

CORPORATION OF THE DISTRICT OF MAPLE RIDGE

BYLAW NO. 6951-2012

A Bylaw to establish application procedures in respect of heritage conservation bylaws, permits and agreements and to delegate Council powers to facilitate conservation

The Council of the Corporation of the District of Maple Ridge, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited for all purposes as “Maple Ridge Heritage Procedures Bylaw No. 6951-2012”.

Definitions

2. In this Bylaw:
 - (a) “Character-Defining Elements” means the materials, forms, location, spatial configurations, uses and cultural associations or means that contribute to the Heritage Value of a building, structure, or site;
 - (b) “Chief Building Official” means the District’s Chief Building Official, or such other persons appointed to act in the place of the Chief Building Official;
 - (c) “Community Heritage Register” means a list established by the District under Section 954 of the *Local Government Act* that identifies real property considered by the District to be heritage property;
 - (d) “Director of Planning” means the District’s Director of Planning, or such other persons appointed to act in the place of the Director of Planning;
 - (e) “Heritage Alteration Permit” means a permit in the form of Schedule A authorizing alterations or other actions in relation to protected heritage property or property within a heritage conservation area under Section 972 of the *Local Government Act*;
 - (f) “Heritage Conservation Plan” means a study prepared by a Registered Heritage Professional, in accordance with the standards of the BC Heritage Branch, that identifies the historic significance of a building, structure or site and its contemporary context, considers the proposed changes to the building, structure or site, and includes recommendations to guide the retention of Heritage Value through effective mitigation measures;
 - (g) “Heritage Revitalization Agreement” means an agreement made under Section 966 of the *Local Government Act*, between the District and an owner of heritage property;
 - (h) “Heritage Value” means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance of a building, structure or site for past, present or future generations, determined with reference to the Character-Defining Elements of that building, structure or site;

- (i) “Registered Heritage Professional” means a person who is a professional member of the BC Association of Heritage Professionals and the Canadian Association of Heritage Professionals; and
- (j) “Statement of Significance” means a statement prepared by a Registered Heritage Professional that describes and identifies the Heritage Value and Character-Defining Elements of building, structure or site.

Additions to the Community Heritage Register

- 3. Requests to add buildings, structures or sites to the Community Heritage Register must be accompanied by a Statement of Significance, and will be processed in the following manner:
 - (a) written requests by the property owner, the Community Heritage Commission, or the District will be reviewed by the Planning Department;
 - (b) Planning Department staff and the Community Heritage Commission will review the Statement of Significance to evaluate the historical, architectural and contextual value and character of the subject building, structure or site;
 - (c) Planning Department staff will forward a recommendation to Council regarding the proposed addition of the building, structure or site to the Community Heritage Register;
 - (d) Council may add a building, structure or site to the Community Heritage Register by resolution, in which case the Corporate Officer must notify the owner of the subject building, structure or site of Council’s decision in accordance with the provisions of the *Local Government Act*.

Deletions from the Community Heritage Register

- 4. Requests to remove buildings, structures or sites from the Community Heritage Register must be accompanied by supporting evidence of diminished Heritage Value, and will be processed in the following manner:
 - (a) written requests by the property owner or the District will be reviewed by the Planning Department;
 - (b) Planning Department staff and the Community Heritage Commission will evaluate the evidence provided and consider the historical, architectural and contextual value and character of the subject building, structure or site;
 - (c) the Community Heritage Commission will forward a recommendation to Council regarding the proposed removal from the Community Heritage Register;
 - (d) Council may remove a building, structure or site from the Community Heritage Register by resolution, in which case the Corporate Officer must notify the owner of the subject building, structure or site of Council’s decision in accordance with the provisions of the *Local Government Act*.

Heritage Designation

5. The registered owner of real property within the District or his or her agent authorized in writing may apply for heritage designation protection pursuant to Section 967 of the *Local Government Act*.
6. Every application for heritage designation protection, unless initiated by the District, shall be submitted in writing to the Director of Planning and shall be accompanied by the following:
 - (a) a description of the current use of the property;
 - (b) colour photographs of each elevation of the property;
 - (c) a Statement of Significance;
 - (d) a site plan of the property;
 - (e) elevation drawings showing the architectural features, characteristics and colours of the exterior of the building; and
 - (f) details of affixed interior building features proposed to be subject to protection.
7. The Director of Planning must forward the application to Council.
8. Pursuant to Section 968 of the *Local Government Act*, before a heritage designation bylaw is adopted, the District must hold a public hearing on the proposed bylaw for the purpose of allowing affected parties and the general public to make representations respecting matters contained in the proposed bylaw.

Heritage Revitalization Agreement

9. Every application for a Heritage Revitalization Agreement, or an amendment to a Heritage Revitalization Agreement, must be made by the registered owner or his or her agent in writing and must be accompanied by a Heritage Conservation Plan or, in the case of an application for an amendment to a Heritage Revitalization Agreement and if required by the District, an amended Heritage Conservation Plan.
10. Upon receiving an application for a Heritage Revitalization Agreement from a property owner, the District may require the property owner to grant a covenant in favour of the District, pursuant to Section 219 of the *Land Title Act*, promising that Character-Defining Elements of the subject property will not be altered without prior written approval from the District, which covenant shall be registered on title to the subject property. The property owner will be required to provide proof that the subject property is insured for its full replacement value and a copy of such proof of insurance must be attached to the covenant for registration. Following adoption of a bylaw approving a Heritage Revitalization Agreement with respect to the subject property, the District will, within a reasonable time after request by the owner, execute and deliver to the owner a discharge of the covenant from title to the subject property.
11. An application under Section 9 must be made in the form required by Schedule C, except where the applicant is requesting a variance to the permitted land use or density of use, in which case the application shall follow the form required for a zoning bylaw amendment.

12. The procedures set out in Maple Ridge Development Procedures Bylaw No. 5879-1999 for the processing of an application for a Development Permit apply to an application for a Heritage Revitalization Agreement or an amendment to a Heritage Revitalization Agreement except as modified by this Bylaw. Where a Heritage Revitalization Agreement will vary use or density of use, the procedures for amending a zoning bylaw shall apply.
13. An application fee shall be paid to the District as set out in Maple Ridge Development Application Fee Bylaw No. 5949-2001.
14. The Director of Planning may forward the application for a Heritage Revitalization Agreement, or an amendment to a Heritage Revitalization Agreement, to the Community Heritage Commission, and the Commission shall review and provide recommendations to Council on the Character-Defining Elements of the Heritage Conservation Plan related to the application.

Heritage Alteration Permits

15. Every application for a Heritage Alteration Permit, or an amendment to a Heritage Alteration Permit, must be made by the registered owner or his or her agent in the form required by Schedule B.
16. A Heritage Alteration Permit issued by the Director of Planning under Section 21(d) shall be in the form of Schedule A.
17. The procedures set out in Maple Ridge Development Procedures Bylaw No. 5879-1999 for the processing of an application for a Development Permit apply to an application for a Heritage Alteration Permit except as modified by this Bylaw.
18. An application fee shall be paid to the District as set out in Maple Ridge Development Application Fee Bylaw No. 5949-2001.

Withholding of Approvals

19. In accordance with Sections 960 and 961 of the *Local Government Act*, the Chief Building Official is authorized to withhold the issuance of a building or demolition permit for the following actions where he or she considers the permit would authorize an alteration inconsistent with the heritage protection of the property in the following cases:
 - (a) an alteration to property that is included in the Community Heritage Register;
 - (b) an alteration to property that is included in a schedule of protected heritage property within a Heritage Conservation Area designated by the Official Community Plan;
 - (c) an alteration to property that is the subject of a heritage designation bylaw under Section 967 of the *Local Government Act*;
 - (d) an alteration to property in respect of which a heritage control period has been declared under Section 964 of the *Local Government Act*.
20. The Chief Building Official must notify the applicant of a permit withheld under Section 19 in writing that the matter of the issuance of the permit will be considered by the Council at its next regular meeting after the approval is withheld, the date, time and location of which are stated in the notice.

Delegation of Authority

21. Subject to Section 24, Council delegates to the Director of Planning the powers, duties and functions of 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 to prevent or mitigate impairment of the heritage value or heritage character of property where an application for a building permit or demolition permit described in Section 19 of this Bylaw has been made and the building permit or demolition permit would otherwise be withheld in accordance with that section; and
 - (d) the issuance of Heritage Alteration Permits pursuant to Sections 972 and 973 of the *Local Government Act*, including, without limitation, establishing requirements and conditions of a Heritage Alteration Permit, and the determination of whether such requirements and conditions have been met.
22. Subject to Section 972(4) of the *Local Government Act*, the Director of Planning may, in issuing a Heritage Alteration Permit, vary the provisions of a bylaw or permit referred to in Section 972(2) of the *Local Government Act*.
23. The Director of Planning may choose to refer any item listed in Section 21 to Council for their consideration.
24. The delegation under Section 21 does not include the power to issue a Heritage Alteration Permit that permits construction of a proposed building addition to the site exceeding 100 square meters in floor area or having a construction value greater than \$25,000.
25. If the Director of Planning requires security under section 973(2)(c) of the *Local Government Act* to guarantee the performance of the terms, requirements, and conditions of a permit relating to the form, exterior design or exterior finish of the building or structure, then the amount of the security must be no more than the amount estimated by the Director of Planning to be 110% of the actual cost of construction, so as to conform to the requirements of the Heritage Alteration Permit with respect to the form, character, exterior design or exterior finish as the case may be. The cost of constructing the building or structure must be determined by a member of the Architectural Institute of British Columbia or the Association of Professional Engineers and Geoscientists of British Columbia, who is engaged by the owner at the owner's sole expense.

Reconsideration

26. Where an applicant or owner of property subject to a decision made by the Director of Planning pursuant to Section 21 of this Bylaw is dissatisfied with the decision, the applicant or owner may apply to the Council for reconsideration of the matter within 30 days of the decision being communicated to him or her.

27. An application for reconsideration must be delivered in writing to the Corporate Officer and must set out the grounds upon which the applicant considers the requirement or the decision of the Director of Planning is inappropriate and what, if any, requirement or decision the applicant considers the Council ought to substitute.
28. The Corporate Officer 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 Corporate Officer reasonably considers may be affected by the reconsideration of the date of the meeting at which the reconsideration will occur.
29. At the meeting, the Council may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard, and may either confirm the requirement or decision of the Director of Planning, amend or set aside all or part of the decision of the Director of Planning, or make its own decision including imposing terms, requirements and conditions.

READ a first time the 26th day of February, A.D. 2013.

READ a second time the 26th day of February, A.D. 2013.

READ a third time the 26th day of February, A.D. 2013.

RECONSIDERED AND FINALLY ADOPTED, the 12th day of March, A.D. 2013.

PRESIDING MEMBER

CORPORATE OFFICER

**SCHEDULE A
CORPORATION OF THE DISTRICT OF MAPLE RIDGE**

HERITAGE ALTERATION PERMIT NO. _____
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- 1. (Civic Address) _____
- 2. (Legal Description) _____
- 3. (Name of Applicant) _____

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

5. (Description of Approved Alteration and Permit Conditions – refer to and attach drawings and specifications if necessary)

6. Security in the amount of \$_____ in the form of a letter of credit has been provided to the District to guarantee the performance of the terms, requirements and conditions of this Heritage Alteration Permit and will be returned to the applicant upon satisfactory completion of the approved alterations.

7. Bylaw No. _____ is varied or supplemented as follows:

8. Permit No. _____, issued by the District on _____, is varied or supplemented as follows:

9. If the alterations authorized by this Heritage Alteration Permit are not commenced by _____, the permit lapses.

10. Issuance of this Heritage Alteration Permit was authorized by resolution of the Council on _____.

Corporate Officer

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

SCHEDULE B

HERITAGE ALTERATION PERMIT APPLICATION

DEVELOPMENT APPLICATIONS DIVISION

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

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

Property Address(es): _____

Legal Description(s): _____

Applicant: _____

Correspondence/Calls to be directed to:

Name: _____

Address: _____ Postal Code

Tel. No.: _____ Residence

Business

E-mail

Fax

Property Owner(s) Signature(s): _____

Please print name

or

Authorized Agent's Signature: _____
Attach Letter of Authorization

Please print name

For Office Use	
Date Received: _____	Application Fee: _____
File No.: _____	Receipt No.: _____

[add information required under *Freedom of Information and Protection of Privacy Act* s. 27(2)]

HERITAGE ALTERATION PERMIT APPLICATION ATTACHMENTS

DEVELOPMENT APPLICATIONS DIVISION

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

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

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

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

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

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

SCHEDULE C

HERITAGE REVITALIZATION AGREEMENT APPLICATION

DEVELOPMENT APPLICATIONS DIVISION

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

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

Property Address(es): _____

Legal Description(s): _____

Applicant: _____

Correspondence/Calls to be directed to:

Name: _____

Address: _____ Postal Code

Tel. No.: _____ Business Residence

E-mail Fax

Property Owner(s) Signature(s): _____

Please print name

or

Authorized Agent's Signature: _____
Attach Letter of Authorization

Please print name

For Office Use	
Date Received: _____	Application Fee: _____

File No.: _____	Receipt No.: _____

[add information required under *Freedom of Information and Protection of Privacy Act s. 27(2)*]

HERITAGE REVITALIZATION AGREEMENT APPLICATION ATTACHMENTS

DEVELOPMENT APPLICATIONS DIVISION

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

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

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

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- (e) **Context plan** showing adjacent streets, driveways and surrounding properties and buildings.

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