



CITY OF RICHMOND

HERITAGE PROCEDURES

BYLAW NO. 8400

EFFECTIVE DATE – MONDAY MAY 4, 2009

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>DATE OF ADOPTION</u>	<u>EFFECTIVE DATE</u> (If different from Date of Adoption)
Bylaw No. 8964	December 18, 2012	January 1, 2013
Bylaw No. 10363	May 16, 2022	
Bylaw No. 10236	November 14, 2022	
Bylaw No. 10040	May 15, 2023	



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:

"Applicant"	means a person who is an owner of the property which is subject of an application, or a person acting with the written consent of the owner.
"City"	means the City of Richmond.
" <i>Community Charter</i> "	means the <i>Community Charter</i> (BC), as may be amended or replaced from time to time.
"Director, Arts, Culture & Heritage"	means the Director, Arts, Culture & Heritage of the City, his or her designates and authorized agents.
"Director, Building Approvals"	means the Director, Building Approvals of the City, his or her designates and authorized agents.
"Director, City Clerk's Office"	means the Director, City Clerk's Office, his or her designates and authorized agents.

"Director of Development"	means the Director, Development of the City, his or her designates and authorized agents.
"Director, Facilities & Project Development"	means the Director, Facilities & Project Development of the City, his or her designates and authorized agents.
"Director, Parks Services"	means the Director, Parks Services of the City, his or her designates and authorized agents.
"Heritage Alteration Permit"	means a permit authorizing alterations or other actions in relation to protected heritage property or property within a heritage conservation area under Section 617 of the <i>Local Government Act</i> .
"Heritage Conservation Area"	has the meaning ascribed in the <i>Local Government Act</i> .
"Heritage Designation"	means the heritage designation of a property by City bylaw pursuant to Section 611 of the <i>Local Government Act</i> .
"Heritage Register"	means the Heritage Register of the City established under Section 598 of the <i>Local Government Act</i> .
"Heritage Revitalization Agreement"	means an agreement between the City and owner of heritage property under Section 610 of the <i>Local Government Act</i> .
" <i>Local Government Act</i> "	means the <i>Local Government Act</i> (BC), as may be amended or replaced from time to time.
"Official Community Plan"	means the current Official Community Plan of the City, as may be amended or replaced from time to time.
"protected heritage property"	means a property that is: <ul style="list-style-type: none">(i) subject to a Heritage Designation;(ii) included in a schedule of protected heritage property within a Heritage Conservation Area designated by the Official Community Plan;(iii) subject to a Heritage Revitalization Agreement; or

- (iv) subject to a heritage conservation covenant registered against title to the property.

"Standing Committee" means a standing committee of Council appointed by the Mayor in accordance with Section 141 of the *Community Charter*.

"Zoning Bylaw" means the City's current Zoning Bylaw, as may be amended or replaced from time to time.

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 611 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 608 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 600 of the *Local Government Act*;

5.1.2 a requirement that an applicant provide heritage impact information under Section 602 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; and

- 5.1.4 issuance of a Heritage Alteration Permit under section 7.1.2.
- 5.2 Subject to Section 617(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 617 of the *Local Government Act*.
- 5.3 If Council or the Director of Development, as applicable, requires security under section 618(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 roof repair, maintenance, or replacement on a like-for-like basis;
 - 7.1.2.2 exterior painting;
 - 7.1.2.3 replacement of a door or window without altering the door or window frame;
 - 7.1.2.4 the construction or installation of a guardrail as part of a public boardwalk, sidewalk, or trail;
 - 7.1.2.5 exterior cladding replacement on a like-for-like basis;
 - 7.1.2.6 minor changes to landscape features, or to an accessory building or accessory structure that are not character-defining elements of the property and do not affect the overall heritage value and character of the property;
 - 7.1.2.7 installation of, or alteration, to signs or awnings if the property is located within a Heritage Conservation Area but not is a protected heritage property; and
 - 7.1.2.8 patios on public property, and seasonal patios on private property located within a Heritage Conservation Area but is not a protected heritage property, provided that the construction value does not exceed \$10,000 and the Applicant obtains a Patio Permit through the City of Richmond Patio Program.
- 7.2 **[REPEALED]**
- 7.3 An application under Section 7.1 must be made in the form prescribed by the City.
- 7.4 **[REPEALED]**
- 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.
- 7.6 Notwithstanding anything else set out in this Bylaw, a Heritage Alteration Permit is not required:
 - 7.6.1 for properties within a Heritage Conservation Area that are not protected heritage properties for changes to buildings and/or properties, including new buildings or additions, except for the following changes or works which do require a Heritage Alteration Permit:

- 7.6.1.1 installation of, or alterations to, signs or awnings;
 - 7.6.1.2 patios;
 - 7.6.1.3 exterior painting; and
 - 7.6.1.4 subdivision with no associated development application.
- 7.6.2 for protected heritage properties under the following conditions:
- 7.6.2.1 interior repair, maintenance, or renovation that has no impact on the exterior architectural form, finish, character, or building material, unless the interior features are formally protected by Heritage Designation, Heritage Revitalization Agreement, or a heritage conservation covenant registered on title to the property;
 - 7.6.2.2 minor repair, or routine maintenance that does not change the exterior architectural form, finish, and character, or material of the property;
 - 7.6.2.3 maintenance or installation of municipal infrastructure carried out by, or on behalf of, the City; and
 - 7.6.2.4 development application notification signs or other signs required by the City pursuant to one or more bylaws.
- 7.7 The Director of Development, the Director of Arts, Culture & Heritage, the Director of Facilities & Project Development, or the Director, Parks Services, is responsible for processing Heritage Alteration Permit applications and, in the case of an application made to Council under subsection 7.1.1, must present to a Standing Committee a report on each such application consisting of a recommendation, a proposed Heritage Alteration Permit with appropriate plans, and any other information the Director of Development, the Director of Arts, Culture & Heritage, the Director of Facilities & Project Development, or the Director of Parks Services considers to be relevant.
- 7.8 A Standing Committee, having considered the report of the Director of Development, the Director of Arts, Culture & Heritage, the Director of Facilities & Project Development or the Director, Parks Services on a Heritage Alteration Permit in accordance with section 7.7, must make a recommendation to Council on the application and may make other recommendations the committee deems appropriate.
- 7.9 Upon receipt of the recommendation from a Standing Committee on a Heritage Alteration Permit, Council must either:
- (a) issue the Heritage Alteration Permit;
 - (b) reject the application for a Heritage Alteration Permit; or
 - (c) refer the application for a Heritage Alteration Permit to:

- i. a Standing Committee for further consideration; or
- ii. the Director of Development, the Director of Arts, Culture & Heritage, the Director of Facilities & Project Development or the Director, Parks Services with the direction to report further to the Standing Committee on the application.

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 prescribed by the City.
- 8.3 **[REPEALED]**
- 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.
- 8.5 The Director of Development is responsible for processing applications for a Heritage Revitalization Agreement and must present to a Standing Committee a report on each such application consisting of a recommendation, a proposed bylaw, a proposed Heritage Revitalization Agreement and associated bylaw, and any other information the Director of Development considers to be relevant.
- 8.6 A Standing Committee, having considered the report of the Director of Development on an application for a Heritage Revitalization Agreement in accordance with section 8.5, must make a recommendation to Council on the application and may make other recommendations the committee deems appropriate.

Fees

- 9.1 An Applicant for a Heritage Alteration Permit or a Heritage Revitalization Agreement pursuant to Section 7.1 or Section 8.1 must pay the applicable fee specified in the Development Application Fees Bylaw No. 8951, as may be amended or replaced from time to time.

Notification Sign Requirements

- 10.1 After having complied with the requirements in Sections 7.3, 8.2, and 9.1, as applicable, an Applicant for a Heritage Alteration Permit or a Heritage Revitalization Agreement must:
 - 10.1.1 post a clearly visible sign on the subject property indicating the intent of the Heritage Alteration Permit or Heritage Revitalization Agreement, whichever is applicable, within three (3) weeks of being notified of the sign requirements by the Director of Development;
 - 10.1.2 provide a digital copy of the sign to the Director of Development for review and approval prior to posting the sign on the subject property;
 - 10.1.3 before the Heritage Alteration Permit or Heritage Revitalization Agreement application, whichever is applicable, will be presented by City staff to a Standing Committee, inform the Director of Development when such sign has been posted; and
 - 10.1.4 prior to the applicable Standing Committee meeting and/or public hearing date, update the sign when informed by the City of the date(s) of any Standing Committee meeting or public hearing scheduled to discuss the application to display such date(s), and notify the Director of Development when such updates have been made.
- 10.2 Section 10.1 above does not apply in respect of a Heritage Alteration Permit application made to the Director of Development pursuant to Section 7.1.2.
- 10.3 The sign required under the provisions of subsection 10.1 must comply with the specifications shown on Schedule A (Heritage Alteration Permit) or Schedule B (Heritage Revitalization Agreement), whichever is applicable, both of which are attached to and form a part of this bylaw, or other specifications acceptable to the Director of Development.
- 10.4 Where a Heritage Revitalization Agreement would vary use or density of use, the Applicant for the Heritage Revitalization Agreement must post the notification sign a minimum of 14 days prior to the public hearing at which the application will be considered.

Notice Requirements

- 11.1 The Director, City Clerk's Office must, prior to consideration by a Standing Committee of a Heritage Alteration Permit that involves a variance to the Zoning Bylaw or additional floor area, or a Heritage Revitalization Agreement that is not subject to the public hearing requirement, mail or otherwise deliver written notice of the proposed Heritage Alteration Permit or Heritage Revitalization Agreement, and of the Standing Committee meeting at which such application will be considered, to:
 - (a) the Applicant; and
 - (b) the owners and occupiers of all real property:

- (i) which is the subject of the Heritage Alteration Permit or Heritage Revitalization Agreement application; and
- (ii) which is within 100 metres of, or situated at the same intersection of any highways as, the property which is the subject of the proposed Heritage Alteration Permit or Heritage Revitalization Agreement,

at least 10 days prior to such a meeting.

The notice referred to in subsection 11.1 must:

- (a) identify by civic address or other means the property which is the subject of the proposed Heritage Alteration Permit or Heritage Revitalization Agreement application;
- (b) state in brief general terms the intent of the proposed works, change, or development;
- (c) include a sketch map showing the location of the proposed works, change, or development;
- (d) state the place at which and the times during which a copy of the proposed Heritage Alteration Permit or Heritage Revitalization Agreement and other relevant material may be inspected; and
- (e) state the time, date and place of the Standing Committee meeting at which the application will be considered.

Heritage Designation

12.1 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 611 of the *Local Government Act*.

12.2 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:

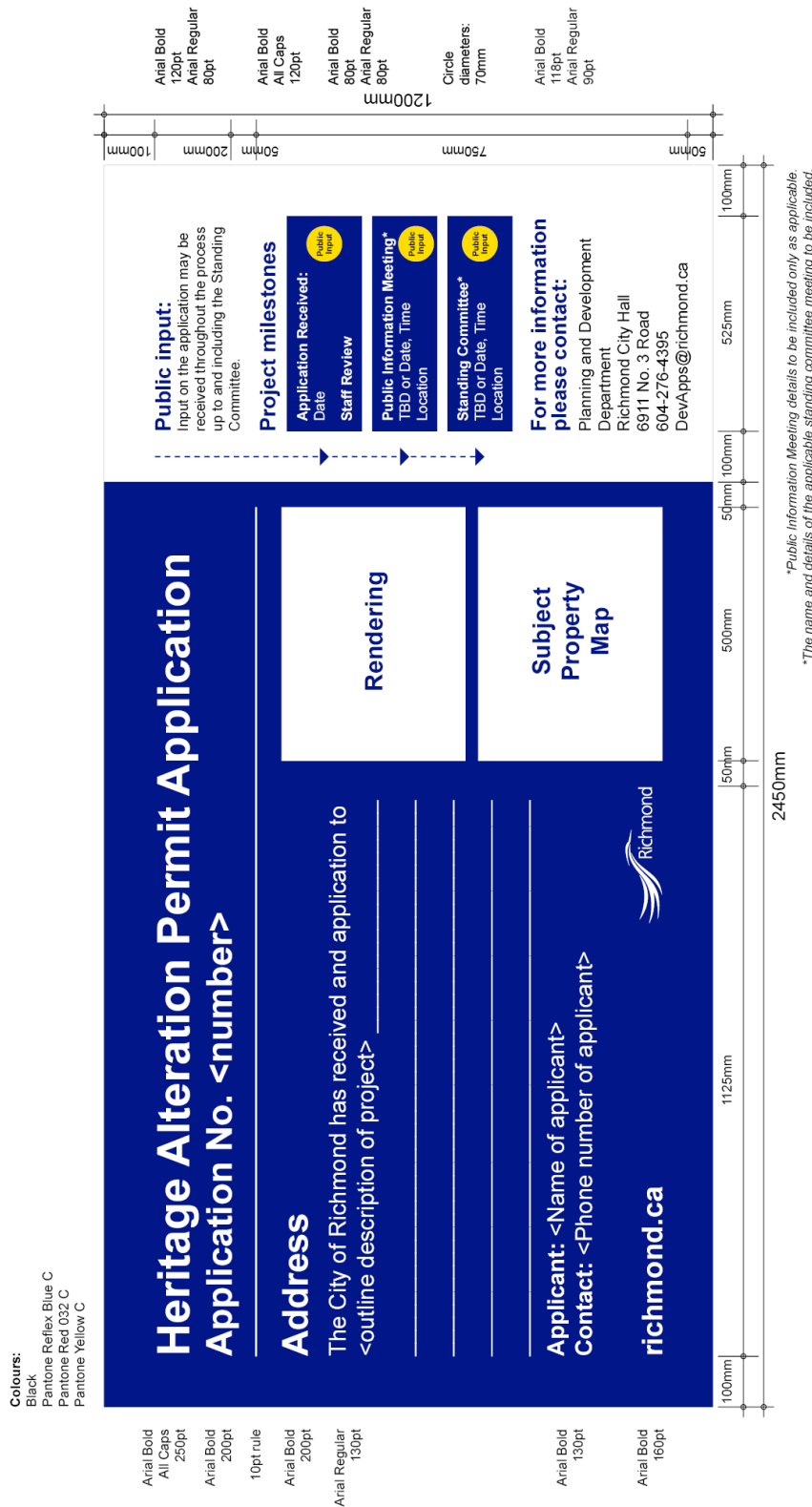
- 12.2.1 a description of the current use of the property;
- 12.2.2 colour photographs of each elevation of the property;
- 12.2.3 information on the heritage significance and architectural merit of the property;
- 12.2.4 site plan of the property;
- 12.2.5 elevation drawings showing the architectural features, characteristics and colours of the exterior of the building; and

- 12.2.6 details of affixed interior building features proposed to be subject to protection.
- 12.3 The Director of Development must forward the application to Council.
- 12.4 Nothing in this section limits or impairs the authority of Council to initiate a heritage designation.

Amendments to the Heritage Register

- 13.1 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:
 - 13.1.1 the written request by the registered owner or the City will be reviewed by the Director of Development;
 - 13.1.2 the Director of Development will compile background information on the subject building, structure or site;
 - 13.1.3 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;
 - 13.1.4 the Director of Development will forward a recommendation to Council regarding the proposed addition of the building, structure or site to the Heritage Register; and
 - 13.1.5 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*.

SCHEDULE A TO BYLAW 8400



Specification:

1. Blue background (Reflex Blue) with white Helvetica. Medium lettering.
2. Site map will have white background with blue lines.
3. The map will show the project location, adjoining roads and properties, address and north arrow.

