



Heritage Procedures Bylaw 8400

A Bylaw to Establish Application Procedures in Respect of Heritage Conservation Bylaws, Agreements and Permits and to Delegate Council Powers to Facilitate Conservation

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

Title

1.1 This Bylaw is cited as “**Heritage Procedures Bylaw No. 8400**”.

Severability

2.1 If any section of this Bylaw is held to be invalid by a court of competent jurisdiction, that section may be severed from the Bylaw without affecting the validity of the remaining portions of the Bylaw.

Definitions

3.1 In this Bylaw:

“Director of Development”	means the Director of Development of the City, his or her deputy, or other persons appointed by Council to act in the place of the Director of Development.
“Heritage Alteration Permit”	means a permit in the form of Schedule A authorizing alterations or other actions in relation to protected heritage property or property within a heritage conservation area under Section 972 of the <i>Local Government Act</i> .
“Heritage Register”	means the Heritage Register of the City established under Section 954 of the <i>Local Government Act</i> .
“Heritage Revitalization Agreement”	means an agreement between the City and owner of heritage property under Section 966 of the <i>Local Government Act</i> .
“Director, Building Approvals”	means the City’s Director, Building Approvals, his or her deputy, or other persons appointed by Council to act in the place of the Director, Building Approvals.

Withholding of Approvals

- 4.1 The Director, Building Approvals must withhold the issuance of a permit under Building Regulation Bylaw No. 7230, as amended, for the following actions where he or she considers the permit would authorize an alteration inconsistent with the heritage protection of the property in the following cases:
- 4.1.1 an alteration to property that is included in the Heritage Register;
 - 4.1.2 an alteration to property that is included in a schedule of protected heritage property within a Heritage Conservation Area designated by the Official Community Plan;
 - 4.1.3 an alteration to property that is the subject of a heritage designation bylaw under Section 967 of the *Local Government Act*;
 - 4.1.4 an alteration to property in respect of which a heritage control period has been declared under section 964 of the *Local Government Act*.
- 4.2 Despite Section 4.1, the Director, Building Approvals must not withhold the issuance of a permit in respect of any alteration required by an enactment.
- 4.3 The Director, Building Approvals must notify the applicant of a permit withheld under this section in writing that the matter of the issuance of the permit will be considered by the Council at its next regular meeting after the approval is withheld, the date, time and location of which are stated in the notice.

Delegation of Authority

- 5.1 Subject to Section 5.3, Council delegates to the Director of Development the powers, duties and functions of Council in respect of:
- 5.1.1 heritage inspections under Section 956 of the *Local Government Act*.
 - 5.1.2 a requirement that an applicant provide heritage impact information under Section 958 of the *Local Government Act*;
 - 5.1.3 the making of agreements with applicants to prevent or mitigate impairment of the heritage value or heritage character of property where an application for a permit described in Section 4.1 of this bylaw has been made and the permit would otherwise be withheld in accordance with that section;
 - 5.1.4 issuance of a Heritage Alteration Permit under section 7.1.2;
 - 5.1.5 issuance of a Heritage Alteration Permit in respect of an application to alter, remove or replace a sign, only if the sign and building are not protected heritage property;
 - 5.1.6 issuance of a Heritage Alteration Permit in respect of roof repair or maintenance, interior or exterior painting, replacement of a door or window without altering the door or window frame, or the construction or installation of a guardrail as part of a public boardwalk, sidewalk or trail.

- 5.2 Subject to Section 972(4) of the *Local Government Act*, Council or the Director of Development, as applicable, may, in issuing a Heritage Alteration Permit, vary the provisions of a bylaw or permit referred to in Section 972 of the *Local Government Act*.
- 5.3 If Council or the Director of Development, as applicable, requires security under section 973(2)(c) of the *Local Government Act* to guarantee the performance of the terms, requirements and conditions of a permit relating to the form, exterior design or exterior finish of the building or structure, then the amount of the security must be no more than the amount estimated by Council or the Director of Development, as applicable, to be the actual cost of constructing the building or structure so as to conform to the requirements of the Heritage Alteration Permit with respect to the form, character, exterior design or exterior finish as the case may be.

Reconsideration

- 6.1 Where an applicant or owner of property subject to a decision made by the Director of Development under Section 5.1 of this bylaw is dissatisfied with the decision, the applicant or owner may apply to the Council for reconsideration of the matter within 30 days of the decision being communicated to him or her.
- 6.2 An application for reconsideration must be delivered in writing to the Director, City Clerk's Office and must set out the grounds upon which the applicant considers the requirement or the decision of the Director of Development is inappropriate and what, if any, requirement or decision the applicant considers the Council ought to substitute.
- 6.3 The Director, City Clerk's Office must place each application for reconsideration on the agenda of a regular meeting of Council to be held not earlier than two weeks from the date the application for reconsideration was delivered, and must notify the applicant and any other party who the Director, City Clerk's Office reasonably considers may be affected by the reconsideration of the date of the meeting at which the reconsideration will occur.
- 6.4 At the meeting, the Council may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard, and may either confirm the requirement or decision of the Director of Development, amend or set aside all or part of the decision of the Director of Development, or make its own decision including imposing terms, requirements and conditions.

Heritage Alteration Permit

- 7.1 Every application for a Heritage Alteration Permit, or an amendment to a Heritage Alteration Permit, must be made by the registered owner, or by his or her agent who has been authorized by the owner in writing, to:
- 7.1.1 Council; or
 - 7.1.2 the Director of Development if the application is for:

7.1.2.1 a repair estimated by the applicant to cost less than \$500.00 where the repair will have no impact on architectural form, finish, character or building materials;

7.1.2.2 interior repair, maintenance or renovation that has no impact on the exterior architectural form, finish, character or building material.

7.2 A Heritage Alteration Permit shall be in the form of Schedule A.

7.3 An application under Section 7.1 must be made in the form attached as Schedule B.

7.4 An application fee shall be paid to the City as set out in Schedule C.

7.5 The Director of Development may refer the application for a Heritage Alteration Permit, or an amendment to a Heritage Alteration Permit, for review, to the Advisory Design Panel or Heritage Commission, or both, which may make a recommendation to Council.

Heritage Revitalization Agreement

8.1 Every application for a Heritage Revitalization Agreement, or an amendment to a Heritage Revitalization Agreement, must be made by the registered owner, or by his or her agent who has been authorized by the owner in writing.

8.2 An application under Section 8.1 must be made in the form attached as Schedule D, except where use or density of use are varied in which case the application shall follow the form required for a zoning bylaw amendment.

8.3 An application fee shall be paid to the City as set out in Schedule C.

8.4 The Director of Development may refer the application for a Heritage Revitalization Agreement, or an amendment to a Heritage Revitalization Agreement, for review, to the Advisory Design Panel, Heritage Commission, or both, which may make a recommendation to Council.

Heritage Designation

9.1 The registered owner of real property in the City, or his or her agent authorized in writing, may apply for Heritage Designation protection under Section 967 of the *Local Government Act*.

9.2 Every application for Heritage Designation protection, unless initiated by the City, shall be submitted in writing to the Director of Development and shall be accompanied by the following:

9.2.1 a description of the current use of the property;

9.2.2 colour photographs of each elevation of the property;

9.2.3 information on the heritage significance and architectural merit of the property;

- 9.2.4 site plan of the property;
 - 9.2.5 elevation drawings showing the architectural features, characteristics and colours of the exterior of the building;
 - 9.2.6 details of affixed interior building features proposed to be subject to protection.
- 9.3 The Director of Development must forward the application to Council.
- 9.4 Nothing in this section limits or impairs the authority of Council to initiate a heritage designation.

Amendments to the Heritage Register

- 10.1 Requests to add buildings, structures or sites to, or remove buildings, structures or sites from the City Heritage Register will be processed in the following manner:
- 10.1.1 the written request by the registered owner or the City will be reviewed by the Director of Development;
 - 10.1.2 the Director of Development will compile background information on the subject building, structure or site;
 - 10.1.3 the Director of Development and the Heritage Commission will evaluate the historical, architectural and contextual value and character of the subject building, structure or site;
 - 10.1.4 the Director of Development will forward a recommendation to Council regarding the proposed addition of the building, structure or site to the Heritage Register;

10.1.5 Council may add or remove a building, structure or site from the Heritage Register by resolution, in which case the Director, City Clerk's Office must notify the owner of the subject building, structure or site of Council's decision in accordance with the provisions of the *Local Government Act*.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating 
APPROVED for legality by Solicitor 

MAYOR

CORPORATE OFFICER



SCHEDULE A

City of Richmond
Planning and Development Department

Schedule A
Heritage Alteration Permit

w

No. HAP XX-XXXXXX

To the Holder:

Property Address:

Legal Description:

(s.972, Local Government Act)

- 1. (Reason for Permit)
 - Designated Heritage Property (s.967)
 - Property Subject to Temporary Protection (s.965)
 - Property Subject to Heritage Revitalization Agreement (s.972)
 - Property in Heritage Conservation Area (s.971)
 - Property Subject to s.219 Heritage Covenant

2. [Description of Approved Alteration and Permit Conditions – refer to and attach drawings and specifications if necessary]

3. Security in the amount of \$ _____ in the form of a letter of credit has been provided to the City of Richmond to guarantee the performance of the terms, requirements and conditions of this Heritage Alteration Permit and will be returned to the applicant upon satisfactory completion of the approved alterations. The City may retain the security for up to one year after inspection of the completed landscaping in order to ensure that plant material has survived.

4. This Heritage Alteration Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.

To the Holder:

Property Address:

Legal Description:

5. The "Richmond Zoning and Development Bylaw No. 5300" is hereby supplemented or varied to:

a)

6. If the alterations authorized by this Heritage Alteration Permit are not completed within 24 months of the date of this Permit, this Permit lapses.

AUTHORIZING RESOLUTION NO.
DAY OF

ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF

MAYOR

IT IS AN OFFENCE UNDER THE LOCAL GOVERNMENT ACT PUNISHABLE BY A FINE OF UP TO \$50,000 IN THE CASE OF AN INDIVIDUAL AND \$1,000,000 IN THE CASE OF A CORPORATION FOR THE HOLDER OF THIS PERMIT TO FAIL TO COMPLY WITH THE REQUIREMENTS AND CONDITIONS OF THE PERMIT

SCHEDULE B



City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
604-276-4000
www.richmond.ca

Heritage Alteration Permit
Application
Development Applications Division

Contact 604-276-4017 Fax 604-276-4052

Please submit this completed form to the Zoning counter located at City Hall. All materials submitted to the City for a *Heritage Alteration Permit Application* become public property, and therefore, available for public inquiry.

Please refer to the attached forms for details on application attachments and non-refundable application fees.

Property Address(es): _____

Legal Description(s): _____

Applicant: _____

Correspondence/Calls to be directed to:

Name: _____

Address: _____

_____ Postal Code

Tel. No.: _____

Business

Residence

E-mail

Property Owner(s) Signature(s): _____

Please print name

or

Authorized Agent's Signature: _____

Attach Letter of Authorization

Please print name

For Office Use

Date Received: _____

Application Fee: _____

File No.: _____

Receipt No.: _____

[add information required under the *Freedom of Information and Protection of Privacy Act*]



City of Richmond

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604-276-4000
www.richmond.ca

Heritage Alteration Permit Application Attachments Development Applications Division

Contact 604-276-4017 Fax 604-276-4052

The following items must be completed and submitted with your *Heritage Alteration Permit Application*.

1. Letter outlining the proposal in full along with proof of ownership if you have purchased the property in the last six months. Proof of new ownership is acceptable with a copy of the interim agreement or transfer of property title.
2. The applicant should consult with the Development Applications Division prior to application to be aware of criteria pertinent to the application and the extent of documentation required to support the application (e.g., pertinent Heritage Alteration Permit Guidelines).

All applicants are required to provide eight full-size sets and one set of reduced 11" x 17" drawings capable of being reproduced, of the following:

- a) **Site plan** showing the street, visitor and disabled parking, landscaped areas, loading, access and all buildings. Calculations should indicate parking, floor area ratio and coverage. All variances to the Zoning & Development Bylaw must be clearly listed, within a table, on the site plan and dimensioned in metric units, including variances to the location and height of fences and screening. Structures in the setbacks (such as kiosks, garbage/recycling enclosures and mailboxes) must be drawn. All setbacks must be shown in metric units. Building setbacks to all property lines and between buildings must be dimensioned as minimums.
- b) **Floor plans** should indicate general interior layouts, main front entrances, balconies, outdoor living areas and amenity areas.
- c) **Building sections or elevations** in sufficient detail to determine heights, bulk, variances and building finish materials. Include all elevations, with building materials indicated and colours specified. Maximum building heights must be dimensioned. Indicate the finished grade on the elevation in relation to either the curb or geodetic. Provide cross-sections.
- d) **Landscape plans** indicating landscaping, screening, fencing, walkways, trees, and boulevard treatment. Provide photos and a plan of the streetscape and all existing trees. Provide a plant list. The plan is to be drawn in sufficient detail to determine the general planted size and spacing of plants and the finish of all site surfaces and fences. Where substitute plants or materials are anticipated, they should be listed on the plans. All street trees shown on the plan must be planted. Special provisions for tree retention during construction shall be shown on the plans. The plant list must be printed with lettering no less than 2 mm (3/32") high. A typical fence detail and accessory building detail should be included. Specify all site surfaces to indicate the character of finish materials. Specify

the paving materials on driveways, walkways and emergency access lanes. Specify the finish and colour of fences and parking garage interiors.

- e) **Context plan** showing adjacent streets, driveways and surrounding properties and buildings.
- f) **Site Survey Drawing** prepared by a registered BC Land Surveyor, showing the location of all trees having a trunk diameter of 20 cm or greater measured at a point 1.4 m above natural grade. Include trees within 2 m of the property line on adjacent lots and trees within any City street or lane allowance adjacent to the property. Include pre-development lot lines, proposed lot lines, legal description, rights-of-way and easements. Include existing finished grades at each of the four corners of the site and the existing grade at base of all bylaw sized trees.

The drawings will form part of the Heritage Alteration Permit document. Additional drawings may be added to clarify more complex designs. Drawings and notes must be sufficiently detailed to describe the project. Drawings should be to standard architectural practice either CAD or hand-drawn in ink. The 11" x 17" drawings should be clear and readable when reproduced. Lettering and numbers must be no smaller than 2 mm (3/32") in height after reduction. Site plans should contain a north arrow and, if reduced, must have a bar scale. If the site plan is divided up on more than one sheet, each sheet should contain a key plan.

SCHEDULE C
Fees for Heritage Alteration Permit (HAP) and
Heritage Revitalization Agreement

C1. The application fee for a:

- (a) Heritage Alteration Permit in respect of a parcel is:
 - (i) if there is a concurrent development permit application, twenty per cent of the amount of the fee applicable to the application for the development permit;
 - (ii) if there is no concurrent development permit application but there is a concurrent zoning bylaw amendment application, twenty per cent of the amount of the fee applicable to the application for the rezoning; or
 - (iii) if sub-paragraphs (i) and (ii) do not apply, \$225.00;
- (b) Heritage Revitalization Agreement in respect of a parcel is:
 - (i) if there is a concurrent development permit application, twenty per cent of the amount of the fee applicable to the application for the development permit;
 - (ii) if there is no concurrent development permit application but there is a concurrent zoning bylaw amendment application, twenty per cent of the amount of the fee applicable to the application for the rezoning; or
 - (iii) if sub-paragraphs (i) and (ii) do not apply, \$225.00.



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SCHEDULE D

Road **Heritage Revitalization Agreement**
Application
 Development Applications Division

Contact 604-276-4017 Fax 604-276-4052

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Property Address(es): _____

Legal Description(s): _____

Applicant: _____

Correspondence/Calls to be directed to:

Name: _____

Address: _____

_____ Postal Code

Tel. No.: _____
 Business

Residence

E-mail

Property Owner(s) Signature(s): _____

Please print name

or

Authorized Agent's Signature: _____
 Attach Letter of Authorization

Please print name

For Office Use

Date Received: _____

Application Fee: _____

File No.: _____

Receipt No.: _____

[add information required under the *Freedom of Information and Protection of Privacy Act*]



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Road

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The following items must be completed and submitted with your *Heritage Revitalization Agreement Application*.

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