

BY-LAW NO. _____

A By-law to amend Heritage Procedure By-law No. 11350 regarding alterations or maintenance requiring a heritage alteration permit, permit requirements for protected heritage property and heritage conservation areas, exemptions from permit requirements, heritage alteration permit refusals, reconsideration of development permit refusals and power of entry

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

1. This By-law amends the indicated provisions of Heritage Procedure By-law No.11350.
2. In Subsection 2.2(e), after "598", Council adds "(1) to (3)".
3. Council strikes out section 3.2 and substitutes:

"3.2 For the purpose of determining whether proposed alterations or maintenance that require a heritage alteration permit would detract from the heritage character or heritage value of protected heritage property or 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 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."

4. In Part 4, Council:
 - (a) strikes out Section 4.1 b) and substitutes:
 - "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;"
 - (b) in Section 4.3, in the second line, strikes out "on designated" and substitutes "to designated"; and

(c) strikes out Section 4.5 and substitutes:

“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;
- 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
 - C) affect any interior feature that has been designated pursuant to a heritage designation by-law or the Heritage Conservation Act, or that is specifically listed as protected heritage property pursuant to an ODP;
- iii) routine building maintenance; or
- iv) routine garden maintenance; and

b) for 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
 - C) affect any interior feature that has been designated pursuant to a heritage designation by-law or the Heritage Conservation Act, or that is specifically listed as protected heritage

property pursuant to an ODP;

- iii) routine building maintenance;
- iv) routine garden maintenance; or
- v) alterations to designated heritage property that are authorized without a heritage alteration permit in accordance with a heritage designation by-law."

5. Council strikes out Section 4.9 c) and substitutes:

"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."

6. Council strikes out Section 6.1 a) and substitutes:

"a) the refusal to issue a development permit for protected heritage property under section 5.1 of this by-law;"

7. Council strikes out Section 7.2 and substitutes:

"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."

8. Council strikes out Section 9.1 c) and substitutes:

"c) if, in the opinion of the Director of Planning, the building permit to demolish would authorize an alteration to protected heritage property;"

9. 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.

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

ENACTED by Council this _____ day of _____, 2016

Mayor

City Clerk

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