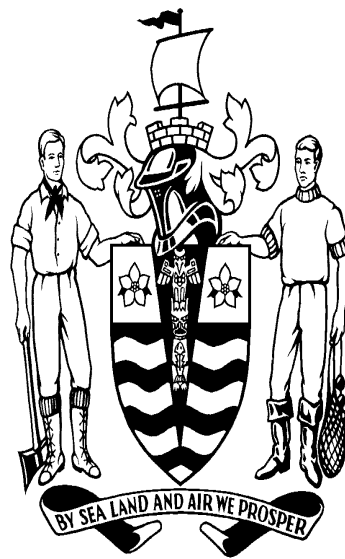


# CITY OF VANCOUVER BRITISH COLUMBIA



HERITAGE PROCEDURE  
BY-LAW NO. ~~\_\_\_\_\_~~ 11350

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## BY-LAW NO. \_\_\_\_\_

A By-law in relation to heritage property to authorize withholding of permits, to delegate the powers and duties of Council under Part XXVIII of the *Vancouver Charter* and to establish procedures for applications under Part XXVIII of the *Vancouver Charter*

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

**PART 1  
INTERPRETATION**

**Name of by-law**

1.1 The name of this by-law, for citation, is the "Heritage Procedure By-law".

**Conflict with Heritage By-law**

1.2 In the event of a conflict between this by-law and Heritage By-law No. 4837, the provisions of this by-law will prevail.

**Definitions**

1.3 In this by-law:

"architectural features" means siding, wall facings, corner boards, brackets, columns, pilasters, windows, doors, window and door surrounds or architraves, projections, cornices, pediments and balustrades and their paints, finishes and colours, architectural hardware and all other similar exterior or interior features;

"alter" and "alteration" mean respectively "to change in any manner" and "any change" and, without limiting the generality of the foregoing, include:

- a) the making of an improvement, as defined in the *Builder's Lien Act*; and
- b) any action that detracts from the heritage value or heritage character of heritage property;

"approvals" mean permits, licences or other authorizations required under a by-law or the *Vancouver Charter*;

"building" means "building" as defined in section 304 of the *Vancouver Charter*;

"building permit" means a permit issued under the Building By-law;

"Chief Building Official" means the city official appointed as such by Council and includes the authorized representatives of the Chief Building Official;

"construction" means "construction" as defined in section 304 of the *Vancouver Charter*;

"development permit" means a permit issued under the Zoning & Development By-law;

"Director of Planning" means the city official appointed as such by Council and includes the authorized representatives of the Director of Planning;

"designated heritage property" means property that has been designated as protected heritage property pursuant to a heritage designation by-law under section 594 of the *Vancouver Charter*;

"features" includes architectural and landscape features;

"heritage alteration permit" means a permit authorized under the Heritage By-law or this by-law;

"heritage character" means the overall effect produced by traits or features which give property or an area a distinctive quality or appearance;

"heritage conservation area" means an area designated as a heritage conservation area under section 561(2)(iv) of the *Vancouver Charter* by an official development plan;

"heritage inspection" means the physical examination of property pursuant to an order under section 583 of the *Vancouver Charter* or pursuant to an order of the Director of Planning in accordance with this by-law and the research necessary to assess the heritage value and the heritage character of the property or to determine the need for conservation of the property;

"heritage property" means property that:

- a) in the opinion of a person or body authorized to exercise a power under the *Vancouver Charter* or this by-law in relation to the property, has sufficient heritage value or heritage character to justify its conservation; or
- b) is protected heritage property;

"heritage value" means historical, cultural, aesthetic, scientific or educational worth or usefulness of property or an area;

"impact assessment" means information or studies regarding the possible effects on protected heritage property of an activity or action enabled by the approval of a permit under this or another by-law;

"landscape features" means any fence, retaining wall, fountain, patio, terrace, statuary or similar feature or garden of significance that is located on a site and outside the exterior walls of a building;

“occupier” means the person who occupies or lives in a building or premises and includes a tenant;

“ODP” means an official development plan that designates a heritage conservation area;

“owner” means a registered owner of real property or a person in possession of real property and includes the agent or representative of a person owning or in possession of real property or in receipt of the rents or profits therefrom whether on his own account or as agent or trustee for any other person;

“property” means “real property” as defined in section 2 of the *Vancouver Charter*;

“protected heritage property” means “protected heritage property” as defined in the *Vancouver Charter*;

“routine building maintenance” means ordinary maintenance or repair and does not include removal or replacement, or a change in design, materials, finishes or appearance;

“routine garden maintenance” means ordinary maintenance, and includes weeding, mowing lawns, planting, and pruning shrubs and trees in compliance with the Protection of Trees By-law.

#### **Table of contents**

1.4 The table of contents for this by-law is for convenient reference only, and is not for assistance in interpreting or enforcing this by-law.

#### **Severability**

1.5 A decision by a court that any part of this by-law is illegal, void, or unenforceable severs that part from this by-law and is not to affect the balance of this by-law.

## **PART 2 DELEGATION OF COUNCIL AUTHORITY**

### **Authority of the Chief Building Official**

2.1 Subject to the conditions and limitations set out in this by-law, the Chief Building Official is authorized to carry out the powers and duties of Council in respect to withholding of demolition permits under section 588 of the *Vancouver Charter*.

### **Authority of the Director of Planning**

2.2 Subject to the conditions and limitations set out in this by-law, the Director of Planning is authorized to carry out the powers and duties of Council in respect to:

- a) heritage inspections under sections 583 and 584 of the *Vancouver Charter*;
- b) impact assessments under section 585 of the *Vancouver Charter*;
- c) withholding of approvals under section 587 of the *Vancouver Charter*;
- d) making agreements as to terms and conditions to prevent or mitigate circumstances that may detract from the heritage value or heritage character of property under section 587(5)(b) of the *Vancouver Charter*; and
- e) heritage alteration permits under sections 597 and 598(1) to (3) of the *Vancouver Charter*.

### PART 3 HERITAGE CHARACTER OR VALUE

#### Factors to consider in determining heritage character or value

3.1 For the purpose of determining whether a building, feature, property, site or area may have heritage character or heritage value under this by-law, the Director of Planning may consider the following:

- a) the aesthetic, historic, scientific, cultural, social or spiritual importance or significance of the building, feature, property, site or area;
- b) the age of a building;
- c) the builder or architect;
- d) the architectural composition of a building;
- e) the definitions and application of "heritage value" and "character-defining elements" in the Parks Canada "Standards and Guidelines for the Conservation of Historic Places in Canada" © Her Majesty the Queen in Right of Canada, 2003, as amended and updated in 2010; and
- f) all applicable Council policies and guidelines.

#### Factors to consider in determining whether work detracts from heritage character or value

3.2 For the purpose of determining whether ~~interior alteration, routine building maintenance or routine garden maintenance detracts from protected heritage property,~~ proposed alterations or maintenance that require a heritage alteration permit would detract from the heritage character or heritage value ~~under this by-law~~ of protected heritage property or of property within a heritage conservation area, the Director of Planning may consider the following:



- a) the proposed type and quality of construction materials and finishes;
- b) the impact ~~on architectural features or fixtures~~ of a proposed interior alteration on architectural features;
- c) whether proposed maintenance work would affect or change a feature; and
- d) whether proposed garden maintenance would affect mature trees, existing gardens or landscape design.

**PART 4  
HERITAGE ALTERATION  
PERMITS**

**Authority of the Director of Planning**

4.1 The Director of Planning is authorized to issue heritage alteration permits for:

- a) protected heritage property;
- b) property within a heritage conservation area, if the permit application relates to a feature or characteristic identified in an ODP as contributing to the heritage character or heritage value of the area;
- c) property subject to a heritage revitalization agreement or other agreement that requires that a heritage alteration permit be obtained; and
- d) property subject to a covenant under section 219 of the Land Title Act that requires that a heritage alteration permit be obtained.

**Heritage alteration permits**

4.2 In issuing a heritage alteration permit, the Director of Planning is authorized, in relation to protected heritage property or property within a heritage conservation area, to vary or supplement provisions of:

- a) a subdivision by-law;
- b) a development cost levy by-law;
- c) a zoning by-law, except for regulations regarding use and density;
- d) a development permit; or
- e) a by-law or heritage alteration permit under Part XXVIII of the *Vancouver Charter*.

### Requirement for heritage alteration permit for designated heritage property

4.3 Except as otherwise provided in this by-law, a person must not do any of the following [onto](#) designated heritage property, without having first obtained a heritage alteration permit:

- a) alter the exterior of a building that is designated heritage property;
- b) make a structural change to a building that is designated heritage property;
- c) move a building that is designated heritage property;
- d) alter, remove or take action that would damage an interior architectural feature or fixture that is designated heritage property;
- e) alter, remove or take an action that would damage a landscape feature that is designated heritage property; or
- f) alter, excavate or build on land that is designated heritage property.

### Requirement for heritage alteration permit within a heritage conservation area

4.4 Except as otherwise provided in this by-law, a person must not do any of the following within a heritage conservation area, without having first obtained a heritage alteration permit:

- a) subdivide land;
- b) start the construction of a building or structure or an addition to an existing building or structure;
- c) alter a building, structure or land; or
- d) alter a feature that is protected heritage property.

### Exemptions from heritage alteration permit requirement

4.5 Despite the provisions of this by-law, a heritage alteration permit is not required;

- a) in a heritage conservation area for:
  - i) painting of buildings or structures, if the proposed colours are the same as the existing colours<sup>7.1</sup>;
  - ii) interior alterations to a building or structure, that do not:
    - [A\) increase floor area:](#)

B) affect the external appearance of the building or structure; or increase floor area, and do not, in the opinion of the Director of Planning, detract from

C) affect any interior feature that has been designated pursuant to either a heritage designation by-law, the Heritage Conservation Act or that is specifically listed as protected heritage property, or heritage character or heritage value, pursuant to an ODP;

- iii) routine building maintenance ~~that does not, in the opinion of the Director of Planning, detract from protected heritage property, heritage character or heritage value;~~ or
- iv) routine garden maintenance ~~that does not, in the opinion of the Director of Planning, detract from protected heritage property, heritage character or heritage value;~~ and

(b) for ~~designated~~protected heritage property, for:

- i) painting of buildings or structures, if the proposed colours are the same as the existing colours;
- ii) interior alterations to a building or structure, that do not:

A) increase floor area;

B) affect the external appearance of the building or structure; or increase floor area, and do not, in the opinion of the Director of Planning, detract from

C) affect any interior feature that has been designated pursuant to either a heritage designation by-law, the Heritage Conservation Act or that is specifically listed as protected heritage property, or heritage character or heritage value, pursuant to an ODP;

- iii) routine building maintenance ~~that does not, in the opinion of the Director of Planning, detract from protected heritage property, heritage character or heritage value;~~
- iv) routine garden maintenance ~~that does not, in the opinion of the Director of Planning, detract from protected heritage property, heritage character or heritage value;~~ or
- v) ~~those alterations specified in the~~alterations to designated heritage property that are authorized without a heritage alteration permit in accordance with a heritage designation by-law.

### Heritage alteration permit conditions

4.6 The Director of Planning is authorized to issue heritage alteration permits subject to such terms, requirements or conditions as, in the opinion of the Director of Planning, are consistent with the purpose of the heritage protection of the property, including without limitation, conditions:

- a) respecting the sequence and timing of construction;
- b) respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, massing, exterior design, materials and finishes of building and landscape features;
- c) respecting the sequence and timing of occupancy; and
- d) requiring that the applicant provide security in accordance with this by-law.

### Security deposits

4.7 The Director of Planning may require, as a condition of issuance of the heritage alteration permit, that the owner provide security in the form of a letter of credit or cash, in an amount equal to 120% of the estimated cost of the work authorized by the heritage alteration permit, in order to ensure compliance with terms, requirements or conditions of the heritage alteration permit with respect to:

- a) the sequence and timing of construction;
- b) occupancy prior to completion;
- c) landscaping; and
- d) the proposed alteration or action, including siting, form, exterior design and finish of buildings

### Failure to comply with heritage alteration permit conditions

4.8 If, in the opinion of the Director of Planning, the holder of a heritage alteration permit has failed to comply with a term, requirement or condition of the permit, the Director of Planning may refer the matter to Council requesting:

- a) that Council make a determination as to whether the holder of a heritage alteration permit has failed to comply with a term, requirement or condition of the permit; and
- b) that Council undertake and complete the works required to satisfy the term, requirement or condition or to ameliorate the effects of the contravention or non-compliance, at the cost of the holder of the permit.

### Refusal of heritage alteration permit

4.9 The Director of Planning may refuse to issue a heritage alteration permit if, in the opinion of the Director of Planning, the proposed action authorized by the permit would not be consistent with the purpose of the heritage protection of the property, and in making that determination, the Director of Planning may consider the following factors:

- a) whether the applicant has failed to provide an impact assessment when ordered to do so;
- b) whether the applicant has failed to comply with the specifications set out in a notice of impact assessment;
- ~~c)~~ c) whether the proposed action would detract from the heritage value or heritage character of protected heritage property ~~or property in a heritage conservation area, and, in making that determination, the Director of Planning may consider the criteria in section 3.1 of this by-law.~~
- ~~d)~~ d) whether the property is subject to an order for temporary heritage protection under section 589 of the *Vancouver Charter*;
- ~~e)~~ e) whether the property is subject to temporary protection by introduction of a continuing protection by-law under section 589A of the *Vancouver Charter*; and
- ~~f)~~ f) whether the property is subject to a by-law declaring a heritage control period under section 590.

## PART 5 DEVELOPMENT PERMITS

### Refusal of development permit

5.1 The Director of Planning may refuse to issue a development permit if, in the opinion of the Director of Planning, the proposed action authorized by the permit would detract from the heritage value or heritage character of protected heritage property and, in making that determination, the Director of Planning may consider the criteria in section 3.1 of this by-law.

## PART 6 RECONSIDERATION BY COUNCIL

### Request for reconsideration

6.1 The owner or permit applicant may request reconsideration by Council of a decision made by the Director of Planning regarding:

- a) the refusal to issue a development permit [for protected heritage property under section 5.1 of this by-law](#);
- b) the decision to order a heritage inspection;
- c) the decision to require an impact assessment;
- d) the issuance or refusal of a heritage alteration permit;
- e) the requirements and conditions of a heritage alteration permit; or
- f) the determination of whether the requirements and conditions of a heritage alteration permit have been met,

by delivering the request in writing to the City Clerk within 14 days of the decision, setting out the reasons for the request.

#### Timing of reconsideration

6.2 Council must reconsider the decision within a reasonable time, and may uphold or vary the decision.

## PART 7 HERITAGE INSPECTIONS

#### Order

7.1 The Director of Planning may issue an order for a heritage inspection in the following circumstances:

- a) the property is or may be protected heritage property;
- b) the property is identified as heritage property in a heritage register; or
- c) the property is or may be heritage property according to the criteria set out in sections 3.1 and 7.3 of this by-law.

#### Power of entry of the Director of Planning

7.2 The Director of Planning is authorized to enter land or premises at any reasonable time pursuant to a heritage inspection order, [subject to the provisions of Section 584 of the Vancouver Charter](#), except that the Director of Planning must:

- a) make a reasonable attempt to notify the owner or occupier prior to or upon entering the land or premises; and
- b) present a copy of the order to the owner or occupier upon request.

### Inspection criteria

7.3 The Director of Planning may issue an order for a heritage inspection pursuant to section 7.1 (c) for property that, in the opinion of the Director of Planning:

- a) has or may have heritage character or heritage value; and
- b) is or may be at risk of deterioration or destruction due to failure to repair or maintain the property.

### Content of order

7.4 An order issued under section 7.1:

- a) must state the purpose of the heritage inspection;
- b) must specify how long the order is to remain in effect;
- c) must provide that the inspection is to be carried out in an expeditious manner;
- d) may provide for temporary protection in accordance with section 591 of the *Vancouver Charter*; and
- e) may include such terms, conditions and specifications regarding safety and access as the Director of Planning considers appropriate to facilitate the heritage inspection.

### Tests and samples

7.5 The Director of Planning is authorized to perform tests and remove material samples that, in the opinion of the Director of Planning are necessary for the purpose of the heritage inspection, except that the Director of Planning must ensure that any alterations caused by such tests are as minor and inconspicuous as is reasonably possible given the requirements of the heritage inspection.

### Report to owner

7.6 On completion of a heritage inspection, the Director of Planning must:

- a) notify any owner who was not previously notified of the heritage inspection; and
- b) report to the owner if an alteration was made or materials removed during the heritage inspection.

**PART 8  
IMPACT ASSESSMENTS**

**Authority of Director of Planning**

8.1 If, in the opinion of the Director of Planning, an approval under this by-law or any other by-law may affect protected heritage property, the Director of Planning may require the applicant for the approval:

- a) to provide the Director of Planning with an impact assessment, at the expense of the applicant; or
- b) to permit the Director of Planning to obtain an impact assessment.

**Impact assessment by Director of Planning**

8.2 An impact assessment that is carried out by the Director of Planning pursuant to section 8.1(b) must be:

- a) undertaken promptly; and
- b) carried out at the expense of the city.

**Notice of impact assessment**

8.3 A notice or order from the Director of Planning pursuant to section 8.1(a) must:

- a) be in writing and directed to the applicant for the approval; and
- b) include specifications regarding:
  - (i) the information that must be provided in the impact assessment, and
  - (ii) the necessary qualifications of the person or persons undertaking studies to produce the impact assessment.

**Change in specifications**

8.4 The specifications in a notice or order that has been issued pursuant to section 8.3 may only be changed by the Director of Planning with the consent of the owner or applicant.

**Impact assessment analysis**

8.5 The Director of Planning is authorized to determine whether the specifications included in a notice or order regarding an impact assessment have been met.



**PART 9  
TEMPORARY HERITAGE PROTECTION**

**Authority of the Chief Building Official to withhold approval of demolition permit**

9.1 Subject to the provisions of this by-law, the Chief Building Official must withhold approval of a building permit to demolish in the following circumstances:

- a) in the case of protected heritage property, until a heritage alteration permit and all other necessary approvals have been issued with respect to alteration or redevelopment of the site;
- b) in the case of real property identified in the heritage register established under section 582 of the *Vancouver Charter*, until a building permit and all other necessary approvals have been issued with respect to alteration or redevelopment of the site;
- c) if, in the opinion of the Director of Planning, the building permit to demolish would authorize an alteration to protected heritage property;
- d) if the property is subject to an order for temporary heritage protection under section 589 of the *Vancouver Charter*;
- e) if the property is subject to temporary protection by introduction of a continuing protection by-law under section 589A of the *Vancouver Charter*; or
- f) if the property is subject to a by-law declaring a heritage control period under section 590 of the *Vancouver Charter*.

**Authority of Director of Planning to withhold approvals**

9.2 Subject to the provisions of this by-law, the Director of Planning may withhold approval of a development permit or a heritage alteration permit if, in the opinion of the Director of Planning, the proposed action would alter or cause an alteration to:

- a) protected heritage property;
- b) property subject to temporary heritage protection; or
- c) property in a heritage register.

**Notice to Council of withheld approval**

9.3 If the Director of Planning withholds a development permit or heritage alteration permit in accordance with section 9.2, the Director of Planning must refer the matter to the Council at its next regular meeting after the approval has been withheld and must advise the applicant by registered mail of the following:

- a) the reasons for withholding the approval;
- b) that the matter has been referred to the Council at its next regular meeting following the withholding of the approval; and
- c) the date and time of the next regular Council meeting to which the matter has been referred.

#### Limits on withholding approvals

9.4 Despite the provisions of sections 9.1 and 9.2, the Chief Building Official or the Director of Planning must not withhold approvals if one or more of the following occurs:

- a) a heritage alteration permit is issued authorizing the alteration to which the approval applies;
- b) the applicant agrees to terms and conditions satisfactory to Council or to the Director of Planning to prevent or mitigate circumstances that may detract from the heritage value or heritage character of the property;
- c) in the case of property subject to temporary heritage protection, the protection ends; and
- d) in the case of property that appears to the Chief Building Official or the Director of Planning to be protected under the *Heritage Conservation Act*, the Council is notified by the minister responsible for that Act that the requirements of that Act have been met or do not apply.

### PART 10 NOTICES AND ORDERS

#### Notice of public hearing for proposed ODP with schedule of protected heritage property

10.1 The Director of Planning is authorized to give notice of public hearing, in accordance with this by-law, to each owner and each occupier of property that is to be listed in a schedule of protected heritage property included in a proposed ODP, and the notice must be given at least 10 days before the public hearing.

#### Service

10.2 A notice or order issued under this by-law shall be sufficiently served:

- a) on an owner, by mailing the order by registered mail or by another method that provides proof of delivery, to the owner at the owner's address as shown on the records of the Assessment Authority of British Columbia;

- b) on an owner or occupier, by personal service to the owner and to each occupier; or
- c) on an owner or occupier, by posting a notice or order in accordance with section 10.3.

#### Posting of notice or order

10.3 Subject to the provisions of section 10.2, a notice or order issued under this by-law shall be sufficiently served on an owner and on an occupier by posting of the order or notice on or near:

- a) protected heritage property;
- b) real property subject to temporary heritage protection under sections 583, 586, 589 or 590 of the *Vancouver Charter*; and
- c) property listed in a schedule of protected heritage property included in a proposed ODP,

except that this provision is only applicable if a notice cannot be served personally on an owner or occupier and the person's actual or last known address cannot be determined after reasonable steps for the purpose have been taken.

#### Power of entry of the Director of Planning

10.4 The Director of Planning is authorized to enter on to land or premises at any reasonable time for the purpose of posting an order or notice issued under this by-law, except that the Director of Planning must:

- a) make a reasonable attempt to notify the owner or occupier prior to or upon entering the land or premises; and
- b) present a copy of the order to the owner or occupier upon request.

#### Notice on title

10.5 If a by-law is adopted that lists or deletes property on a schedule of protected heritage property included in an ODP, the Director of Planning or the Director of Legal Services is authorized to file a notice in the land title office in accordance with section 601 of the *Vancouver Charter*, and the notice must be filed in the land title office within 30 days after the adoption of the by-law.

#### Notice to minister

10.6 If a by-law is adopted that lists or deletes property on a schedule of protected heritage property included in an ODP, the Director of Planning or the Director of Legal Services is authorized to give notice to the minister responsible for the Heritage Conservation

Act in accordance with section 602 of the *Vancouver Charter*, and the notice must be given to the minister within 30 days after the adoption of the by-law.

**PART 11  
OFFENCES AND PENALTIES**

**Offences**

11.1 A person who:

- a) interferes with the posting of an order or notice under this by-law; or
- b) removes, alters, defaces or destroys an order or notice posted under this by-law;

is guilty of an offence against this by-law and is liable to the penalties imposed under this by-law.

**Fine for offence**

11.2 Every person who commits an offence under this by-law is liable on conviction to a fine of not less than \$1,000 and not more than \$10,000.

**Fine for continuing offence**

11.3 Every person who commits an offence of a continuing nature under this by-law is liable on conviction to a fine of not less than \$1,000 and not more than \$10,000 for each day that the offence continues.

**PART 12  
ENACTMENT**

**Force and effect**

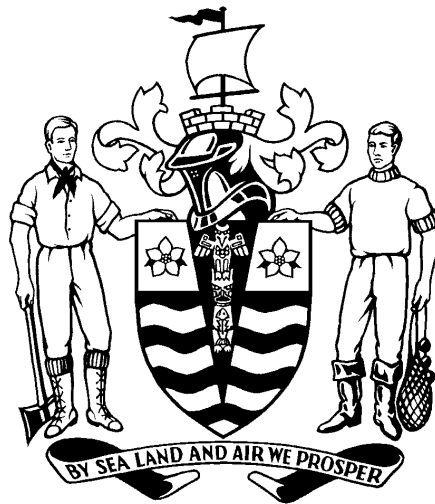
12. This by-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**CITY OF VANCOUVER  
BRITISH COLUMBIA**



**HERITAGE PROPERTY STANDARDS OF  
MAINTENANCE BY-LAW NO. 11351**

## BY-LAW NO. \_\_\_\_\_

A By-law prescribing minimum standards and regulations  
for the repair and maintenance of heritage property

WHEREAS Section 596 of the *Vancouver Charter* authorizes the Council of the City of Vancouver (hereinafter "the Council") to establish minimum standards for the maintenance of ~~real~~protected heritage property and property that is within a heritage conservation area;

AND WHEREAS the Council wishes to ensure that ~~real~~protected heritage property and property that is within a heritage conservation area is preserved for future generations and does not deteriorate due to lack of repair, maintenance and conservation;

AND WHEREAS ~~real~~protected heritage property and property that is within a heritage conservation area requires reasonable repair and maintenance by owners or occupiers in order to be protected and conserved;

AND WHEREAS Council wishes to supplement the general maintenance standards that are already in effect in the City of Vancouver, with specific maintenance standards intended to apply to ~~real~~protected heritage property and property that is within a heritage conservation area;

NOW THEREFORE, THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

SECTION 1  
APPLICATION AND INTERPRETATION

## Name of By-law

1.1 The name of this by-law, for citation, is the "Heritage Property Standards of Maintenance By-law".

## Application

1.2 This by-law applies to ~~all~~realprotected heritage property, ~~buildings~~ and ~~features~~property that ~~are~~is within a heritage conservation area ~~designated as such by the Heritage Conservation Area Official Development Plan.~~

## Definitions

1.3 In this By-law:

~~"accepted heritage conservation principles, standards and guidelines" means the Parks Canada "Standards and Guidelines for the Conservation of Historic Places in Canada" © Her Majesty the Queen in Right of Canada, 2003, as amended in 2010;~~

"accessory building" means an improvement on a site where the use or intended use is ancillary to that of the principal building located on the same site;

“architectural features” means siding, wall facings, corner boards, brackets, columns, pilasters, windows, doors, window and door surrounds or architraves, projections, cornices, pediments and balustrades and their paints, finishes and colours, architectural hardware and all other similar exterior or interior features;

“Chief Building Official” means the city official appointed as such by Council and includes the authorized representatives of the Chief Building Official;

“Director of Planning” means the city official appointed as such by Council and includes the authorized representatives of the Director of Planning;

“features” includes architectural and landscape features;

“Heritage Alteration Permit” means a permit authorized under Part XXVIII, Division (5) of the *Vancouver Charter*, the Heritage By-law, or the Heritage Procedure By-law;

~~“heritage conservation area property” means, for the purposes of this by-law, real property, buildings and features that are not heritage property and are within”~~ means an area designated as a heritage conservation area under section 561(2)(iv) of the *Vancouver Charter* by an official development plan;

~~“heritage property” means, for the purposes of this by-law, real property, buildings and features that are listed in a schedule included in the Heritage Conservation Area Official Development Plan;~~

“landscape features” means any fence, retaining wall, fountain, patio, terrace, statuary or similar feature that is located on a site and outside the exterior walls of a building;

“occupier” means the person who occupies or lives in a building or premises and includes a tenant; and

“owner” means a registered owner of real property or a person in possession of real property and includes the agent or representative of a person owning or in possession of real property or in receipt of the rents or profits therefrom whether on his own account or as agent or trustee for any other person;

“ODP” means an official development plan that designates a heritage conservation area;

“protected heritage property” means, for the purposes of this by-law, buildings, structures, land and features that are specifically listed as protected heritage property in a schedule included in an ODP;



“routine building maintenance” means ordinary maintenance or repair and does not include removal or replacement, or a change in design, materials, or appearance;

“routine garden maintenance” means ordinary maintenance and includes weeding, mowing lawns, planting, and pruning shrubs and trees in compliance with the Protection of Trees By-law.

### Severability

1.4 A decision by a court that any part of this by-law is illegal, void, or unenforceable severs that part from this by-law, and is not to affect the balance of this by-law.

## SECTION 2 STANDARDS OF MAINTENANCE FOR PROTECTED HERITAGE PROPERTY AND PROPERTY WITHIN A HERITAGE CONSERVATION AREA ~~PROPERTY~~

### Maintaining property

- 2.1 An owner or occupier of protected heritage property or property within a heritage conservation area ~~property~~ must:
- (a) maintain all buildings, structures, architectural features and landscape features in good repair; and
  - (b) maintain all buildings, structures, architectural features and landscape features in accordance with this by-law and all other applicable by-laws.

### Heritage ~~alteration permits~~ Alteration Permits

2.2 An owner or occupier of ~~a~~ protected heritage property or property within a heritage conservation area ~~property~~ must not cause, permit or allow work on the property for which a ~~heritage alteration permit~~ Heritage Alteration Permit is required without having first obtained a ~~heritage alteration permit~~ Heritage Alteration Permit.

### Repair and maintenance standards

~~2.3~~ 2.3 An owner or occupier of protected heritage property or property within a heritage conservation area ~~property~~ must carry out all repairs and maintenance: ~~(a) — in accordance with accepted heritage conservation principles, standards and guidelines; and~~ an ODP.

### Routine maintenance

~~(b) — for~~ 2.4 An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property, in accordance with the Heritage Conservation Area Official Development Plan~~ may carry out routine garden maintenance and routine building maintenance without a Heritage Alteration Permit.

### Weather and infestation

~~2.4-2.5~~ An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must repair and maintain all buildings, structures and features so as to reasonably prevent or retard damage caused by weather, wind, sun, moisture, infestation, rot, decay or similar causes, including but not limited to:

- (a) preventing water penetration;
- (b) preventing or repairing damage resulting from such causes; and
- (c) preventing entry or infestation of lands or buildings by rodents, pests or vermin.

### Exterior finishes and painting

~~2.5-2.6~~ An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must:

- (a) protect exterior finishes from damage caused by weather, wind, sun, moisture, infestation, rot, decay or similar causes; and
- (b) paint, clean, maintain and repair buildings and landscape features as necessary to protect exterior finishings and architectural features.

### Structural integrity

~~2.6-2.7~~ An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must maintain the structure and all structural supports of all buildings and structures in good repair and condition.

### Storm water drainage

~~2.7-2.8~~ An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must drain storm water from land by an approved method so as to prevent ponding or the entry of water into buildings.

### Fences, retaining walls, and approved enclosures

~~2.8-2.9~~ An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must keep fences, retaining walls, and enclosures:

- (a) in good repair;

- (b) free from accident hazards including hazards posed by glass, razor wire, barbed wire, or nails; and
- (c) free from posters, signs, advertising materials, words, pictures, drawings, graffiti, except that this does not apply to notices or orders posted in accordance with municipal, provincial or federal legislation.

#### Accessory buildings and landscape features

~~2.9~~ 2.10 An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must keep accessory buildings and landscape features in good repair.

#### Foundation walls

~~2.10~~ 2.11 An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must maintain the foundation walls of a building:

- (a) in good condition and repair;
- (b) weather tight;
- (c) free from cracks, leaks and decay; and
- (d) in a state of maintenance and repair sufficient to prevent the entry of moisture into the building.

#### Exterior and parapet walls

~~2.11~~ 2.12 An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must maintain the exterior walls and parapet walls of a building and their components:

- (a) in good condition and repair;
- (b) weather tight;
- (c) free from cracks, leaks or decay;
- (d) free from loose or unsecured objects and materials;
- (e) in a state of maintenance and repair sufficient to prevent or retard deterioration due to weather or infestation;
- (f) clean and free from soot, grime, mildew, mould, and peeling paint; and

- (g) free from posters, signs, notices, advertising materials, words, pictures, drawings, or graffiti.

### Attachments

~~2.12~~ 2.13 An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must maintain fixtures and attachments to a building including but not limited to signs, lighting, canopies, marquees, awnings, screens, grills, pipes, ducts, air conditioners, and all other similar equipment, attachments, and extensions, and their supporting members:

- (a) in good condition and repair;
- (b) properly and safely anchored; and
- (c) protected against deterioration and decay by periodic application of a weather coating material such as paint or other protective treatment, unless constructed of materials inherently resistant to deterioration.

### Architectural features

~~2.13~~ 2.14 An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must maintain the exterior architectural features of a building in good condition and properly and safely secured or anchored.

#### Exterior doors and windows

~~2.14~~ 2.15 An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must maintain exterior doors, windows, skylights, and hatchways of a building, and their components, in good condition and repair.

### Roofs

~~2.15~~ 2.16 An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must keep the roof of a building, including the flashing:

- (a) in good repair;
- (b) weather-tight and free from leaks; and
- (c) free from loose or unsecured objects and materials.

### Eavestroughs and downpipes

~~2.16~~ 2.17 An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must maintain eavestroughs and downpipes that are attached to a building or accessory building:

- (a) in good condition and repair;
- (b) in good working order;
- (c) water-tight and free from leaks; and
- (d) in such a manner that rainwater does not penetrate the building or spill in an uncontrolled manner upon sidewalks, driveways, stairways or landings.

#### Fire escapes, stairs, balconies, porches, and landings

~~2.17-2.18~~ An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must maintain fire escapes, stairways, balconies, porches and landings, and all components in, on or attached to a building:

- (a) in good condition and repair;
- (b) properly and safely anchored; and
- (c) free from rust, holes, cracks, excessive wear and warping, and hazardous obstructions.

#### Protected interior fixtures and architectural features

~~2.18-2.19~~ An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must maintain all interior architectural features and fixtures that have been designated as protected by a heritage designation by-law or are identified as protected heritage property, in good repair.

#### Pests, rodents, and vermin

~~2.19-2.20~~ An owner or occupier of protected heritage ~~or property or property within a~~ heritage conservation area ~~property~~ must keep ~~lands and~~ buildings free of pests, rodents and vermin.

#### Protection of vacant property

~~2.20-2.21~~ An owner or occupier of protected heritage property or property within a heritage conservation area ~~property~~ that is left unoccupied during construction or redevelopment ~~of the heritage or heritage conservation area property~~ must:

- (a) in the case of a building left unoccupied for 15 days or longer:
  - (i) secure all entries, and

- (ii) post signage that reads "Protected Heritage or Heritage Conservation Area Site - No Vandalism or Removal of Materials"; and
- (b) in the case of a building left unoccupied for 45 days or longer:
  - (i) secure all entries,
  - (ii) post signage that states "Protected Heritage or Heritage Conservation Area Site - No Vandalism or Removal of Materials", and
  - (iii) board up all windows securely, to a standard that minimizes the potential for unauthorized entry.

### SECTION 3 NOTICES AND ORDERS

#### Notices and Orders

3.1 The City Building Official or the Director of Planning may give notice or order a person:

- (a) to discontinue or refrain from proceeding with any work or using or occupying any land or building or doing anything that contravenes this by-law; or
- (b) to carry out any work or do anything to bring any land or building into conformity with this by-law,

within the time specified in such notice or order.

#### Service of notice or order

3.2 A notice or order shall be sufficiently served under this by-law:

- (a) on an owner, by mailing it by registered mail or by another method that provides proof of delivery, to the owner at the address of the owner as shown on the records of the Assessment Authority of British Columbia;
- (b) on an owner or occupier, by personal service to the owner and to each occupier; or
- (c) on an owner or occupier, by posting a notice or order in accordance with section 3.3.

#### Posting of notice or order

3.3 Subject to the provisions of section 3.4, a notice or order issued under this by-law shall be sufficiently served on an owner or occupier by posting of the order or notice on or near:

- (a) [protected](#) heritage property [or property within a heritage conservation area](#); or
- (b) heritage conservation area property subject to temporary heritage protection under sections 583, 586, 589 or 590 of the *Vancouver Charter*.

#### Power of entry of the Director of Planning

3.4 The City Building Official or the Director of Planning is authorized to enter on to land or premises at any reasonable time for the purpose of posting an order or notice issued under this by-law, except that the City Building Official or the Director of Planning must:

- (a) make a reasonable attempt to notify the owner or occupier prior to or upon entering the land or premises; and
- (b) present a copy of the order to the owner or occupier upon request.

#### Prohibition against interference

3.5 A person must not:

- (a) interfere with the posting of an order or notice under this by-law; or
- (b) remove, alter, deface or destroy an order or notice posted under this by-law.

### SECTION 4 OFFENCES AND PENALTIES

#### Offences

4.1 A person who:

- (a) violates any provision of this by-law, or does any act or thing which violates any provision of this by-law, or suffers or allows any other person to do any act or thing which violates this by-law;
- (b) neglects to do or refrains from doing anything required to be done by this by-law; or
- (c) fails to comply, or suffers or allows any other person to fail to comply, with an order or notice given under this by-law,

is guilty of an offence against this by-law, and liable to the penalties imposed under this by-law.

**Fine for offence**

4.2 Every person who commits an offence against this by-law is punishable on conviction by a fine of not less than \$1,000.00 and not more than \$10,000.00 for each offence.

**Fine for continuing offence**

4.3 Every person who commits an offence of a continuing nature against this by-law is liable to a fine not less than \$1,000.00 and not more than \$10,000.00 for each day such offence continues.

**SECTION 5  
ENACTMENT**

**Force and effect**

5.1 This by-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



## First Shaughnessy District Schedule

### 1 Intent

The intent of this District Schedule is to protect the distinct estate character of First Shaughnessy by conserving protected heritage property and maintaining the single-family character of First Shaughnessy while allowing increased dwelling unit density with multiple conversion dwellings, infill buildings, coach houses and secondary suites. Renovations and additions should be compatible with, subordinate to, and distinguishable from existing buildings. For all development, emphasis is on sensitive site planning, compatible building scale, flexible and varied outcomes of built form and high quality design, materials, and construction.

Development in First Shaughnessy must also comply with the following related documents:

- (a) the First Shaughnessy Heritage Conservation Area Design Guidelines in the Heritage Conservation Area Official Development Plan (“First Shaughnessy Design Guidelines”);
- (b) the Heritage By-law; and
- (c) the Heritage Procedure By-law.

### 2 Definitions

In this District Schedule:

“Coach House” means an ancillary dwelling unit that is located:

- (a) in an accessory building that complies with section 3.2.A; and
- (b) on a site with a one family dwelling, one family dwelling with secondary suite or multiple conversion dwelling; and

“conserved” and “conserving” means protecting, preserving, or enhancing the heritage character or heritage value of heritage property or a heritage conservation area, retaining the heritage character or heritage value of heritage property or a heritage conservation area and extending the physical life of protected heritage property by preservation, rehabilitation or restoration in accordance with the First Shaughnessy Design Guidelines.

### 3 Conditional Approval Uses

- 3.1 The Director of Planning may approve any of the uses listed in Section 3.2 of this Section and may impose conditions of approval if the Director of Planning first considers:

- (a) the First Shaughnessy Design Guidelines in the Heritage Conservation Area Official Development Plan;
- (b) the intent of this Schedule;
- (c) all applicable policies and guidelines adopted by Council; and
- (d) the submission of any advisory group, property owner or tenant.

### 3.2 Uses

- 3.2.A
- Accessory Building customarily ancillary to any of the uses listed in this District Schedule, if:
    - (a) the accessory building does not exceed 4.5 m in height measured to the highest point of the roof, if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, and no portion of the accessory building exceeds 6.1 m in height;
    - (b) the accessory building is located no less than 3 m from a flanking street and 1.5 m from an interior property line;
    - (c) the floor area of all accessory buildings [for off-street parking](#) on the site does not exceed 80.77 m<sup>2</sup>; and
    - (d) an accessory building on a corner site which has located at its rear, a site which fronts the street flanking the corner site, has a setback of at least 7.3 m from the flanking street.

- ◆ Accessory Uses customarily ancillary to any of the uses listed in this section, except that parking is not permitted in a principal building, unless:

[\(a\) the parking was in existence at ~~{date of enactment}~~ September 29, 2015; or](#)

[\(b\) in the case of a principal building that is protected heritage property:](#)

[\(i\) there is unnecessary hardship due to the slope or configuration of the site, or it would be necessary to alter or remove features that have heritage character or heritage value worthy of preservation, in order to accommodate parking in an accessory building, and](#)

[\(ii\) the vehicle parking is below finished grade; or](#)

[\(c\) in the case of a principal building that is not protected heritage property:](#)

[\(i\) there is unnecessary hardship due to the slope or configuration of the site, or it would be necessary to alter or remove features that have heritage character or heritage value worthy of preservation, in order to accommodate parking in an accessory building, and](#)

[\(ii\) the site does not have lane access, and](#)

(iii) the vehicle parking is below finished grade.

- 3.2.D • Deposition or extraction of material so as to alter the configuration of the land.
- 3.2.DW [Dwelling]
- Coach House, if:
    - (a) the site area is less than 1672 m<sup>2</sup>;
    - (b) the site contains a principal building that is protected heritage property that is conserved;
    - (c) the floor area, including stairs, is no less than 37 m<sup>2</sup> and no more than 63.7 m<sup>2</sup>, and computation of floor area may exclude:
      - (i) floor area with a ceiling height of less than 1.2 m, and
      - (ii) covered porches that conform with section 4.7.4(f);
    - (d) the dwelling unit is located in the partial storey of an accessory building, except that up to 5.5 m<sup>2</sup> of floor area may be located on the main floor inside the accessory building for a vestibule, stair and storage;
    - (e) there is no more than one bathroom;
    - (f) the bathroom is located on the partial storey of the accessory building; and
    - (g) the principal roof has a minimum slope of 12:12.
  - One Family Dwelling.
  - One Family Dwelling with Secondary Suite.
  - Infill one-family and infill two-family dwelling if the site:
    - (a) is a parcel that existed on [*date of enactment*]; and
    - (b) contains a principal building that is protected heritage property that is conserved.
  - Multiple Conversion Dwelling:
    - (a) if the conversion is of a principal building that is protected heritage property that is conserved;
    - (b) if the minimum site area is 1394 m<sup>2</sup>, except that the site area may be less than 1394 m<sup>2</sup> if the floor area of the principal building, including the basement, is no less than 465 m<sup>2</sup> on [*date of enactment*] and there are no more than two dwelling units created in the principal building; and
    - (c) the average floor area for the dwelling units is no less than 167 m<sup>2</sup> and the floor area of each dwelling unit is no less than 93 m<sup>2</sup>.
  - Seniors Supportive or Assisted Housing.
- 3.2.1 • Child Day Care Facility.
- Church existing as of [*insert date of enactment*]
  - Community Care Facility.

- Group Residence.
- 3.2.O • Office for a consulate, on a site that abuts West 16th Avenue, King Edward Avenue, or Granville Street.
- 3.2.P • Public Authority Use.  
• Public Utility.
- 3.2.R • Farmers' Market, subject to Section 11 of the Zoning & Development By-law.
- 3.2.S • Bed and Breakfast Accommodation, subject to Section 11 of the Zoning & Development By-law.

**Section 4 Regulations**

4.1 All uses approved under this District Schedule are subject to the regulations in this District Schedule.

**4.2 Site Coverage and Building Footprint**

4.2.1 Unless otherwise provided in this District Schedule, the maximum permitted site coverage is 35% of the site area.

4.2.2 Despite the provisions of section 4.2.1, the maximum permitted site coverage for a site with an infill building or buildings must be calculated in accordance with the following table:

Number of Infill Buildings	Maximum Site Coverage
1	30%
2 or more	25%

4.2.3 In this District Schedule, "*footprint*" means the projected area of the extreme outer limits of the principal building measured at the basement level, excluding:

- (a) covered porches; and
- (b) a portion of the building located at the first storey that has:
  - (i) a total area not exceeding 37 m<sup>2</sup>,
  - (ii) a height no greater than 1 storey, and
  - (iii) a depth that is the lesser of 6.0 m and 35% of the building depth.

4.2.4 The maximum building footprint must be calculated in accordance with the following formula:

$$\text{Maximum Building Footprint} = \frac{\text{Permitted Floor Area}}{2.5}$$

4.2.5 The permitted floor area of each storey must not exceed the footprint calculated in accordance with section 4.2.4, except that the building footprint must not exceed 557 m<sup>2</sup>.

### 4.3 Height

4.3.1 Height must be measured from a hypothetical surface determined by joining the existing grades at the intersections of the hypothetical lines defining the front and rear yards and the side property lines, except that if, in the opinion of the Director of Planning, the resulting hypothetical surface is not compatible with the existing grades of adjoining sites or with the general topography of the area, the Director of Planning may require that height be measured from base surface.

4.3.2 A principal building must have no less than 2 storeys and no more than 2 1/2 storeys.

4.3.3 The floor elevation of the first storey of a principal building must be at least 1.4 m above finished grade, except that the Director of Planning may permit a floor elevation less than 1.4, if:

(a) the Director of Planning first considers all applicable policies and guidelines and the site context; and

(b) the proposed design of the principal building meets the First Shaughnessy Design Guidelines.

4.3.4 A principal building must be no more than 10.7 m in height.

4.3.5 Despite section 4.3.4, the Director of Planning may permit an increase in the height of a principal building to a maximum of 13.7 m, if the Director of Planning considers the effect of the additional height on neighbouring sites with respect to massing, shadowing and overlook, and all applicable Council policies and guidelines, and:

(a) the roof has no flat portions;

(b) the roof has a minimum slope of 8:12;

(c) the roof is a gable or hip roof; and

(d) the proposed design of the principal building meets the First Shaughnessy Design Guidelines.

4.3.6 An infill building must have no more than 2 storeys.

4.3.7 An infill building must be no more than 7.6 m in height.

### 4.4 Front Yard

4.4.1 The minimum depth of the front yard is 25% of the depth of the site.

4.4.2 Despite the provisions of section 4.4.1 of this District Schedule and of section 10.7.1(b) of this by-law:

- (a) eaves, gutters, sills and chimneys and other projections that, in the opinion of the Director of Planning, are similar, may project into the minimum front yard to a maximum of 1.0 m measured horizontally;
- (b) covered porches that conform to section 4.7.4(f) of this District Schedule may project into the minimum front yard to a maximum of 1.8 m measured horizontally; and
- (c) basement floor area underneath covered porches may project into the minimum front yard to a maximum of 1.8 m measured horizontally.

#### 4.5 Side Yard

4.5.1 The minimum width of each side yard is:

- (a) 20% of the site width on a site with a frontage of 22.86 m or more; and
- (b) 15% of the site width on a site with a frontage of less than 22.86 m.

4.5.2 Despite the provisions of section 10.7.1(b) of this by-law, eaves, sills and chimneys and other projections, that, in the opinion of the Director of Planning are similar, may project into the minimum side yard to a maximum of 1.0 m measured horizontally, except that there must be at least 0.7 m between the projection and the side property line.

4.5.3 An infill dwelling must be no less than 4.5 m from a side property line, except that:

- (a) the Director of Planning may permit a lesser setback for an existing accessory building that is converted to residential use; and
- (b) the Director of Planning may require a greater setback if, in the opinion of the Director of Planning, it is necessary to protect the privacy or liveability of a neighbouring site or building.

#### 4.6 Rear Yard

4.6.1 A rear yard must have a minimum depth of 12.19 m, measured from the rear property line.

4.6.2 Despite the provisions of section 10.7.1(b) of this by-law, eaves, gutters, sills and chimneys and other projections that, in the opinion of the Director of Planning are similar, may project into the minimum rear yard to a maximum of 1.0 m measured horizontally.

4.6.3 An infill dwelling must be set back no less than 4.5 m from the rear property line, except that:

- (a) the Director of Planning may permit a lesser setback for an existing building that is converted to residential use; and

- (b) the Director of Planning may require a greater setback if, in the opinion of the Director of Planning, it is necessary to protect the privacy or liveability of a neighbouring site or building.

#### 4.7 Floor Area and Density

##### 4.7.1 Floor space ratio for protected heritage property must not exceed:

- (a) 0.45 for protected heritage property that is conserved; and  
 (b) for infill buildings, a maximum of 0.30 of the infill site area as determined by the following calculation:
- (i) where the gross floor area of the basement, first and second storey of the principal building is equal to or less than 543 m<sup>2</sup>, the infill site area is the total site area minus 1 208 m<sup>2</sup>, and
  - (ii) where the gross floor area of the basement, first and second storey of the principal building is more than 543 m<sup>2</sup>, the infill site area is calculated in accordance with the following formula, where "x" equals the gross floor area of the basement, first and second storey of the principal building, measured in m<sup>2</sup>:

$$\begin{array}{l} \text{site area for infill} \\ \text{floor space ratio} \\ \text{calculation} \end{array} = \begin{array}{l} \text{total} \\ \text{site} \\ \text{area} \end{array} - \frac{\mathbf{x}}{\mathbf{0.45}},$$

except that:

- (iii) the maximum floor area for an infill building is the lesser of 279 m<sup>2</sup> and 50% of the gross floor area of the basement, first and second storey of the principal building.

##### 4.7.2 Floor space ratio for all development other than protected heritage property must not exceed 0.25 plus 139 m<sup>2</sup>, to a maximum permitted floor area of 910.44 m<sup>2</sup>.

##### 4.7.3 Computation of floor area must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts and other features that the Director of Planning considers similar, to be measured by their cross-sectional areas and included in the measurements for each floor at which they are located; and
- (c) where the distance from a floor to the floor above, or where there is no floor above, to the top of roof joists exceeds 3.7 m, an amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude an area designed with venting skylights, opening clerestory windows or other similar features if:

- (i) in the opinion of the Director of Planning, the area is designed to reduce energy consumption or improve natural light and ventilation, and
- (ii) the area does not exceed 1% of the permitted floor area.

#### 4.7.4 Computation of floor area may exclude:

- (a) open residential balconies, sundecks, and other appurtenances that in the opinion of the Director of Planning, are similar to the foregoing if the total area of these exclusions does not exceed 8% of the permitted floor area;
- (b) areas of undeveloped floors located above the highest storey or half-storey, or adjacent to a half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (c) where floors or portions of floors, not exceeding 7.3 m in length, are located in an accessory building or infill building, and are used for off street parking or loading;
- (d) basements in principal buildings where the floor elevation of the first storey is located at least 1.4 m above finished grade and the basement does not extend beyond the outermost walls of the first storey, including covered porches, except that this exclusion ~~does not~~will only apply to basements used for off-street parking in principal buildings if:
  - (i) there is unnecessary hardship due to the slope or configuration of the site, or because it would be necessary to alter or remove features that have heritage character or heritage value worthy of preservation, in order to accommodate parking in an accessory building,
  - (ii) the site has no lane access, and
  - (iii) the exclusion does not exceed 80.77 m<sup>2</sup>;
- (e) basements or cellars in protected heritage property, except that this exclusion ~~does not~~will only apply to ~~areas of~~ basements or cellars used for off- street parking in protected heritage property if:
  - (i) there is unnecessary hardship due to the slope or configuration of the site, or because it would be necessary to alter or remove features that have heritage character or heritage value worthy of preservation, in order to accommodate parking in an accessory building, and
  - (ii) the exclusion does not exceed 80.77 m<sup>2</sup>;
- (f) covered porches or sleeping porches that are located at or above the first storey, if:
  - (i) the porch is open and protected by guard rails the height of which must not exceed the minimum specified in the Building By-Law, and
  - (ii) the total area of this exclusion does not exceed 20% of the permitted floor area; and



- (g) for protected heritage property that is conserved, the floor area of a Coach House to a maximum of 63.7 m<sup>2</sup>.

#### 4.8 Storm Water Storage and Impermeability

4.8.1 This section applies to a permit for any development that:

- (a) increases the impermeable area of a site existing as of May 11, 1982, by more than 1% of the site area; or
- (b) creates a community care facility, group residence, multiple conversion dwelling, infill one-family dwelling or infill two-family dwelling.

4.8.2 For the purposes of determining whether or not a development would increase the impermeable area of a site, the following definitions apply:

- (a) "impermeable area" means the projected area of the outside of the outermost walls of all buildings including carports, covered porches and entries, asphalt, concrete, brick, stone, and wood; and
- (b) "permeable area" means gravel, river rock less than 5 cm in size, wood chips, bark mulch, wood decking with spaced boards and other materials that, in the opinion of the Director of Planning, have fully permeable characteristics when placed or installed on grade with no associated layer of impermeable material, such as plastic sheeting, that would impede the movement of water directly to the soil below.

4.8.3 The Director of Planning must not issue a permit referred to in section 4.8.1, unless the property owner has first entered into a storm water storage agreement, to the satisfaction of the Director of Legal Services and the City Engineer, to:

- (a) construct a storm water storage system on the site that is designed and certified by a professional engineer to meet the following criteria:
  - (i) a minimum storage capacity equal to the volume of water that would be present if water 15 mm deep covered the entire site, and
  - (ii) equipped with a device to restrict the maximum storm water flow from the site into the public sewer to 17.5 litres per second per hectare of site area;
- (b) maintain the storm water storage system at the expense of the owner;
- (c) grant a statutory right of way and equitable charge to the City; and
- (d) release and indemnify the City from all liability related to the storm water storage system.

4.9 Reserved

to

4.14

4.15 Dwelling Unit Density

- 4.15.1 The permitted number of dwelling units for multiple conversion dwellings is in accordance with the following table, except that a dwelling unit in a Coach House is excluded from the calculation of the permitted number of dwelling units:

Number of Dwelling Units	Minimum Site area Required in sq ft	Minimum Site area Required in m <sup>2</sup>
2	15,000	1394
3	30,000	2878
4	40,000	3716
4	50,000	4645

- 4.15.2 The permitted number of dwelling units for infill dwellings is in accordance with the following table:

Number of Infill Dwelling Units	Minimum Site area Required in sq ft	Minimum Site area Required in m <sup>2</sup>
1	18,000	1672
2	30,000	2878
3	40,000	3716
4	50,000	4645

- 4.15.3 Despite sections 4.15.1 and 4.15.2, the Director of Planning may increase the permitted number of dwelling units by one additional dwelling unit, if the Director of Planning first considers:

- (a) all applicable policies and guidelines adopted by Council;
- (b) the submissions of any advisory group, property owner or tenant;
- (c) the effect of any additional on-site parking on mature trees, existing gardens and landscape design; and
- (d) the effect of the additional unit on the protected heritage property.

#### 4.16 Building Depth

- 4.16.1 The building depth must not exceed 40% of the depth of the site, measured in a straight line parallel to the side property line, from the ~~rearmost portion of the~~ required front yard to the required rear yard, except that where an existing building encroaches into the ~~rearmost portion of the~~ required front yard, the distance must be measured from the front exterior wall rather than ~~the rearmost portion of~~ the required front yard.

- 4.16.2 Projections into the front and rear yards that are permitted under Sections 4.4.2, 4.5.2, and 4.6.2 must not be included in the calculation of building depth.

## 5 Relaxation of Regulations

5.1 The Director of Planning may relax the front, side, and rear yard requirements in sections 4.4, 4.5, and 4.6 if, in the opinion of the Director of Planning, there is unnecessary hardship due to the configuration of the site and the Director of Planning first considers:

- (a) all applicable policies and guidelines adopted by Council;
- (b) the submissions of any advisory group, property owner or tenant;
- (c) the height, bulk, location and overall design of the building or buildings and the effect on the site, surrounding buildings, neighbouring sites, streets and views;
- (d) the amount of open space; and
- (e) the preservation of the heritage character and heritage value of the area; and

the relaxation does not exceed 60% of the front, side, or rear yard requirements in this Schedule.

5.2 The Director of Planning may relax the building depth requirements in section 4.16 if the Director of Planning first considers:

- (a) all applicable policies and guidelines adopted by Council;
- (b) the submissions of any advisory group, property owner or tenant;
- (c) the height, bulk, location and overall design of the building or buildings and the effect on the site, surrounding buildings, neighbouring sites, streets and views;
- (d) the amount of open space; and
- (e) the preservation of the heritage character and heritage value of the area; and

the relaxation does not exceed 50% of the building depth requirements in this Schedule.

5.3 The Director of Planning may relax the maximum building footprint in section 4.2.4 if the Director of Planning first considers:

- (a) all applicable policies and guidelines adopted by Council;
- (b) the submissions of any advisory group, property owner or tenant;
- (c) the height, bulk, location and overall design of the building or buildings and the effect on the site, surrounding buildings, neighbouring sites, streets and views;
- (d) the amount of open space; and
- (e) the preservation of the heritage character and heritage value of the area; and

the relaxation does not exceed 20% of the maximum building footprint in this Schedule.

5.4 The Director of Planning may relax the requirements of section 4.7.3(c) if, in the opinion of the Director of Planning:

- (a) the resulting building massing does not overshadow or adversely affect the site or neighbouring sites;

- (b) the excluded floor area enhances the design, liveability, and architectural expression of the building; and
- (c) the excluded floor area enhances the heritage character and heritage value of the area; and

the total excluded area does not exceed 37 m<sup>2</sup>.

5.5 The Director of Planning may relax any regulation in this District Schedule, apart from those regulations regarding use or density, with respect to protected heritage property that is conserved, if, in the opinion of the Director of Planning, the protected heritage property is conserved and the proposed development will make a contribution to conserving heritage property, except that, before granting a relaxation under this section, the Director of Planning must consider:

- (a) the submissions of any advisory group, property owner or tenant; and
- (b) the intent of this District Schedule and all applicable Council policies and guidelines.

BY-LAW NO. \_\_\_\_\_

**A By-law to amend  
Zoning and Development Fee By-law No. 5585  
to add heritage conservation area to heritage building maintenance permit fee**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

- 1. This By-law amends the indicated provisions of By-law 5585.
- 2. In Council strikes out Section 17 in Schedule 1 and substitutes:  
  
**“Maintenance of Heritage Buildings**  
  
17. For a permit for the maintenance or minor repair of a building, structure, use or site designated under the Heritage By-law or located in an HA District or a heritage conservation area..... \$54.00”
- 3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
- 4. This By-law is to come into force and take effect on the date of enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## Procedure for Review of Protected Heritage Property Status in the First Shaughnessy Heritage Conservation Area (Heritage Character and Heritage Value Assessment)

Authority - Director of Planning

Effective {date of enactment of HCA ODP amendments}

### *Background*

On September 29, 2015, Council adopted the Heritage Conservation Area Official Development Plan (HCA ODP) and designated the First Shaughnessy area as a Heritage Conservation Area (FSHCA). The designation of the FSHCA includes a list of sites that are protected heritage property, as they contain buildings, structures, lands or features that are of heritage character and heritage value to the area (see Appendix A4 of the HCA ODP). Circumstances may arise where a site listed as protected heritage property may not retain sufficient heritage character or heritage value to justify its continued conservation. The HCA ODP includes provisions for how such properties may be considered by Council for demolition or removal from the list (See Schedule A, Section 1.11 and 1.12).

### *Purpose*

This bulletin provides a description of the procedure for review of the status of a property listed as protected heritage property in the HCA ODP. In particular, it explains the process to determine whether a property retains heritage character and value worthy of conservation, or whether it can be demolished and removed from the protected heritage properties list.

### *Review Procedure*

#### Step 1 - Enquiry

1. Property owners wishing to request a review of the protected heritage property status of their property in First Shaughnessy shall submit the request by email to [par@vancouver.ca](mailto:par@vancouver.ca). A Development Planner will contact the property owner to discuss their enquiry and the review process.
2. The Director of Planning may require an impact assessment as authorized by Part 8 of the Heritage Procedure By-law and will inform the enquirer of materials to be submitted in order to process the review. This may include, but is not limited to the following material to support the assessment of the heritage character and heritage value of the property:
  - Current photographs (all sides) including photographs of the building from the street(s) including adjacent sites to show the building within its context;

- Historic photographs and/or background information related to determining heritage character or value including:
  - the aesthetic, historic, scientific, cultural, social or spiritual importance or significance of the building, feature, property, site or area;
  - the age of a building; and,
  - the builder or architect;
  
- An evaluation of the building and its original features to include the following:
  - (i) exterior form;
  - (ii) roof;
  - (iii) exterior walls;
  - (iv) windows and doors;
  - (v) entries and porches;
  - (vi) interior architectural features if protected; and
  - (vii) landscape features;
  
- A summary of development data (zoning analysis), including:
  - (i) site area;
  - (ii) existing building area;
  - (iii) current allowable density;
  - (iv) existing building use;
  - (v) existing building height; and
  - (vi) site plan showing building location and footprint;
  
- A summary of alterations to the existing dwelling comprised of a graphic record of prior City of Vancouver permit approvals for alterations.

*NOTE: It is recommended that a design professional or heritage consultant is engaged to prepare this information.*

3. Property owners may meet with a Development Planner once materials are assembled to review materials and make a formal enquiry submission once all materials are confirmed as complete.

### **Step 2 - Review**

4. Planning staff and the Director of Planning review the submitted materials. As part of this review, the provision of further documentation may be required and a Heritage Inspection of the property may be requested.
  
5. The advice of the Vancouver Heritage Commission and/or the First Shaughnessy Advisory Design Panel may be sought by Planning staff and the Director of Planning in the assessment of the heritage character and heritage value of a property.

**Step 3 - Director of Planning Decision**

6. The Director of Planning makes a decision on the status of the property and responds in writing to the enquirer confirming the status of the property being either:

A. The property retains sufficient heritage character and heritage value to justify its conservation and should remain on the protected heritage property list in the HCA ODP.

OR

B. The property does not retain sufficient heritage character and heritage value to justify its conservation, and the Director of Planning would support an application to demolish the home and/or remove it from the list of protected heritage property in the HCA ODP.

**Step 4 - City Council Decision**

7. If the Director of Planning supports the demolition or removal of the property from the list (Decision B above), staff will prepare a report to Council with this recommendation and request that Council refer the matter to a Public Hearing for discussion and decision.

8. If the Director of Planning does not support the demolition or removal of a property from the list (Decision A above) and the property owner disagrees with this decision, the property owner can pursue reconsideration by Council in accordance with Part 6 of the Heritage Procedure by-law. Typically, this will require them to make a development permit application to demolish the protected heritage property and build a new home on the site. This development permit application will be refused by the Director of Planning, thus enabling the applicant to request a reconsideration by City Council, in accordance with section 6.1 (a) of the Heritage Procedure By-law.

***Reference***

Heritage Conservation Area Official Development Plan (HCA ODP):

<http://former.vancouver.ca/commsvcs/BYLAWS/ODP/FSD.PDF>

Heritage Procedure By-law:

<http://former.vancouver.ca/bIStorage/11350.PDF>