

CITY OF PORT MOODY

BYLAW NO. 2489

A bylaw to authorize the withholding of approvals in respect of heritage property, to delegate Council's powers under Part 27 of the Local Government Act and to establish application procedures in respect of bylaw amendments and permits under Part 27 of the Local Government Act.

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

TITLE

1. This Bylaw may be cited for all purposes as "Heritage Procedures Bylaw, 2001, No. 2489".

DEFINITIONS

2. i) alter

means to change in any manner and without limiting this, includes:

- a) the making of an improvement as defined in the Builders Lien Act, and
- b) any action that detracts from the heritage value or character of heritage property.

ii) approval

means a permit, licence or other authorization required under any enactment administered by the local government.

iii) delegate

means in relation to a power or duty, a person given authority under Section 176 (1)(e) [Corporate Powers – delegation] to exercise that power or duty.

WITHHOLDING OF APPROVALS

3. a) The Manager Building, Bylaws and Licensing may withhold the issuance of any building permit where he or she is of the opinion that the permit would authorize:

- i) An alteration to property included within a Heritage Conservation Area and listed in a Schedule to the City of Port Moody Official Community Plan, Bylaw No. 2465 as protected heritage property under the Local Government Act;

- ii) An alteration to a property that is subject of a heritage designation bylaw;
or
 - iii) An alteration to property in respect of which temporary protection has been ordered under Section 962 or a heritage control period has been declared under Section 964 of the Local Government Act.
- b) The Manager Building, Bylaws and Licensing must withhold the issuance of any demolition permit in respect of property referred to in subsections 3 (a) (i), (ii) or (iii) until a heritage alteration permit has been issued with respect to the proposed alteration or, in the case of temporary protection, that protection expires.
- c) The Manager Building, Bylaws and Licensing must notify the applicant for a permit withheld under this section by registered mail that the matter of the issuance of the permit will be considered by the Council at its next regular meeting date, time and location which are stated in the notice, unless the meeting date is within five days of the date on which the notice would be mailed in which case notice must be given by personal service and not mailed.

DELEGATION OF AUTHORITY

4. The Director of Planning and Development Services may exercise the powers and perform the duties of the Council in respect of:
- a) heritage inspections under Section 956 of the Local Government Act;
 - b) a requirement that an applicant provide heritage impact information under Section 958 of the Local Government Act;
 - c) the making of agreements with applicants as to terms and conditions to be imposed on a permit so as to prevent or mitigate impairment of the heritage value or heritage character of property where an application for an approval described in this Bylaw has been made and the approval would otherwise be withheld in accordance with this section;
 - d) the issuance of heritage alteration permits pursuant to Section 972 of the Local Government Act where the heritage alteration permit is not intended to vary or supplement bylaws under Division 7, 10 or 11 of Part 26 of the Local Government Act or a permit under Division 9 of Part 26 of the Local Government Act;
 - e) establishing requirements and conditions of a heritage alteration permit under Section 973 of the Local Government Act, including the provision of security in the form of cash or a letter of credit, and the determination of whether such requirements and conditions have been met.

5. The Director of Planning and Development Services may require the provision of security in the form of cash or letter of credit as a condition of a heritage alteration permit where the permit authorizes or requires the construction or alteration of a building or structure and the form, exterior design or exterior finish of the building or structure is regulated by permit. In such cases the amount of security must be no more than the amount estimated by the Manager Building, Bylaws and Licensing to be the actual cost of construction of the building or structure so as to conform to the requirements of the permit with respect to the form, character, exterior design or exterior finish as the case may be.

RECONSIDERATION

6. Where an applicant or owner of property subject to a decision made by the Director of Planning and Development Services pursuant to Section 4 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 them.
7. An application for reconsideration must be delivered in writing to the City Clerk and must set out the grounds upon which the applicant considers the requirement or decision of the Director of Planning and Development Services is inappropriate and what, if any, requirement or decision the applicant considers the Council ought to substitute.
8. The City Clerk 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 City Clerk reasonably considers may be affected by the reconsideration of the date of the meeting at which the reconsideration will occur.
9. At the meeting the Council may hear from the applicant and any other person interested in the matter under reconsideration to be heard and may either confirm the requirement or decision of the Director of Planning and Development Services or substitute its own requirement or decision.

APPLICATION FOR HERITAGE REVITALIZATION AGREEMENTS AND AMENDMENTS

10. An owner of land may apply to the City to enter into a Heritage Revitalization Agreement in accordance with Section 966 of the Local Government Act.
11. An owner of land that is subject to a heritage revitalization agreement may apply to amend the agreement or the bylaw authorizing the agreement but only one such application may be made in respect of a particular heritage property in any twelve month period.
12. An application under Section 10 and 11 must be made in the manner described in Schedule A of this bylaw entitled "The Heritage Revitalization Agreement/Amendment Process".

APPLICATION FOR HERITAGE ALTERATION PERMIT

13. An owner of land may apply for a heritage alteration permit.
14. An application for a heritage alteration permit must be made in the manner described in Schedule B of this bylaw entitled "The Heritage Alteration Permit Process".

EXEMPTIONS

15. A heritage alteration permit will not be required under the following conditions:
 - For the lifting, temporary relocation and/or storage of buildings included within a Heritage Conservation Area and listed in a Schedule to the City of Port Moody Official Community Plan, provided appropriate security measures are in place (and approved by the City) and provided the building is ultimately relocated on a new foundation at its original location. Grade must be returned to its original level, and the building must be relocated at the same relative relationship to original grade. (Note that a building permit will be required for the new foundations);
 - Environmental remediation of vacant sites, providing grade is returned to its original level;
 - Environmental remediation of a property included within a Heritage Conservation Area and listed in a Schedule to the City of Port Moody Official Community Plan,, up to the building's perimeter, if the building itself is not moved or altered, and the site is returned to its original grade; and

- Minor repairs or maintenance, including replacement in-kind of existing deteriorated materials on a limited basis.

HERITAGE CONSERVATION STANDARDS AND GUIDELINES

16. Work to be undertaken on legally protected heritage properties, including scheduled properties within a Heritage Conservation Area, should conform to accepted heritage conservation principles, standards and guidelines. For the purposes of this bylaw the B.C. Heritage Trust Technical Paper Series 9: *Principles of Heritage Conservation*; Technical Paper Series 10: *Restoration Principles and Procedures*; and Technical Paper Series 11: *Rehabilitation Principles and Guidelines* will be used as the basis for the review of any proposed work on legally protected heritage properties. These will be superseded by the National Standards and Guidelines currently being prepared by the Federal Government as part of the National Historic Places Initiatives [anticipated adoption March, 2003].

READ A FIRST TIME THE 26TH DAY OF FEBRUARY, 2002.

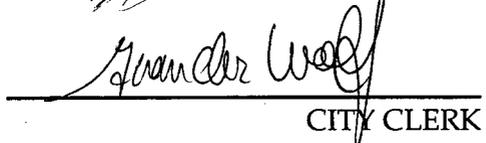
READ A SECOND TIME THE 26TH DAY OF FEBRUARY, 2002.

READ A THIRD TIME THE 26TH DAY OF FEBRUARY, 2002.

READ A THIRD TIME AS AMMENDED ON THE 23RD DAY OF JULY, 2002

ADOPTED THE 10TH DAY OF SEPTEMBER, 2002.


MAYOR


CITY CLERK

"Schedule A"

HERITAGE REVITALIZATION AGREEMENT/AMENDMENT PROCESS

Pre-application Stage

Before submitting an application to enter into a Heritage Revitalization Agreement or an amendment to a Heritage Revitalization Agreement, the proposal needs to be well prepared. The City encourages applicants to discuss the proposed project with Planning and Development Services Department staff prior to submitting an application in order to discuss the heritage merit and unique circumstances of the specific property.

The applicant and planning staff review the heritage potential of the property and identify whether the heritage revitalization agreement or amendment is the appropriate tool to achieve both the goals of the owner and the City.

If subdivision of property is proposed, the applicant is encouraged to obtain preliminary subdivision approval prior to negotiating a heritage revitalization agreement.

Application Submission

Once the informal stage is completed and it has been determined that the heritage revitalization proposal is feasible, a formal heritage revitalization agreement or amendment application should be submitted including the applicable fees.

The applicant may also choose to concurrently submit an accompanying subdivision application where applicable. Where a heritage revitalization agreement is perceived to have a high impact on the neighbourhood or community, the applicant is advised to hold an information meeting or open house to inform the neighbouring property owners of the proposal.

Application Review and Circulation

The application is circulated to internal City departments and external agencies as necessary. Staff review the application to ensure that the proposal complies with the City's bylaws, and development policies. The applicant may be requested to submit additional information or revise the proposal as a result of the review.

Development Review Group Meeting – City staff meet as a Development Review Group to review development applications and identify items to be addressed to meet City bylaw requirements.

Preliminary List of Requirements and Comments Letter – A letter is forwarded to the applicant outlining comments received from circulation of the application. The letter also identifies the preliminary list of technical requirements for the development to proceed, which may include infrastructure improvements, issuance of a tree removal permit, etc. The technical requirements identified in this letter form the basis for the Servicing Agreement discussed below. If applicable the scheduled date for consideration of the proposal by the City's Land Use Committee is also indicated.

Land Use Committee (LUC) Meeting – The City's Land Use Committee consists of Council members and representatives from the City's neighbourhood associations. Notification of a LUC meeting is placed in the local newspaper. The applicant should attend the LUC meeting to present the proposal. After receiving input on the proposal, the LUC forwards a recommendation on the application to Council. If the LUC does not support the application, the applicant may wish to revise the proposal to address the concerns identified.

First and Second Readings – After the LUC considers the application, staff forward a bylaw and accompanying report for the proposal to Council for consideration of first and second readings and scheduling of a public hearing. City Council considers the heritage revitalization application and may provide first and second readings of the associated bylaw and forward the bylaw to a Public Hearing. Alternatively, Council may reject the application or request changes to the development proposal.

Public Hearing – A notification letter is sent to all residents within 60 m of the subject property and the applicable Neighbourhood Association and an ad is placed in the local newspaper ten days prior to the Public Hearing. At the Public Hearing, staff will briefly outline the proposal and the applicant and the public may make submissions to Council. At its next regular meeting after the Public Hearing, Council may either give the heritage revitalization bylaw third reading request changes or reject the rezoning proposal.

Submission of Coordinated Plan Sets - If necessary, the applicant submits coordinated sets of architectural, landscape and civil engineering plans to address the Preliminary List of Requirements letter. The plan submission is reviewed by staff. Re-submission of the plans may be requested to address

staff comments. The level of detail provided by the plan submission should serve to provide a Class C estimate for the civil works. Based on the submission and estimates provided by the applicant, security and fee amounts for off site civil and landscaping works are determined.

Servicing Agreement – A servicing agreement may be required in support of the civil works. The agreement is in the form of a restrictive covenant prepared by the applicant's Solicitor in accordance with the City's format. The agreement secures the applicant's commitment to finalize the plan submission prior to building permit issuance and complete the servicing required for the development to proceed.

Bylaw Adoption and Finalization

Once the required security and fee amounts have been paid by the applicant, any required legal documents including the servicing agreement and heritage revitalization agreement are finalized, the Bylaw is forwarded to Council for consideration of adoption.

Within 30 days of adoption, the City will file a notice of agreement on title in the Land Title Office and notifies the Minister responsible for administration of the Heritage Conservation Act of the agreement.

Planning and Development Services staff may schedule semi annual meetings with the property owner to review the progress of the restoration and discuss the work plan.

Upon completion of the restoration, the owner would apply to the City for voluntary heritage designation of the property as outlined in the terms of the heritage revitalization agreement.

Other Development Approvals

It may be necessary for the applicant to address other approval processes such as Subdivision or Building Permit approvals.

Once agreed upon, a heritage revitalization agreement may not be altered without the consent of the property owner and the City. If an owner intends to alter a property that is subject to a heritage revitalization agreement in the future, the owners would apply to the City for a heritage alteration permit as per the process outlined as Schedule "B" to this bylaw.

Schedule "B"

HERITAGE ALTERATION PERMIT APPLICATION PROCESS

A Heritage Alteration Permit application proceeds through a review and approval process that includes the steps summarized below. The Heritage Alteration permit will be considered by Council in cases where the heritage alteration permit is intended to vary or supplement bylaws under Division 7, 10 or 11 of Part 26 of the Local Government Act, or a permit under Division 9 of Part 26 of the Local Government Act. The Director of Planning and Development Services has been delegated the authority by Council and may consider the issuance of Heritage Alteration Permits in all other situations.

Pre-Application

Prior to submitting a heritage alteration permit application, if applicable, the applicant should first review the Heritage Conservation Area Design Guidelines or Development Permit Area Guidelines to understand the form and character of development desired for the subject property area. The applicant should also review the City's Zoning Bylaw and the Subdivision Servicing Bylaw to determine whether the proposal meets all of the City's requirements and standards. The applicant is urged to prepare a preliminary development proposal and should meet with staff to discuss the proposal.

Application Submission

Once a proposal has been prepared, a completed heritage alteration permit application package including the applicable fees is submitted. The applicant may also choose to submit the heritage alteration permit in conjunction with a rezoning or subdivision application where applicable. Where a proposal is perceived to have a high impact on the neighbourhood or community, the applicant is advised to hold an information meeting or open house to inform the neighbouring property owners of the proposal.

Application Review and Circulation

The application is circulated to internal City departments and external agencies as necessary. Staff, as well as the City's Landscape Architect reviews the application to ensure that the proposed development meets with the design guidelines for the heritage conservation area or development permit area. The applicant may be requested to submit additional information or revise the proposal as a result of the review.

Development Review Group Meeting– City staff meet as a Development Review Group Meeting to review development applications and identify items to be addressed to meet City bylaw requirements.

Preliminary List of Requirements and Comments Letter – A letter is forwarded to the applicant outlining comments received from circulation of the application. The letter also identifies the preliminary list of technical requirements for the application to proceed, which may include infrastructure improvements, and issuance of a tree removal permit. The technical requirements identified in this letter may form the basis for the Servicing Agreement discussed below.

Submission of Coordinated Plan Sets – If necessary, the applicant submits coordinated sets of architectural, landscape and civil engineering plans to address the Preliminary List of Requirements and Comments letter. Staff reviews the plan submission. Re-submission of the plans may be requested to address staff comments. Based on the submission and estimates provided by the applicant, security and fee amounts for civil and landscaping works are determined.

Heritage Alteration Permit

The permit will be registered on the property title. The permit while authorizing alterations or other actions, secures the applicant's commitment to finalize the plan submission to the satisfaction of the City and pay the appropriate fees and securities prior to issuance of a building permit.

Servicing Agreement

A servicing agreement may be required in support of the civil works.

Report to Council

Staff will prepare a report/recommendation on the proposed heritage alteration permit for Council's consideration if the alteration permit is intended to vary a bylaw or permit. The report will be forwarded to Council once that all necessary technical requirements are addressed, and, if required, external agency approvals received.

Council considers the heritage alteration permit application and either authorizes issuance of the alteration permit, requests additional information or rejects.

Heritage Alteration Permit Issuance

If necessary, the applicant addresses any further technical requirements, finalizes plans and pays all required fees and securities prior to building permit issuance.