

BYLAW 315

BEING A BYLAW OF THE TOWN OF BANFF, IN THE PROVINCE OF ALBERTA, TO DESIGNATE ST. GEORGE'S IN THE PINES ANGLICAN CHURCH AS A MUNICIPAL HISTORIC RESOURCE

WHEREAS the *Historical Resources Act*, R.S.A. 2000, c. H-9, as amended, permits the Municipal Council of a municipality to designate any historic resource within the municipality whose preservation it considers to be in the public interest as a Municipal Historic Resource upon giving notice to the owner of the resource in accordance with the *Historical Resources Act*; and

WHEREAS it is deemed in the public interest to designate the building located in the Town of Banff at 406 Buffalo Street known as St. George's in the Pines Anglican Church as a Municipal Historic Resource; and

WHEREAS the owners of St. Georges in the Pines Anglican Church have agreed to the terms and conditions of the compensation proposal set out in **Schedule "C"** as compensation for the designation of St. George's in the Pines as a Municipal Historic Resource;

NOW THEREFORE the Council of the Town of Banff, in the Province of Alberta, having complied with the *Historical Resources Act*, and duly assembled, hereby enacts as follows:

CITATION

1. This bylaw may be cited as the Municipal Heritage Designation of St. George's in the Pines Anglican Church Bylaw.

INTERPRETATION

2. In this bylaw,
 - a) Any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time;
 - b) Any references a Town of Banff staff position, department or committee is deemed to be to the current name that the staff position, department or committee is known by.

BUILDINGS DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE

3. The Buildings known as St. George's in the Pines, specifically described in **Schedule "A"** which are located on the lands legally described as follows:

Lot 5, 6 and 7, Block 3, Plan 6719BC excepting thereout all mines and minerals.

PERMITTED REPAIRS AND REHABILITATION

4. Subject to section 3 hereof, the buildings hereby designated in section 1 as a Municipal Historic Resource shall not be removed, destroyed, disturbed, altered, rehabilitated, repaired or otherwise permanently affected, other than in accordance with the terms of **Schedule “B”** attached.

ADMINISTRATOR

5. The Manager of the Town of Banff Planning and Development Department is hereby appointed to administer the implementation of any matters arising from the matters set out in **Schedule “B”**.

COMPENSATION

6. Compensation shall be paid to the registered owners of St. George’s in the Pines Anglican Church herein designated a Municipal Historic Resource in the manner, at the times and in the amounts set out in **Schedule “C”**.

ENACTMENT/TRANSITION

7. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
8. Schedules “A” and “B” and “C” form part of this bylaw.
9. This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designate.

Read a first time this 16th day of July, 2012.
Read a second time this 16th day of July, 2012.
Read a third time this 16th day of July, 2012.

Approved on behalf of the Town of Banff:

Karen Sorensen
Mayor

July 30, 2012
Date

Robert Earl
Town Manager

July 30, 2012
Date

SCHEDULE “A”

This Statement of Significance forms Schedule “A” to Bylaw No. 315 and provides a *Description of the Historic Place*, explains the *Heritage Value* of the building and identifies, by written description and photographs, those *Character Defining Elements* of St. George’s in the Pines which are regulated by the “General Guidelines for Conservation” (**Schedule “B”**) and must be preserved (the “Regulated Character Defining Elements”).

THE STATEMENT OF SIGNIFICANCE OF ST. GEORGE’S IN THE PINES ANGLICAN CHURCH

Description of Historic Place

St. Georges in the Pines Anglican Church is a Gothic Revival style building constructed in 1889 at the corner of Buffalo Street and Beaver Street. The character defining elements relating to the context and location of the structure include its stone construction with stone buttresses and three adjoining volumes, steeply pitched roof and bell tower with spire, stained glass windows, a rectangular nave, a polygonal apse at the east end of the building and the partial concealment by trees and its setback location on the property.

Heritage Value

The heritage value of St. George’s in the Pines lies in its long and distinguished history as a place of worship, and its status as only one of two churches in Canada to contain a set of 11 Taylor Peal Bells. The church structure was designed by architect Frank P. Oakley of Manchester, England. The church has continued active use for weekly worship and ceremonies such as weddings and funerals. The space also serves as a venue for musical and theatrical performance. Over time, the church has had many distinguished guests. Most notably, George V and Elizabeth II.

St. Georges in the Pines is the oldest active church in Banff and Anglican services were first held here as early as 1887. Lady Stanley of Preston and Sir Frederick Arthur Stanley, then Governor-General of Canada, laid the cornerstone in October 1889. It was built on a “*pay as we go*” basis in several stages with the chancel completed in December 1897. In 1901, two bays of the nave were added, followed by a third in 1909 and a fourth in 1918. The tower and spire were completed in 1926, with the latter donated in memory of Isabella Thompson Brewster. Dr. Robert Brett donated 11 peal bells in 1927, the largest weighing half a ton. The bells were cast by John Taylor and Company Bellfounders, in Loughborough, England, and were shipped to Banff via the Panama Canal. The bells were the first of their kind to be installed in Canada. They do not swing and are attached to steel beams and struck by clappers controlled by baton leavers on a clavier within the steeple.

Notable architectural features include the bell tower and an extensive collection of over 50 painted stained glass windows set within sandstone and/or wood tracery. Over half of the windows are lancet design, featuring a slender pointed arch at the top. Typical of gothic ecclesiastic structures, the stained glass windows at St. George’s in the Pines are paired or set in groups of three with the tallest window

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at the center. Also notable are the churches stone buttresses which are positioned to support and act against the lateral forces of the roof. The building is defined by its distinctive steeple, stained glass fenestration and use of rubble construction exemplifying high quality craftsmanship.

In 1901, the future Queen Mary worshipped here, followed by Edward, Prince of Wales in 1926. In May 1939, King George VI and Queen Elizabeth attended services with Prime Minister W. L. Mackenzie King. Their Majesties presented the church with sterling silver altar candlesticks as a memento. The Duke of Athlone and Princess Alice visited in 1941, Lord and Lady Alexander of Tunis worshipped here in 1951, followed by the Archbishop of Canterbury in 1954. Princess Margaret attended service in 1958. The first vicar of the church was Rev. F.G. Christmas.

Character Defining Elements

- All of the elements of the Gothic Revival style building including massing, steeply pitched roof, distinctive stonework,
- Load bearing buttresses
- Fenestration pattern and detail, including, circular, pointed arch and other styles of stained glass windows with stone or wooden tracery
- Bell tower containing a set of 11 fixed peal bells
- Tapering conical spire structure on top of the bell tower
- The orientation and situation of the building on a large corner lot with church entrance facing Beaver Street
- Landscaping on the property with a significant number of trees that establish original context
- Vaulted wood ceiling above the nave
- A semi-circular recess/ vaulted extension enclosing the altar (apse)
- Liturgical furnishings including pews

Any development or alterations affecting St. Georges in the Pines Anglican Church shall respect and conserve the heritage value and character defining elements identified in the statement of significance in accordance with the *General Guidelines for Conservation* (Schedule “B”) and as recommended in the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Non-character defining elements of the building (the “unregulated portions”), being all other portions of the building not specifically identified as a Character Defining Element, may be rehabilitated, altered, repaired or otherwise permanently affected in any manner provided that such rehabilitation, alteration or repair does not impact on the regulated Character Defining Elements and Heritage Value. Any development or alterations affecting those unregulated portions of the St. Georges in the Pines must be consistent with the General Guidelines for Conservation and the Standards and Guidelines for the Conservation of Historic Places in Canada. Any development or alterations of any portion of St. Georges in the Pines shall be undertaken in a manner that is sympathetic to the regulated Character Defining Elements and Heritage Value of the historic place.

PHOTOGRAPHIC DETAILS- EXTERIOR



Photo 1: West Elevation- Main Facade (Buffalo Street)



Photo 2: North side of bell tower
(depicting stonework, sandstone tracery and woodwork
around stained glass windows and bell
chamber)

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Photo 3: North and east sides of bell tower (depicting stonework, roof form sandstone tracery around stained glass windows and bell chamber)

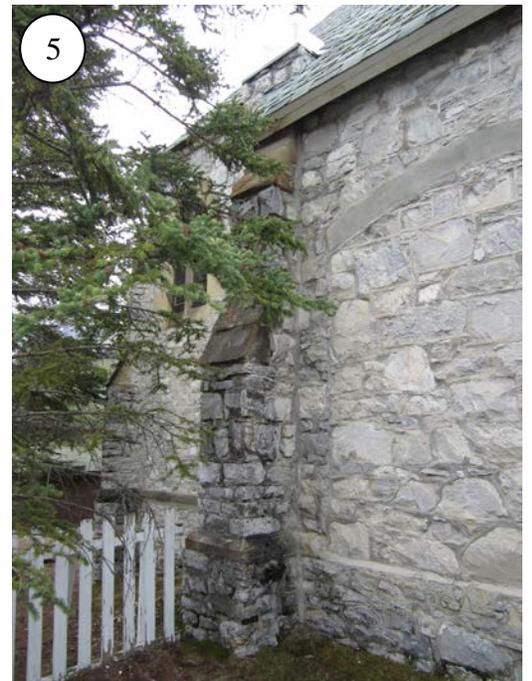


Photo 4 & 5: North elevation. Stonework pattern and buttress detail.

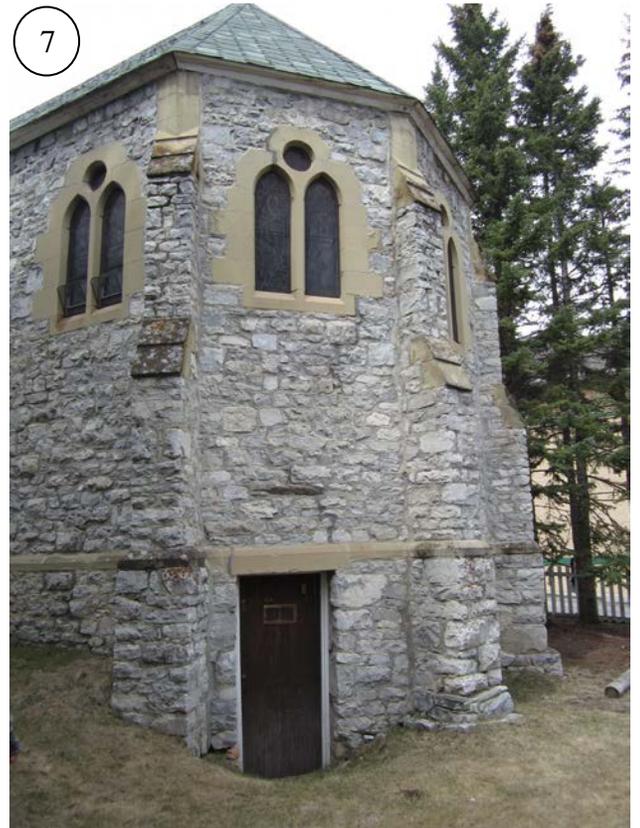


Photo 6 & 7: Exterior view of semi-circular apse. Random rubble stonework. Sandstone trim around paired lancet windows and horizontal strip at church floor level. Stone buttresses. Access to basement storage area and mechanical room.

PHOTOGRAPHIC DETAILS- INTERIOR



Photo 8: Interior view looking east from the nave towards the apse and altar.



Photo 9: Interior view of the nave showing the stained glass fenestration and liturgical furnishing including pews.



Photo 10 & 11: View of the interior ceiling above the semicircular recess enclosing the altar area.

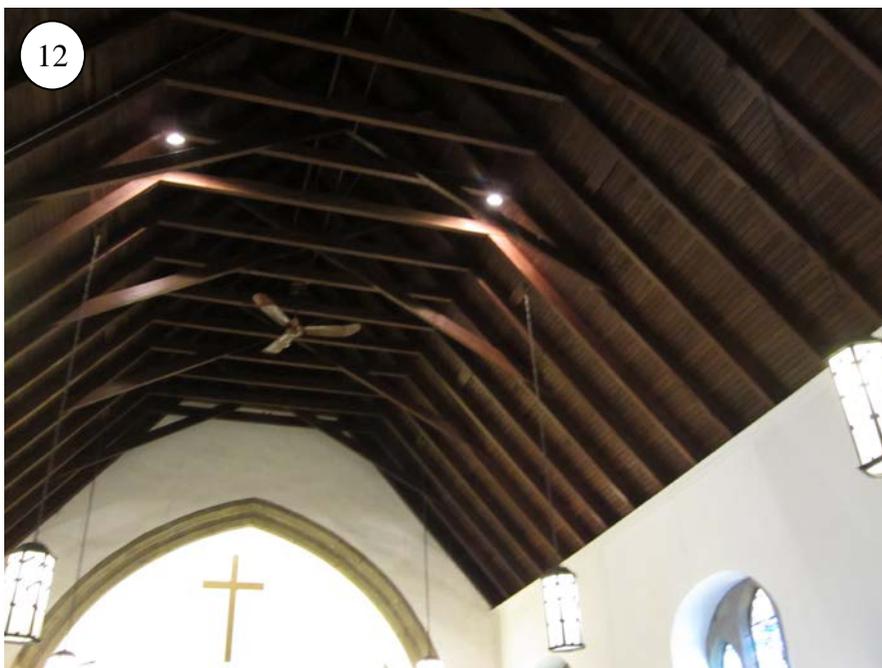
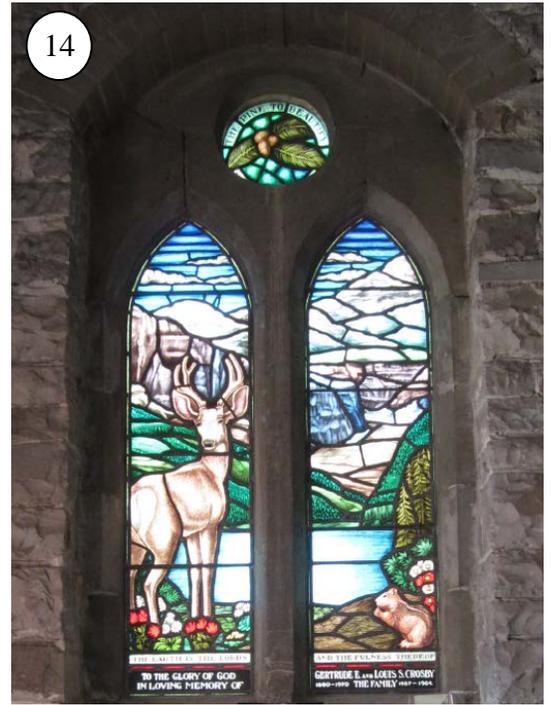


Photo 12: View of the wood vaulted ceiling above the nave

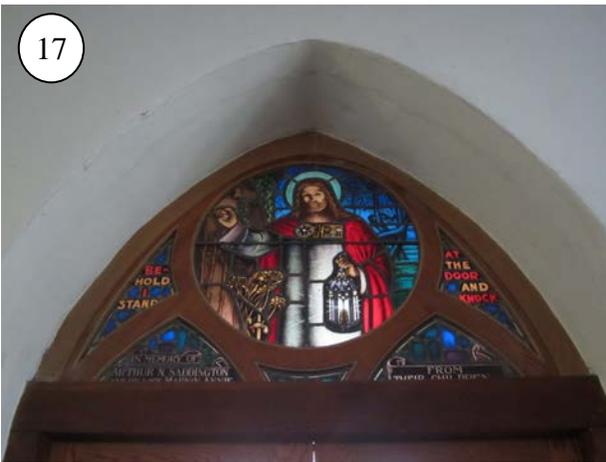


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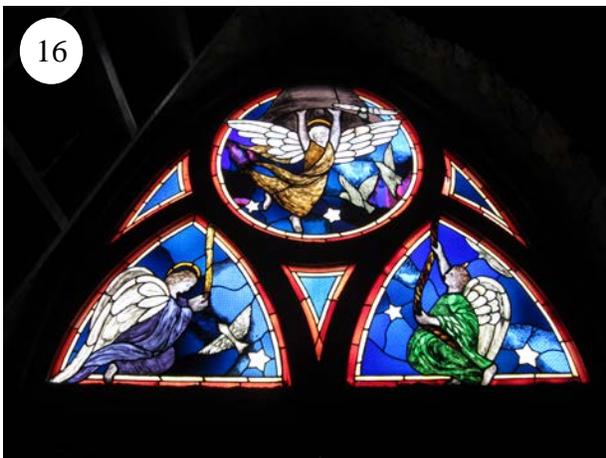


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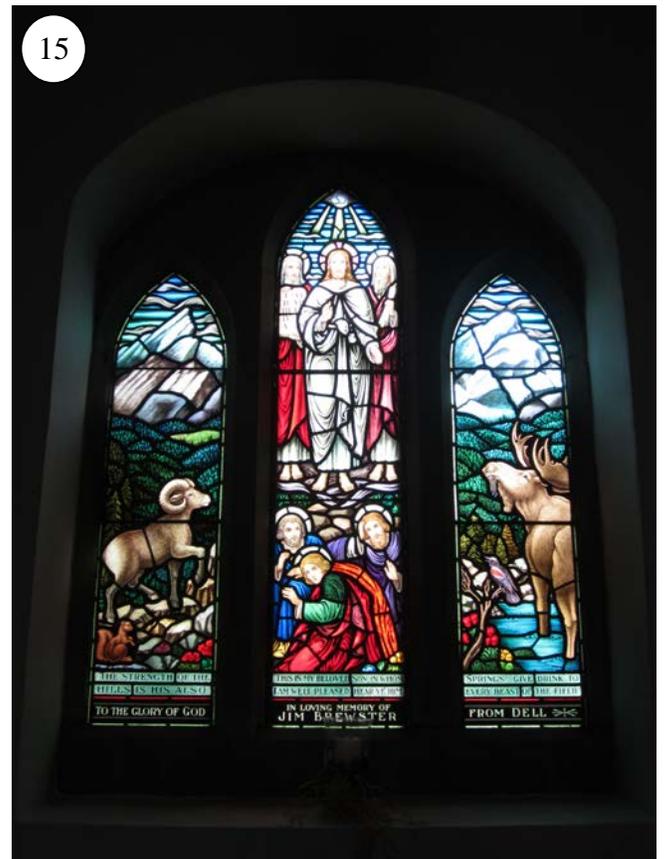
Photos 13-17: Selected examples of circular, pointed arch/lancet and other styles of stained glass windows with stone and wooden tracery.



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SCHEDULE “B”

This is **Schedule “B”** to Bylaw 315 and identifies the “General Guidelines for Conservation” for St. George’s in the Pines Anglican Church located at 400 Buffalo Street.

GENERAL GUIDELINES FOR CONSERVATION

1. Approval of Development or Alterations

As per section 26 (6) of the Alberta *Historical Resources Act*, notwithstanding any other Act, no person shall destroy, disturb, alter, restore or repair an historic resource or remove any historic object from an historic resource that has been designated under this section, without the written approval of the Council or person appointed by the Council of the purpose.

Council has appointed the Manager of Planning and Development Department as the approving authority for this purpose. Any development or alterations affecting St. Georges in the Pines Anglican Church shall respect and conserve the heritage value and character defining elements identified in the statement of significance in accordance with these General Guidelines for Conservation and as recommended in the Standards and Guidelines for the Conservation of Historic Places.

2. Compatible Uses

Wherever possible, the uses proposed for a Municipal Historic Resource shall be compatible with the existing building such that only minimal changes are required to the building. The use of a Municipal Historic Resource for its original purpose is desirable.

3. Original Character

The original distinctive qualities and character of the building as designated by this Municipal Historic Resource bylaw should be preserved. The removal or alteration of any historical materials or features shall be avoided whenever possible.

4. The Historic Period

The Municipal Historic Resource should be recognized as a product of its own time. Alterations which are not based on historical fact or which recreate an earlier or later idiom shall be discouraged.

5. Witness to Change

Changes to the Municipal Historic Resource may have occurred over time. These alterations are evidence of the history and development of the building. Because this evolution may have acquired significance in its own right, alterations to the original building should be recognized and respected where indicated.

6. Repair and Replacement

Deteriorated architectural features shall be repaired rather than replaced wherever possible. Where replacement is necessary, the new material should match the original as to composition, colour, texture, design, etc. The repair or replacement of architectural features shall be based on a sound knowledge of the original characteristics of the feature. Such knowledge shall be based on historical or pictorial evidence and not upon conjecture.

7. Style and Craftsmanship

Distinctive stylistic features and examples of skilled craftsmanship that have been designated by the Municipal Historic Resource Bylaw shall be preserved and treated sensitively.

8. Cleaning

In all cases, surface cleaning shall be undertaken with the gentlest means available. Sandblasting in particular, but also other cleaning methods, damage historic buildings and should not be undertaken without thorough testing prior to use on a building. Sandblasting is not recommended on brick, stone or wood. In all instances, it should be ascertained that a building exterior is really in need of cleaning prior to undertaking the work.

9. Reversibility of Improvements

When the introduction of new elements or materials is necessary to stabilize or preserve a municipally designated historic resource, alterations shall be undertaken such that the new materials, should they fail, may be removed at a later date without damage to the original fabric of the Municipal Historic Resource. Where this is not possible, (i.e., use of epoxy) only those methods and materials that have been thoroughly tested and found satisfactory in situ shall be used.

10. Recording

Prior to undertaking any alterations, particularly in cases where alterations may threaten the building fabric (underpinning, moving structures), the applicant shall compile a complete record of the architectural features of the Municipal Historic Resource. Measured drawings and photographs of details may prove invaluable if major features are damaged or lost during the subsequent repair work.

11. Original Construction Details

In some historic structures, poor construction details or inappropriate material resulted in rapid deterioration of certain building elements. In these instances, accurate restoration of the original detail will inevitably result in the failure of the element. Therefore, restoration of the resource should be undertaken in such a fashion as to duplicate the original appearance as closely as possible while using details based on sound construction practice.

12. Enforcement

The owner and the Town shall enter into an agreement to ensure that the designated structure will be maintained in such a manner as to prevent any deterioration.

13. Improvements

Prior to undertaking any improvements, a schedule of alterations should be prepared. This schedule should include phasing of alterations where necessary due to program or budget restrictions. The type and timing of both short and long term maintenance work shall also be included.

14. Codes

At no time should the life and safety of occupants of a Municipal Historic Resource be deemed of lesser importance than the preservation of the original fabric of the Municipal Historic Resource. The required life and safety standards are those required by the current Alberta Building Code. However, notwithstanding these Code requirements, where the essential character of the structure is threatened by changes for code reasons, every effort shall be made to achieve an equivalent safety standard by alternate means so as to minimize the impact on the historic fabric.

15. Signs

As a general rule signs should be limited to signs that were originally present on the building. In instances where new use or interpretive functions dictate the use of additional signs, these new elements should be integrated into the general design of the project. The size, typeface, graphics and materials should be chosen to suit the period of the Municipal Historic Resource wherever possible. All signs must conform to the Banff Land Use Bylaw.

SCHEDULE “C”

This is **Schedule “C”** to Bylaw 315, being a Bylaw to Designate St. Georges in the Pines Anglican Church as a Municipal Historic Resource.

Summary of Compensation

1. Pursuant to section 28 of the *Historical Resources Act*, R.S.A. 2000, c. H-9, as amended, the Town of Banff (the “Town”) is required by law to provide compensation to the Owner as a result of the designation of St. Georges in the Pines Anglican Church as a Municipal Historic Resource. The Town and the Anglican Church of Canada, the Owners of St. Georges in the Pines as of the effective date of this Bylaw, have agreed, in the Compensation Agreement, upon the adequate compensation for the designation and any loss of economic value to the owners as a result of the designation. Neither the Town of Banff nor the Banff Heritage Corporation shall be obligated to provide any further consideration other than as set out in the Compensation Agreement.
2. Provided that at all times the Owner has performed its obligation under the Compensation Agreement and is not in default in any way under the Compensation Agreement, the Town and/or the Banff Heritage Corporation shall provide the following consideration to the Owner for the designation of St. Georges in the Pines Anglican Church as a Municipal Historic Resource:
 - 2.1. Upon designation of St. Georges in the Pines Anglican Church as a Municipal Historical Resource, and so long as the resource remains in serviceable condition, the Town shall grant to the Owner a one-time matching Restoration/Rehabilitation grant during the years 2012 – 2015 inclusive. The amount of the Grant shall not exceed \$50,000 and in no circumstances shall the Town be obliged to advance more than this amount.

The Consideration shall be provided to the Owners in the manner described in paragraphs 4 through 10 of this **Schedule “C”**.

3. Unless otherwise defined in this Bylaw the terms used in **Schedule “C”** shall have the same meaning as was assigned to them in the Compensation Agreement between the Town, the Banff Heritage Corporation and the Owners.

Restoration/Rehabilitation Grant

4. The grant shall be advanced to the Owner in one or more installments on the condition that an agreed plan of Restoration/ Rehabilitation Work is prepared following a structural assessment of the building. The assessment must be submitted to the Town for review prior to undertaking work and shall be prepared by a suitably qualified engineer with experience in historic structures. After 2015, neither the Town nor the Banff Heritage Corporation shall be obligated to advance further monies to the Owner notwithstanding that some of the Restoration/Rehabilitation Work is not completed or that the full amount of the grant has not been advanced.
5. Upon completion of the agreed Restoration/Rehabilitation Work the owner shall provide the Town with:

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- 5.1. A statutory declaration from the Owner certifying that the Restoration/Rehabilitation Work has been completed;
- 5.2. Receipts or other documents indicating that all suppliers and contractors involved in performing the Restoration/Rehabilitation Work have been paid in full for their goods or services; and
- 5.3. Evidence that the Owner received competitive bids or estimates before engaging any contractor or supplier.
6. Within 14 days of receiving the documents described in clause 5 above, the Town shall inspect St. Georges in the Pines Anglican Church and either:
 - 6.1. Issue a Notice of Completion, indicating that the work has been performed to the satisfaction of the Manager of the Planning and Development Department, or
 - 6.2. Provide the Owner with a description of the particulars in which the work performed is incomplete or deficient in the opinion of the Manager of the Planning and Development Department (a “Deficiency List”).
7. If the Town issues a Deficiency List, the Owner may either remedy the deficiencies to the satisfaction of the Manager of the Planning and Development Department or submit the question of whether the work has been properly performed to an arbitrator in accordance with the provisions of the Compensation Agreement.
8. In calculating the cost of performing the Restoration/Rehabilitation Work, the Owner and the Town shall include the cost of labour and materials and any reasonably incurred professional fees and disbursements. However, such costs shall not include costs related to the interruption of the use of St. Georges in the Pines Anglican Church due to renovations, or costs or repairing any damage unintentionally caused to the buildings.
9. After the Owner has completed the Restoration/Rehabilitation Work and all grant installments have been made to the Owner in accordance with clause 4 above, the Owner shall not be entitled to any further advances.
10. Payment of the matching Restoration/ Rehabilitation Grant may be discontinued if the historical integrity of St. Georges in the Pines Anglican Church is destroyed; if St. Georges in the Pines Anglican Church is not in serviceable condition or if Bylaw No. 315, designating St. Georges in the Pines Anglican Church as a Municipal Historic Resource is rescinded at the discretion of Council.