may be available to assist them in maintaining those elements, including support from the Town of Sackville.

PERMITS

4. No development shall be undertaken until a permit has been issued and
 - a) every right of appeal under the Act has been exercised, or
 - b) the time prescribed for the exercise of such rights has expired.
5. A permit shall be issued if a development conforms to the standards and requirements of sections 7 and 8 of this By-law.

APPLICATION FOR A PERMIT

6. (1) An application for a permit shall be filed with the Secretary of the Board in the form prescribed by the Board and shall include,
 - a) in the case of an existing building, plans which describe any proposed additions, demolitions, or alterations, and
 - b) in the cases of a proposed building, or the relocation of a building within a conservation area, plans including details relating to the position of the building on the site.
- (2) The Board may refuse to issue a permit where it has insufficient information to decide whether the development meets the standards and requirements set out in sections 7 and 8 of this By-law.

- (3) The Board shall not refuse to grant a permit for a development on the basis that the development does not comply with the standards and requirements set out in sections 7 and 8 of this By-law without first affording the owner an opportunity to be heard by the Board in person.
- (4) If the Board determines that a development meets the standards and requirements set out in sections 7 and 8 of this By-law, or would meet those standards and requirements if certain terms and conditions were met, the Board shall forthwith issue a permit to the owner.
- (5) The permit shall be dated and signed by the Chair of the Board or designate and shall state that the development for which application has been made is approved by the Board and shall specify any terms and conditions which may be imposed in order to bring the development into conformity with the standards and requirements set out in sections 7 and 8 of this By-law.
- (6) If the Board determines that a permit should not be issued, the Board shall forthwith notify the applicant of such determination, furnishing the applicant with a written statement of why the development does not meet the standards and requirements set out in sections 7 and 8 of this By-law.
- (7) Decisions of the Board may be appealed to the Appeal Board in accordance with the Act.
- (8) Notwithstanding the foregoing, a heritage officer appointed pursuant to the Act to assist the Board in carrying out its duties may issue a permit where he or she is satisfied that the application complies with the standards and requirements set out in section 7 of this by-law. If the heritage officer is not satisfied that an application complies with the requirements set out in section 7 of the By-law, he or she shall refer the application to the Board for consideration. A heritage officer may not issue a permit which is subject to any terms or conditions.

STANDARDS

7. (1) Contemporary design of new buildings is encouraged provided that the design is compatible with the size, scale, materials and character of existing buildings within the conservation area.
- (2) An alteration shall comply with the following standards:
 - a) Intact or reasonably repairable character-defining elements will not be removed or substantially changed.
 - b) Where character-defining elements cannot be reasonably repaired they are to be replaced with new elements that match in appearance the forms, materials and detailing of the elements being replaced.
- (3) An addition to an existing building shall comply with the following standards:
 - a) The addition must be visually compatible with the character-defining elements of the existing building.

- b) The addition must not impair the essential form and integrity of the existing building if the addition is removed in the future.
- (4) Mid-block utility buildings (such as sheds, garages, etc.) which do not front on any street are exempt from the standards set forth in this Section.

DEMOLITION OR RELOCATION

- 8. (1) No building may be moved if it is to be relocated within the conservation area unless in the new location the building will comply with subsection 7(1).
- (2) No building shall be demolished unless
 - (a) such building has been identified by the Board as incompatible with the conservation area; or
 - (b) the building has been offered for sale for a nominal sum on condition that the purchaser remove it from the property at the purchaser's expense and no sale has been made after six months;
 - (c) the owner or his or her representative has met with the Board and, if requested to do so by the Board, has made arrangements to provide to the Board, at the expense of the owner, any available photographs, plans or historical documents relating to the building, or copies thereof; and
 - (d) the owner or his or her representative has met with the Board and made provision for the salvaging from the building, prior to demolition, of any items of historical or architectural interest or significance.
- (3) No building shall be removed from the conservation area until the owner or his or her representative has met with the Board and, if requested to do so by the Board, has made arrangements to provide to the Board, at the expense of the owner, any available photographs, plans or historical documents relating to the building, or copies thereof.

ENFORCEMENT AND PENALTIES

- 9.(1) Contraventions of this By-law may be dealt with and may incur such penalties as provided by the Act.

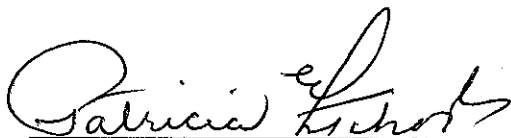
ENACTMENT

10. (1) This by-law comes into force on the date of final passing thereof.


Read a first time this 12th day of October, 2010

Read a second time this 13th day of December, 2010

Read a third time and passed Council this 13th day of December, 2010.



Mayor



Clerk

Proposed Municipal Heritage Conservation Areas, Schedules A and B

SCHEDULE A (see Map: Proposed Municipal Heritage Conservation Area A)

1. Bridge Street

Civic No.	PID
2 - 4	00963512
5	00963678
14	70390968
7	00963793
9	00963603
11 - 13	00963579
15	00963892
17	00963785
19 - 21	00963900
22	00964577
23 - 25	00963660
26	00963751
26	70458807
27	00963660
29	00972075
31	00963561
36	00971499
39	00964429
41	00964411

43	00964536
44	00964346
45	00964338
46	00964544
47	00964593
49	00964155
50	00964098
55	00964437
57	00964296
59	00964304
61	70355052
62	00964585
64	00964064
67	70154224
68	00964270

2. Squire Street

Civic No.	PID
1	00965848

3. York Street

Civic No.	PID
10 -14	00967430
16 – 20	00967422
24	70128848
26	00971366
28 – 30	00971200
32	00844654
34	00967331
36	00971168
38	00971317
40	00971093
42	00971218

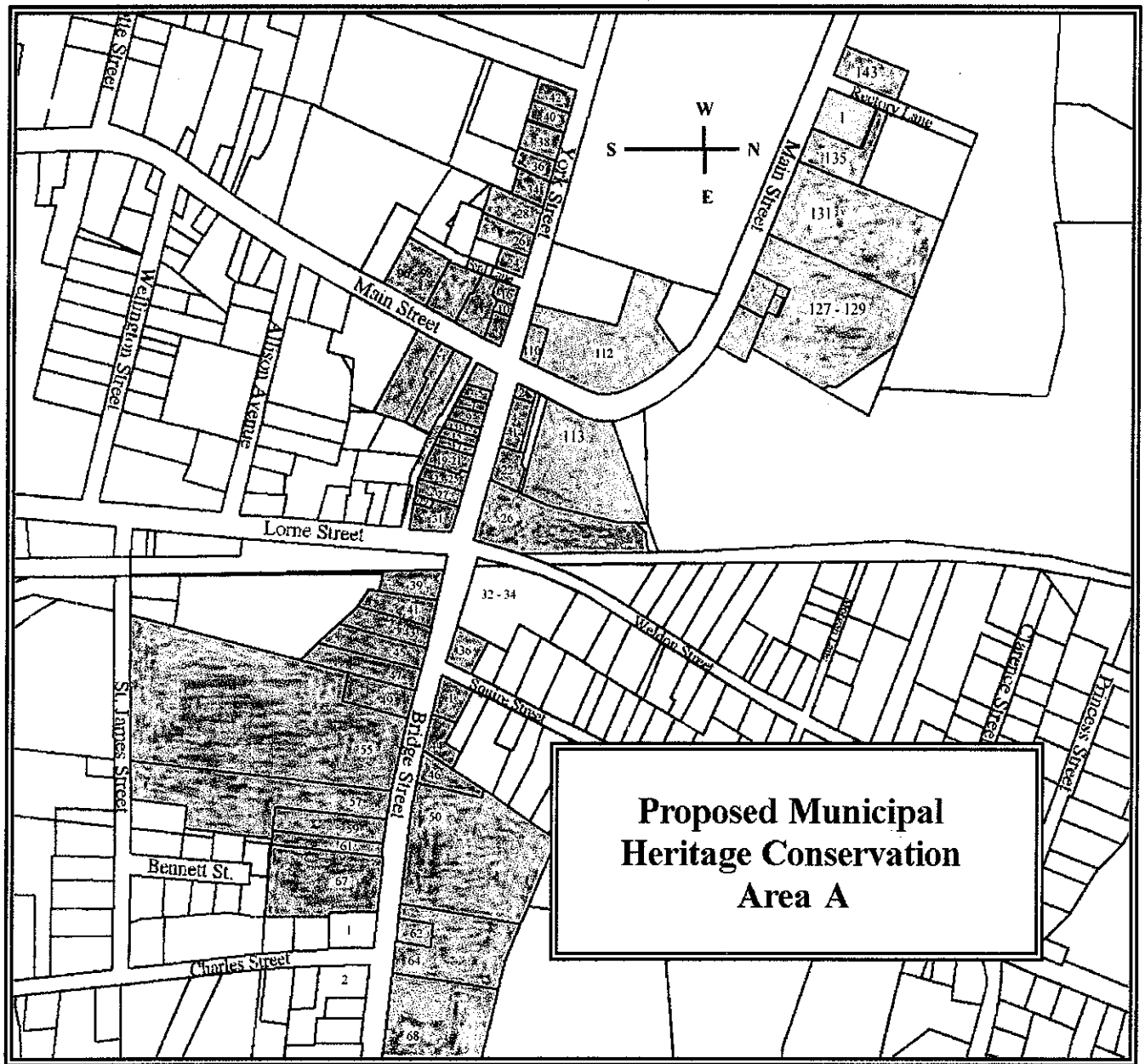
4. Main Street

Civic No.	PID
87	00971580
93	00963744
97	00965640
96 – 102	00967299
103	00963843
104 – 106	00967273

110	00972257
112	00972182
113	00969105
123	00972158
125	00972166
127 – 129	70212170
131	00969048
135	70301692
143	00972174

5. Rectory Lane

Civic No.	PID
3	00970061



SCHEDULE B (see *Map: Proposed Municipal Heritage Conservation Area B*)**York Street**

Civic No.	PID
76	00971143
77	00971135
78	00971119
79	00971184
81	00971176
82	00971382
83	00971267
84	00971150
85	00971309
86	00971242
87	00971283
89	00971259
90	00971192
91	00971333
93	00971341
95	00971358

