

HERITAGE REGULATIONS

PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Bay Roberts under the provisions of the Section 414 (2) (dd) of the Municipalities Act, 1999, and adopted by the Town Council of the Town of Bay Roberts on the 28th of July, 2009.

Glenn Littlejohn
MAYOR

Shirley Hawe
TOWN CLERK

HERITAGE REGULATIONS

Interpretation:

“Heritage Property” means any building, structure or land or real property so designated by Council under these regulations.

“Heritage District” means a geographically defined area made up of buildings, structures and spaces modified by human use that have a sense of connectedness through past events or use and/or have an appearance of visual cohesion through architecture or plan.

“Heritage Use” means the use of a heritage building for a dwelling unit, a retail store, an office, a service shop, a hotel or restaurant which could be controlled so as to be compatible with nearby residential uses.

“Town” means the Town of Bay Roberts

“Heritage Advisory Committee” means a committee appointed by Council pursuant to section 200 (2) of the Municipalities Act, 1999, Newfoundland.

“Act” means the Municipalities Act, 1999, Newfoundland

Historic Background:

The Town of Bay Roberts has a history that dates back to the early 1600's. There is a growing recognition of the fact that we have lost buildings and structures that have played a significant part in the historic culture of our community. We, therefore, need to ensure maintenance and the preservation of the remaining heritage properties in our municipality. Such heritage properties will enhance the historic and aesthetic appeal of the community and provide opportunities for appropriate tourism development.

Objective:

To conserve and protect those buildings, structures and areas of Bay Roberts for their historic and aesthetic value and for their potential to improve the local economy through tourism related businesses while protecting their predominant use.

Designation:

1. i) The Council may, by regulation, designate any building, structure or land as a heritage building, structure, or land.
 - ii) Buildings and sites may also be designated by the Provincial Government and/or the Newfoundland and Labrador Heritage Foundation as heritage buildings and sites.
2. A registry of designated heritage buildings and properties shall be maintained by the Town. This list may from time to time be updated without amendment to the Development Regulations.
3. Any building, structure or land designated by Council as a heritage building, structure or land shall not be demolished or built upon nor the exterior of the building or structure altered except under written permit of Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit. The Town shall ensure that the conditions attached to the designation of this property are satisfied before issuing the permit.
4. Unless the request for designation is made by the owner of such property, written notice of Council's intention to designate shall be given to the owner or owners of such property by one of the following:
 - (a) by personally serving notice on the owner, or
 - (b) by registered or certified mailA copy of the notice will be posted on the property to be designated.

For the purpose of this section, it shall be deemed sufficient service if the notice is given or sent to the person or persons listed on council's assessment roll as owner of the property.
5. Council shall give the owner of any such property a reasonable opportunity to make representation to Council with respect to the intended designation.

Permit Required

1. No person shall remove, pull down, demolish any building designated as a heritage building, nor shall the exterior of any heritage building or structure be altered or repaired without permit by Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

2. No person shall build upon any land that has been designated as a heritage area or cause the land to be altered by any means without a permit by Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

3. Except for minor repairs and interior work, Council shall refer all development applications, including fences and outbuildings for designated heritage properties and heritage districts to the Heritage Advisory Committee before granting approval.

For the purpose of these designated properties and districts, minor repairs including fence paintings and posts, replacing hardware, roof shingles and similar repairs which do not alter the original appearance or materials of the structure will be permitted. However, Council may refer any application to the Committee should it feel that additional advice is needed before making a decision on a permit application.

Heritage District

1. It is intended that the present land use pattern of this district should continue much as it is at present. New development, particularly tourism development shall take place with the recognition that the historic area is primarily a residential area and as such shall not occur at the expense of the area's residents' enjoyment of their properties.

2. i) It is intended that new development "blend in" with the historic character of the area. Therefore, the external architectural detail of any new building in terms of doors, dormers, galleries, color, trim and siding width, window frame size and orientation, and roof shape must be generally similar to that of the buildings that were built during the time of the original construction of the area.
- ii) Single story structures are prohibited. Council will encourage those who wish to build in the heritage district to build two-story structures.
- iii) Setback from the street, landscaping, and the appearance of outbuildings and fences must be appropriate within the district's historic context.
- iv) Mobile homes or other prefabricated buildings must not be located in this District if they cannot be made architecturally acceptable.
- v) Renovations or alterations to the buildings must not diminish their historic appearance.

3. Large old trees, period lighting, and sidewalks that contribute to the "character" of a District shall be preserved and enhanced.

Penalty

1. If any order made under Section 200 (1) and 414 (2) (dd) of the act is not complied with within the time set out in the order, then upon the expiration of the appeal period, the owner or owners of the property is guilty of an offence and liable to summary conviction to the penalties set forth in a court of law.

Adopted and Coming Into Effect

These regulations were adopted by Resolution of Council at a meeting held on the 28th day of July, 2009, and will come into effect on the 29th day of July, 2009, and shall be cited as the Town of Bay Roberts Heritage Regulations.