

HERITAGE CONSERVATION AREAS

A RESOURCE GUIDE

The Heritage Conservation Area (HCA) is one of the important conservation tools that is made available to local governments through the *Local Government Act*. Like the other conservation tools, the HCA is a recognized method to identify, acknowledge, record, and protect local heritage that has a particular value to the community. Additionally, it is a flexible tool for local governments to achieve numerous other development and planning priorities.

The goal of this guide is to support the adoption of HCAs through research, guidelines, and standards. By understanding best practices and lessons learned, Heritage Conservation Areas can be successfully utilized by all local governments and regional districts.

HeritageBC



CONTENTS

Introduction	3
Process	5
Character-Defining Elements and Values	7
Benefits	10
Objectives	12
Maintenance	15
Exemptions	17
Heritage Alteration Permit	18
The Legislation	22
Sample Enabling Bylaw	25
Sample Maintenance Standards Bylaw	27

HERITAGE CONSERVATION AREAS

INTRODUCTION

Heritage Conservation: A Community Guide, which was published in 1994 in response to the then new *Local Government Act*, states, “A Heritage Conservation Area is a distinct district with special heritage value and/or heritage character, identified for heritage conservation purposes in an official community plan.” ([source](#))

The City of Victoria says, “A Heritage Conservation Area is a distinct area with special heritage value and character identified for heritage conservation purposes in an official community plan (OCP). The conservation of these areas is integral to conserving the special sense of place these areas contribute to Victoria’s overall character for the enjoyment of future generations.”

Individual properties within a Heritage Conservation Area (HCA) may exhibit heritage value, but it is the overall heritage character and value that distinguishes a Heritage Conservation Area. In establishing an HCA, the local government is not only recognizing the significance of the collective structures, but also the total environment, landscape, streetscape, spatial elements, vistas and views, and the relationships of buildings to each other and their surroundings.

Conserving heritage resources also create exciting community spaces and acts as a catalyst for compatible development.

Similar to heritage designation, HCAs provide long-term protections to conserve local heritage, but in this case the protections are extended to a defined area that contains more than one property (which can include buildings, other structures, land, and features) and that has definable heritage characteristics and values.

The protections, restrictions, and geographic boundaries that apply to an HCA are described in the local government’s Official Community Plan (or in an addendum to the OCP). The specific requirements for that bylaw are found in the *Local Government Act*:

- The affected properties will be listed and the heritage features and characteristics that justify the designation will be described;
- An area’s overall heritage significance and value will be described;
- The objectives of establishing the HCA will be listed and the ways in which the objectives will be achieved will be provided;
- The Official Community Plan may describe why certain (non-heritage) properties are not affected by the HCA;
- The land title office and the minister responsible for heritage (through the Heritage Branch) will be notified of additions and deletions to an HCA;
- Minimum standards will be established with design and maintenance guidelines;
- Requests for alterations, new construction, and land subdivision must go through a Heritage Alteration Permit (HAP) process; this typically applies only to the properties affected by the HCA.

The design and maintenance standards could affect a variety of character-defining or planning related elements, such as:

- conservation requirements
- property maintenance
- architectural characteristics
- materials
- siting, orientation, and setbacks
- height and massing
- landscaping
- parks and public trees
- other features listed as character-defining elements

It is possible for the HCA bylaw to include exceptions to the design and maintenance standards. In this case, the property owner is not required to obtain a HAP.

Unlike heritage designation, the local government is not required to compensate the property owner in the event there is a reduction in the market property value.

Ultimately, an HCA is not a tool to prevent demolition or construction and it is not intended to discourage property owners from upgrading and improving properties, but instead it is a strong and flexible tool to encourage conservation.

“Another challenge of the HCA Guidelines is to strike an appropriate balance between the more prescriptive sorts of measures that might ensure protection, and the more general statements of intent that might allow designers to solve design challenges creatively. The goal is to facilitate innovation, while encouraging designers to draw upon historic precedents for inspiration, respecting the values and character of the neighbourhood.”

—*Heritageworks* ([source](#))

([Source](#), [source](#) and [source](#))

HERITAGE CONSERVATION AREAS PROCESS

Following is a basic outline of activities that may be undertaken to review and establish a Heritage Conservation Area (HCA).

Every process will be different in length and complexity, and the actions will be influenced by the requirements of each local government and by the expectations from public and property owners. The following is offered as a general concept of the process; when implemented, the process will be lengthy and complex, spanning several years.

- A community identifies a neighbourhood that it believes deserves long-term heritage protection. For many local governments, the identification of HCAs is community driven to identify a distinctive area that it determines should be managed by long-term heritage protection.

Staff will work with the community to support research and consultation, and the community will be encouraged to assess public support.

A nomination form is submitted to the local government that assesses the heritage value and characteristics; boundaries of the HCA are also proposed.

- Staff assess the merits of the application and determines if the Heritage Conservation Area is the best tool to provide long-term protection. Staff may work with a formal working group that includes community stakeholders, and they may administer a survey of property owners who would be affected by the HCA.

Consultations are held to review recommendations, restrictions and other control mechanisms that may be included in the bylaw. Some of these are imposed by the *Local Government Act* and others are determined through the review process.

Nominations, survey results, and report are presented to the Council for authorization to proceed with the study phase.

- Following local government consultation with the property owners in the area, it is agreed that a number of historic structures, buildings, and landscape features should be protected by the creation of a Heritage Conservation Area in the community's official community plan. Non-heritage properties are also listed.

At least ten days before a public hearing is held to discuss the amendment, the local government notifies all owners of property listed on the Heritage Conservation Area schedule. The *Local Government Act* provides requirements for public consultations.

- Design and maintenance guidelines are developed.

Along with criteria to identify heritage properties, the local government will establish maintenance standards that are, when adopted by bylaw, communicated to property owners. The local government monitors properties subject to the maintenance standards and, if necessary, enforces the standards. A heritage inspection may be ordered to verify that the maintenance standards are being met.

Property owners will be required to submit a heritage alteration permit request to obtain an exemption to the guidelines.

- Consultations continue and a draft policy is prepared for Council consideration. If approved, the Official Community Plan will be emended.

The bylaw describes the special features or characteristics that justify the establishment of the heritage conservation area, the objectives of the heritage conservation area, and guidelines for how the objectives will be achieved. The bylaw also includes a schedule to the official community plan that lists those structures, buildings, and landscape features which are specifically protected by the heritage conservation area.

The bylaw will also identify circumstances for which a heritage alteration permit is not required.

- After the Council adopts the bylaw, notices are issued to the Land Title Office and the minister responsible for the Heritage Conservation Act (the Heritage Branch).
- The policy is implemented and, overtime, reviewed.

If not already determined, an incentives program will be developed.

(City of Victoria, City of New Westminster, [source](#))



HERITAGE CONSERVATION AREAS

CHARACTER-DEFINING ELEMENTS AND VALUES

Identifying and describing character-defining elements are fundamental to heritage conservation. The City of Victoria says, “character-defining elements speak to the specific elements of the area that merit its protection. Such elements may include the physical aspects of the area, such as architecture or landscape design, or they may speak to an activity, an event, or an individual historical connection to the area.” ([source](#))

The *Standards and Guidelines for the Conservation of Historic Places* ([source](#)) states character-defining elements are “the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of an historic place, which must be retained in order to preserve its heritage value.”

The *Standards and Guidelines* also includes a description of heritage value: “the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations. The heritage value of an historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.”

In the case of Heritage Conservation Areas (HCAs), it is the character-defining elements and value of the over-all area that are most important. This is a departure from designation and register listings, which focus on the character-defining elements and value of individual properties. Additionally, not all properties in an HCA may exhibit character-defining elements and may not be identified as having heritage value.

“Each HCA is unique. They are designed to protect what a community values as special about a place and worth conserving for the enjoyment of future generations.” — Heritageworks

While one HCA will be distinct from another, it is likely they share characteristics ([source](#)):

- A concentration of heritage buildings, sites, structures; designed landscapes and natural landscapes that are linked by aesthetic, historical and socio-cultural contexts or use.
- A framework of structured elements including major natural features such as topography, landform, landscapes, water courses and built form such as pathways and street patterns, landmarks, nodes or intersections, approaches and edges. A sense of visual coherence through the use of such elements as building scale, mass, height, material, proportion, colour, etc. that convey a distinct sense of time or place.
- A distinctiveness which enables districts to be recognised and distinguishable from their surroundings or from neighbouring areas.

Vancouver’s First Shaughnessy ([information here](#)) and New Westminster’s Queen’s Park ([information here](#)) are Heritage Conservation Areas that share characteristics, while each exhibits unifying characteristics within the individual districts.

It should be noted, however, that uniformity is not a prerequisite for establishing an HCA.

Examples of character-defining elements

Following are the character-defining elements found in four HCA designations; they are preceded with a brief summary. Required by the *Local Government Act*, it is these descriptions of character-defining elements that “justify” the designation of the areas.

Note: The summary and descriptions are offered to exemplify character-defining elements used to describe HCAs. This is not intended to provide an exhaustive or authoritative list, as each area will have its own specific character-defining elements and values.

Summary of the three examples:

- Date and origin of area; reason and purpose of area’s founding; history of area;
- Relationship with other identifiable areas;
- Roadway and sidewalk layout, design, configuration (e.g. grids, lack of curbs)
- Types and forms of buildings; design and materials used; architectural styles
- Property sizes and configurations (e.g. setbacks, gardens, yards)
- Landscape features and design (e.g. boulevards, trees, green spaces, rock walls, inventory of trees)
- Density (e.g. single-family homes)
- Socio-economic features (e.g. middle-class, ethnicities, historically important people, economic/commercial history)

From the **Port Moody Centre** Heritage Conservation Area Guidelines (excerpted from [source](#))

- Location directly south of the commercial downtown core, reaching up the Chines on a steep slope, with east to west rolling hills and open views to Burrard Inlet and the North Shore mountains
- Pedestrian-oriented streets, rear alleys and a more informal street realm to the south without curbs and sidewalks
- Single-family, residential buildings, consistently modest in form, scale, massing and architectural design, dating from the first half of the twentieth century, featuring a common vernacular of wood-frame construction including the use of pitched roofs, porches and verandahs, wood siding and wooden-sash windows
- Large, spacious lots, with wide side yards, setbacks, gardens and garages at the rear and relatively low ground coverage
- Mature associated landscape features, including boulevards, trees and green spaces

From the **New Westminster Queen's Park** Heritage Conservation Area ([source](#))

- A rich history that dates back to 1859 when the neighbourhood was included in the first legal survey for what was then a new city chosen and laid out by Colonel Richard J. Moody as the capital city of the new colony of British Columbia;
- A unique aesthetic with individually-designed homes demonstrating a variety of architectural styles and development periods, the most-common being Victorian, Edwardian, Tudor Revival, Craftsman and worker/vernacular styles, but also including a few examples of Queen Anne, Italianate, Mission Revival, mail order catalogue homes, International, Moderne, and Post-Modern styles;
- A low-density mix of grand scale and modest homes with middle-class apartment buildings, using a common palette of materials, in particular wood and stone;
- A distinctive neighbourhood layout expressed by: street grid design; generous side yards creating considerable space between homes; wide streets; grand boulevards on Second Street and Fifth Street; and relatively flat topography;
- Historic landscapes and streetscapes with lush, mature tree and plant specimens, historic rock walls and wrought iron gates, grass and treed boulevards, and remnants of past transportation modes, such as brick pavers and tram lines; and

- An extensive social history as the home of many historically important people, including former mayors, councillors, business leaders, union leaders and financiers, including Charles Brymner, Manager of the Bank of Montreal.

The characteristics of the **Revelstoke Station** Heritage Conservation Area make up the justification for designating the area ([source](#)):

- The residential area designated in this section developed rapidly between 1897 and 1915, a period of early, permanent settlement centered around the Revelstoke Station, located on the mainline of the recently completed transcontinental railway, the Canadian Pacific Railway. The area's origins and history are unique in Revelstoke. Originally established to provide housing for the families of workers employed by the Canadian Pacific Railway and associated businesses, it was initially developed exclusively for residential purposes, a land use that has continued uninterrupted to the present. Conservation of the residential buildings and related land use characteristics in the area will preserve the only remaining example of a continuously occupied railway-related residential neighbourhood within the spectacular and challenging environment of the Mountain Division of the Canadian Pacific Railway.



HERITAGE CONSERVATION AREAS

BENEFITS

“The development and adoption of a district plan provides the community with an important tool for ensuring the integrity and sustainability of the area’s unique cultural resources and for managing the impacts of cultural tourism on the environment.”

— *Heritage Conservation Districts* ([source](#))

Of the benefits of Heritage Conservation Areas (HCAs), the City of Victoria states, “Heritage Conservation Areas help to protect the character and charm of the special places in Victoria and help to shape the unique identity of a neighborhood within the community as a whole. Heritage is all about understanding the value of our community’s past, what makes us who we are and what we wish to become. Our history is our future...and our future will become our history.”

Although not based on BC’s legislation, *Heritage Conservation Districts*, which is part of the Ontario heritage toolkit, offers benefits that are relevant for the BC context:

- A unique planning framework that respects a community’s history and identity. District designation is one of the best ways to ensure identity is conserved and heritage conservation objectives and stewardship are respected;
- A form of recognition and commemoration for the heritage values within an area and a way to sustain these values. HCAs allow heritage properties and relationships to be identified and protected.
- Home owners, entrepreneurs, local government, and property developers appreciate the benefits of culturally vibrant and established urban and rural communities. District designation contributes towards the development of a rich physical and cultural environment and the promise of continuity and stability into the future. These are often attractive areas for commercial, residential and mixed-use investment.
- The relationship between heritage and cultural tourism. Designation can be used both to encourage and manage tourism activity in rural and urban areas.

([source](#))

Property Value and HCAs

A typical fear of property owners is the loss of property value on the real estate market, but the evidence suggests this is generally not the case.

Several studies explore the relationship of property valuation and designation and register listing. While comparisons are challenging, the evidence indicates heritage-designated properties are more likely to increase in commercial value.

Perhaps the most compelling research comes from Robert Shipley, who wrote in *Heritage Designation and Property Values: Is there an Effect?*:

“Almost 3,000 properties in 24 communities were investigated, in what is believed to be the largest study of its kind ever undertaken in North America. It was found that heritage designation could not be shown to have a negative impact. In fact there appears to be a distinct and generally

robust market in designated heritage properties. They generally perform well in the market with 74% doing average or better than average. The rate of sale among designated properties is as good or better than the ambient market trends and the values of heritage properties tend to be resistant to down-turns in the general market.” ([source](#))

“The rate of sale among designated properties is as good or better than the ambient market trends and the values of heritage properties tend to be resistant to down-turns in the general market.” ([source](#))

The following information comes from one of the largest Canadian studies, which surveyed 24 Ontario communities and 3,000 properties. Some of the findings found in this report:

- Considering house prices, 74% of heritage properties performed average or better than average in the market.
- The rate or number of sales among designated properties was good or better than the comparative market.
- Values of heritage properties tend to be resistant to down-turns in the general market.

Taking a closer look, the study indicates approximately 59% of the heritage properties performed better than the average property. 15% of the heritage properties were comparable to the average price trend. And 26% performed below the average price trend. This suggests that three out of four times, a heritage property will sell at the same price or better than the average market. Looking at individual communities, we can see some performed extremely well:

- Heritage homes performed as high as 88% in Oakville and 92% in the Region of Haldimand-Norfolk

There was only one exception to this trend that was revealed in this Ontario study:

- Individually designated heritage properties in Prince Edward County under-performed by 71% below average.

The author of the Ontario study also looked at the effect of a market downturn.

- 21% of the surveyed properties lost value greater than the average.
- 32% performed at the same rate as the average.
- 47% performed better than average.

That means, nearly 80% of the heritage homes held their value or did better during a repressed period. The same author produced a report in 1992 that focused on heritage homes in London, Ontario. While it is an older report, it suggests heritage real estate has held a certain strength in the market for a while. The research showed 64.4% of individual designated properties performed better than the average real estate market. Another 33.3% were consistent – or held their own – with the market. Only 2.2% performed below the average real estate market. Acknowledging this is a smaller, restricted sample, this report suggests 97.8% of heritage properties did as well or better in the real estate market than non-heritage properties.

More information can be found on Heritage BC’s webinar-on-demand, [Heritage Real Estate: Principles and Practices](#).

HERITAGE CONSERVATION AREAS

OBJECTIVES

“A heritage plan, to be effective, should be integrated with the Official Community Plan (OCP). It cannot have objectives and strategies that are not harmonized with the OCP. The two should reinforce one another.” — Heritage Planning ([source](#))

The designation of a Heritage Conservation Area must state the objectives of the designation. “Objectives are concrete activities that can be achieved within a specified time period,” according to *Heritage Planning* ([source](#)). “They are the things that can be done to achieve a goal. Since there are a number of different ways to realize almost any goal, most goals can have a number of different specific objectives.”

The same document offers several key points for preparing objectives:

- Objectives should specify a target;
- Where appropriate, the magnitude of changes expected as a result of achieving that target should be specified;
- A time frame should be stated;
- Objectives should be simple and clear; jargon should be avoided;
- Objectives should be realistic; unachievable objectives can lead to a lack of confidence in the program;
- Objectives should not have to be absolutely defensible to all who read them; they are working statements;
- What is most important is the degree to which they succeed in attaining program goals.

Examples of objectives

Following are the objectives found in four HCA designations; they are preceded with a brief summary.

Note: The summary and examples are offered to exemplify objectives that are used to support HCAs. This is not intended to provide an exhaustive or authoritative list, as each local government will develop specific objectives related to each HCA.

Summary of the following excerpts:

- To recognize and enhance history;
- To benefit present and future generations;
- To manage alterations, development, redevelopment, construction, and demolition in order to retain the heritage value of the area;
- To promote conservation, restoration, rehabilitation, and renovation;
- To maintain character of area (e.g. layout, features);
- To establish guidelines for new construction and alterations that are sympathetic to heritage environment;
- To support local government planning goals (e.g. livability, residential mix, tourism, zoning);
- To regulate infill, subdivision;
- To manage greenspaces, landscapes;
- To acknowledge and work with non-confirming standards;
- To communicate heritage value;

The objectives of the designation of the **Queen's Park** Heritage Conservation Area are to:

- recognize and protect the historic nature of the neighbourhood for the benefit of present and future generations;
- ensure that all building alterations and property development or redevelopment within the neighbourhood, including landscape design, respects the history and enhances the heritage character and heritage value of the neighbourhood;
- promote conservation, restoration, rehabilitation and renovation of the heritage buildings in the neighbourhood;
- maintain current neighbourhood layout and residential lot sizes to protect the park-like character of the area;
- accommodate development, including infill, that is consistent with the existing heritage buildings and enhances the heritage character of the neighbourhood.

[\(source\)](#)

The objectives of the designation of the **loco Townsite** Heritage Conservation Area are:

- To recognize and enhance the historic nature of the loco Townsite for the benefit of present and future generations;
- To encourage the preservation, rehabilitation, restoration, or reconstruction of existing structures within the Townsite;
- To accommodate and manage infill development on existing lots to ensure that new buildings constructed within this historic area are designed and maintained so as not to detract from the overall effect and character of the buildings, structures, land and listed;
- To create an opportunity for a living, neo-traditional, pedestrian oriented, revitalized, waterfront community that allows for a wide range of residential, commercial, cultural, institutional and recreational uses;
- To re-establish the existing bowling green and baseball field for use by the community;
- To ensure that the buildings [listed in the area] are neither demolished nor altered in any way that is not consistent with their original design or appearance;
- To retain the buildings [listed in this area] in their original location to the greatest extent where practical and legally possible. Where relocation is essential, especially when buildings are located directly within watercourses, an appropriate new location will be determined within the context of the above referenced area plan. As a preliminary step, an illustrative concept plan has been prepared through the HCA process to identify potential infill and redevelopment opportunities...;
- The City is committed to working with the property owners in arriving at a comprehensive area plan and appropriate rezoning for the loco Townsite (and as well the surrounding lands) that will deal in greater detail and refine the potential vision expressed by the illustrative concept plan. The area plan and rezoning process will engage the community for input;
- To support the use of reduced setbacks for existing and proposed buildings and structures from watercourses, down to 5 metres, so that the historic fabric of the central part of the site can be re-established, and the existing heritage buildings be adapted for reuse. This setback relaxation is supported in principle as a key condition of the Heritage Conservation Area Bylaw and is an essential component in revitalizing the existing Townsite;
- To accept the existing non-conforming road standards within the Townsite.

[\(source\)](#)

The objectives of the designation of the **Moody Centre** Heritage Conservation are:

- to recognize and enhance the historic nature of Moody Centre for the benefit of present and future generations;
- to ensure that all building restorations, rehabilitations, renovations or alterations, and property development or redevelopment within the Moody Centre Heritage Conservation Area respects the history and enhances the heritage character and heritage value of Moody Centre;

- to promote conservation, restoration, and heritage sensitive rehabilitation and renovation of the heritage buildings in the Moody Centre Heritage Conservation Area;
- to regulate subdivision within the Moody Centre Heritage Conservation Area; and
- to accommodate infill development that is consistent with the existing heritage buildings and enhances the heritage character of Moody Centre.

[\(source\)](#)

The objectives of the designation of the **Murrayville** Heritage Conservation Area are to:

- Recognize and enhance the historic nature of Murrayville for the benefit of present and future generations;
- Ensure that all building restorations, rehabilitations, renovations or alterations, and property development or redevelopment within the Area, respects the history and enhances the heritage character of Murrayville;
- Promote preservation, restoration and rehabilitation of heritage buildings
- Respect the design of existing contemporary buildings;
- Accommodate infill development that is consistent with the existing heritage buildings and enhances the heritage character of the Area; and
- Communicate the historic value of the area through a variety of means including complimentary streetworks, historic interpretation, events and neighbourhood celebrations.

[\(source\)](#)



HERITAGE CONSERVATION AREAS

MAINTENANCE

Maintenance standards establish minimum requirements for the care and maintenance of heritage properties within the Heritage Conservation Area (HCA). Heritage site maintenance standards can also be used for the care and maintenance of real property, both land and improvements, that are designated.

While the *Standards and Guidelines* sets an accepted practice and standard in Canada ([source](#)), the local government will establish maintenance standards that are specific to the character-defining elements and values of the HCA. Different maintenance standards may be established for different types of protected properties within an area.

Heritage site maintenance standards are intended to:

- Communicate to property owners the minimum maintenance expectations that have been established for the area;
- Ensure that properties are maintained (at least) to an acceptable level or condition;
- Enable local government to apply to court for a maintenance order.

Maintenance standards may also be used as a condition of grant funding, which could be part of the local government's incentive package.

An example of maintenance standards in use:

A Heritage Conservation Area is established by local government in a historic residential area. The local government adopts, by bylaw, maintenance standards for the buildings in the area. An important historic building, left vacant for many years, is at risk of being “demolished through neglect” and is a danger to passersby. The local government applies to the Supreme Court for an order of compliance with the maintenance standards. The order is granted, but the owner refuses to undertake the required work. Consistent with the terms of the court order, the local government undertakes the required work and the owner is required to reimburse the local government.

A local government provides grants to property owners for the restoration of their commercial buildings. As a part of the management of the grant program, the local government identifies a need to establish maintenance standards for buildings that receive funding. Local government contracts with a qualified heritage consultant to draft the maintenance standards and adopts the maintenance standards by bylaw. Buildings subject to the maintenance standards are monitored for compliance.

[\(source\)](#)

The basic process:

- Local government establishes criteria to identify those classes of properties subject to heritage site maintenance standards. Only properties that are designated or are within a Heritage Conservation Area may be subject to heritage maintenance standards. Maintenance standards do not apply to properties that are only on a community heritage register.
- Local government drafts heritage site maintenance standards.
- Local government adopts, by bylaw, heritage site maintenance standards, and communicates maintenance expectations to property owners.
- Local government monitors properties subject to the maintenance standards and, if necessary, enforces the standards. A heritage inspection may be ordered to verify that the maintenance standards are being met.

Enforcement provisions for maintenance standards include application by the local government to the Supreme Court to order the property be brought up to the required standards.

Heritage Conservation: A Community Guide offers two examples ([source](#))

1. A Heritage Conservation Area is established by local government in a historic residential area. The local government adopts, by bylaw, maintenance standards for the buildings in the area. An important historic building, left vacant for many years, is at risk of being “demolished through neglect” and is a danger to passersby. The local government applies to the Supreme Court for an order of compliance with the maintenance standards. The order is granted, but the owner refuses to undertake the required work. Consistent with the terms of the court order, the local government undertakes the required work and the owner is required to reimburse the local government.
2. A local government provides grants to property owners for the restoration of their commercial buildings. As a part of the management of the grant program, the local government identifies a need to establish maintenance standards for buildings that receive funding. Local government contracts with a qualified heritage consultant to draft the maintenance standards and adopts the maintenance standards by bylaw. Buildings subject to the maintenance standards are monitored for compliance.

HERITAGE CONSERVATION AREAS

EXEMPTIONS

Heritage Conservation Areas (HCA) attempt to balance property rights with conservation. To achieve this, at least in part, local governments may provide exemptions to the restrictions that would otherwise require a Heritage Alteration Permit.

The following list suggests the types of exemptions that could be included in maintenance and design guidelines. This is not an exhaustive or authoritative list. Exemptions will be developed to suit the particular circumstances of each HCA.

- Additions under 100m² that do not exceed the width or height of the rear wall opposite a street
- Building envelope remediation, so long as there are no changes to appearance or design when the remediation is completed, and the only change to materials is in-kind replacements;
- Construction and maintenance activities carried out by, or on behalf of, the City; or
- Exterior maintenance or in-kind repairs, including repainting in identical colours or routine repairs. Note: alterations to windows, siding or architectural features are not included in this exemption;
- Garden suites located behind the main rear wall of the existing home
- In-kind replacements of missing, worn or damaged exterior materials, so long as there are no changes to appearance or design when the replacements are completed;
- Interior renovations
- Landscaping changes to non-historic features
- Regular and emergency City maintenance of municipal infrastructure conducted in a manner that is consistent with the objectives of the Heritage Conservation Area designation.
- Roof replacement
- The construction or installation of a rain garden, bioswale, permeable paving, green roof, or cistern that is no more than 9000 litres in capacity [and meeting other requirements].

[\(source, source\)](#)



HERITAGE CONSERVATION AREAS

HERITAGE ALTERATION PERMIT

Overview of Heritage Alteration Permits

Guidelines established with the HCA will include construction and alteration restrictions that aim to protect the integrity of the overall area and the heritage values of the individual properties. Unless an exemption is provided in the HCA, the property owner will require a Heritage Alteration Permit (HAP). If granted, the HAP will provide the property owner with the needed alterations (e.g. to bylaws, zoning, guidelines) in order to proceed with the desired changes to the protected property. As a result, the HAP offers flexibility to the local government and the property owner.

Heritage alteration permits are used most frequently for properties that are:

- Designated;
- Included on a Heritage Conservation Area schedule;
- Protected by a heritage revitalization agreement;
- Protected by a heritage conservation covenant; or
- Archaeological sites or other sites protected under the heritage conservation act.

A heritage alteration permit may vary or supplement portions of the *Local Government Act*, including:

- Some of the provisions regarding rural land use bylaws;
- Land use designation;
- Permits;
- Development cost recovery; and
- Subdivision and development requirements.

Local governments may not refuse to issue a HAP as a means to prohibit the legitimate development of property, and it may not be used to vary the use or density provisions of the local government's land use bylaw.

Heritage Conservation: A Community Guide provides the following information about utilizing a HAP:

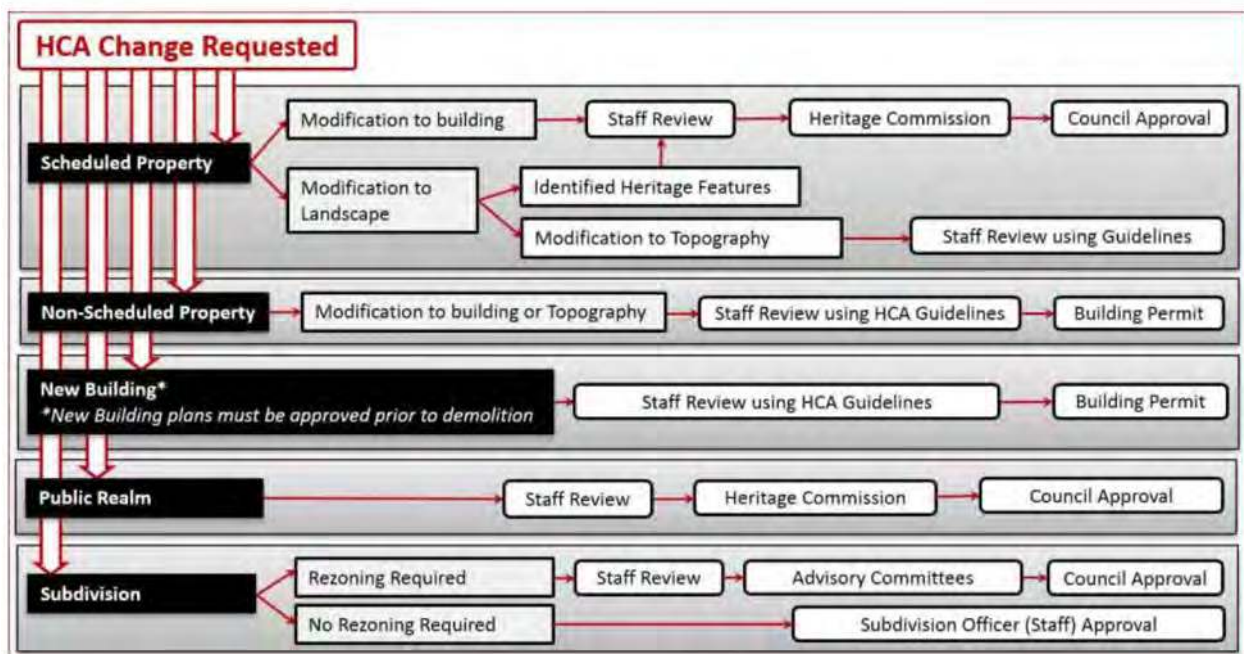
1. Local government must establish the requirements for heritage alteration permits in any heritage revitalization agreement or heritage conservation covenant. Heritage alteration permits are automatically required for properties that are designated, included on a Heritage Conservation Area schedule, or archaeological and other sites protected under the Heritage Conservation Act.
2. A property owner makes application for a heritage alteration permit that details the proposed alterations to the heritage property.
3. Local government or its delegate evaluates the proposed alterations and approves or denies the issuance of a heritage alteration permit. A local government may refuse issuance of a heritage alteration permit if the proposed alterations are inconsistent with the intent of the heritage protection.

The Guide also provides the following example:

A single-family residential structure is included on a Heritage Conservation Area schedule of an official community plan. The owner of the building makes application to the local government for a heritage alteration permit to allow for the reconstruction of a verandah on the front of the building. The director of planning, as the delegate of the local government, evaluates the application, makes suggestions for improvement of the design, finalizes the design with the applicant, and issues the permit.

[\(source\)](#)

The following chart, developed by Heritageworks for the District of Oak Bay, shows how applications to make various requests for changes will be reviewed and how staff will use the new HCA Guidelines.



[\(source\)](#)

Following is the legislation as it is found in the *Local Government Act (LGA)*, plus an accompanying commentary. Further details follow in other sections of this guide.

Please note, while this section quotes principal portions of the LGA, it is not intended to offer a legal interpretation of the LGA. Please refer to [the complete Act](#) for more information and seek legal advice as needed.

Introduction to the Legislation

Part 15 – Heritage Conservation

Division 6 — Heritage Alteration Permits

<p>1) A local government or its delegate may issue a heritage alteration permit authorizing alterations or other actions if the authorization is required by</p> <ul style="list-style-type: none"> a) this Act or by a bylaw or order under this Act, b) a heritage revitalization agreement, or c) a covenant under section 219 of the Land Title Act. 	<p>A heritage alteration permit (HAP) is one of the conservation tools that is available to local governments.</p>
<p>2) Subject to subsection (4), the heritage alteration permit may, in relation to protected heritage property or property within a heritage conservation area, vary or supplement provisions of one or more of the following:</p> <ul style="list-style-type: none"> a) a bylaw or heritage alteration permit under this Part; b) a land use permit under Part 14 [<i>Planning and Land Use Management</i>]; c) a land use regulation bylaw under Part 14; d) a bylaw under Division 11 [<i>Subdivision and Development: Requirement and Other Related Matters</i>] of Part 14; e) a bylaw under Division 19 [<i>Development Costs Recovery</i>] of Part 14. 	<p>It can be used to vary or supplement specified bylaws and land use regulations.</p>
<p>3) A permit issued under this section prevails over a bylaw or permit referred to in subsection (2) to the extent of any conflict.</p>	<p>If a conflict arises, the HAP will take precedence over a bylaw or permit.</p>
<p>4) The following restrictions apply to subsection (2):</p> <ul style="list-style-type: none"> a) the use or density of use may not be varied; <ul style="list-style-type: none"> i) a zoning bylaw in relation to residential rental tenure as defined in section 455 may not be altered; b) a flood plain specification under section 524 (3) may not be varied; c) in relation to property within a heritage conservation area, the permit must be in accordance with the guidelines established under section 614 (2) (b) for the heritage conservation area. 	<p>HAPs must be aligned with the Heritage Conservation Area guidelines. HAPs cannot be used to alter residential rental tenures or flood plain specifications.</p>

<p>5) A local government or its delegate may refuse to issue a heritage alteration permit for an action that, in the opinion of the local government or delegate, would not be consistent with the purpose of the heritage protection of the property.</p>	<p>The purpose of the HAP is to protect heritage properties and it should not be used when that purpose cannot be achieved.</p>
<p>6) If the refusal to issue a heritage alteration permit prevents</p> <ul style="list-style-type: none"> a) the use of land that is allowed under the applicable zoning bylaw, or b) the development of land to the density that is allowed under the applicable zoning bylaw in respect of that permitted use, the local government or delegate must inform the applicant of the requirements or conditions under which a use or density proposed by the applicant in accordance with section 588 (2) [limits on use of this Part] would be allowed. 	<p>When the local government's refusal of a HAP request results in restricted land use or development (that would otherwise occur for non-heritage properties), the local government will provide methods by which the applicant's wishes would be allowed.</p>

HERITAGE CONSERVATION AREAS

THE LEGISLATION

Following is the legislation as it is found in the *Local Government Act (LGA)*, plus an accompanying commentary. Further details follow in other sections of this guide.

Please note, while this section quotes principal portions of the LGA, it is not intended to offer a legal interpretation of the LGA. Please [refer to the complete Act](#) for more information and seek legal advice as needed.

Part 15 – Heritage Conservation

Division 5 — Continuing Protection

<p>614 Designation of Heritage Conservation Areas</p> <p>1)</p> <p>For the purposes of heritage conservation, an official community plan may designate an area as a Heritage Conservation Area to which section 615 (1) [requirements for heritage alteration permit] applies.</p>	<p>The legislation brings together three important tools for the local government:</p> <ol style="list-style-type: none"> 1. Local governments have the authority to designate Heritage Conservation Areas; 2. When doing so, local governments will describe the HCA in their Official Community Plans (OCPs); 3. And the local governments will adopt heritage alteration permit as part of their heritage conservation program.
<p>2)</p> <p>If a Heritage Conservation Area is designated under subsection (1),</p> <p>a) the official community plan must</p> <ol style="list-style-type: none"> i. describe the special features or characteristics that justify the designation, and ii. state the objectives of the designation, and <p>b) either the official community plan or a zoning bylaw must specify guidelines respecting the manner by which the objectives are to be achieved.</p>	<p>The description of the local government's HCA, which is found in the OCP, will include:</p> <ul style="list-style-type: none"> • A list of heritage features or characteristics that justify the designation (and which are used to establish the HCA); • A list of objectives to be reached through the designation of the area; • The ways in which the objectives will be achieved.

<p>3)</p> <p>If a Heritage Conservation Area is designated under subsection (1), the official community plan may do one or more of the following:</p> <p>a) specify conditions under which section 615 (1) does not apply to property within the area, which may be different for different properties or classes of properties;</p> <p>b) include a schedule listing buildings, other structures, land or features within the area that are to be protected heritage property under this Act;</p> <p>c) for the purposes of section 615 (3), identify features or characteristics that contribute to the heritage value or heritage character of the area.</p>	<p>The HCA does not need to apply equally to all properties in the designated area (e.g. not all properties have equal heritage characteristics or values).</p> <p>The OCP may include:</p> <ul style="list-style-type: none"> • A description of why certain properties is not affected by the HCA; • A list of the properties that are affected by the HCA; • A description of the significance and character of the area. <p>Note: HCAs are not restricted to buildings, but can also include “other structures, land or features.”</p> <p>Information about the heritage characters and values will be contained in the area’s Statement of Significance and design guidelines.</p>
<p>4)</p> <p>At least 10 days before the public hearing on an official community plan that includes a schedule under subsection (3) (b), the local government must give notice in accordance with section 592 to the owner of each property that is to be included in the schedule, unless the property was already included in the schedule.</p>	<p>A public hearing is required, and all affected property owners are to be notified. The LGA describes the requirements for public consultation.</p>
<p>5)</p> <p>Within 30 days after the adoption of a bylaw that includes a property in or deletes a property from a schedule under subsection (3) (b) to an official community plan, the local government must</p> <p>a) file a notice in the land title office in accordance with section 594, and</p> <p>b) give notice to the heritage minister in accordance with section 595.</p>	<p>Similar to heritage register listings and designations, the land title office and the Heritage Branch must be notified of any additions (or deletions) to an HCA.</p>

<p>615 Permit requirements in relation to Heritage Conservation Areas</p> <p>1)</p> <p>If an official community plan designates a heritage conservation area, a person must not do any of the following unless a heritage alteration permit authorizing the action has been issued:</p> <p>a) subdivide land within the area;</p> <p>b) start the construction of a building or structure or an addition to an existing building or structure within the area;</p> <p>c) alter a building or structure or land within the area;</p> <p>d) alter a feature that is protected heritage property</p>	<p>Without a heritage alteration permit (HAP), the property owner cannot:</p> <ul style="list-style-type: none"> • subdivide land • start new construction • make alterations to existing buildings, structures, land, and features (that are intended to be protected).
<p>2)</p> <p>Subsection (1) does not apply if conditions established under section 614 (3) (a) apply.</p>	<p>The restrictions do not apply to the properties that are not affected by the HCA.</p>
<p>3)</p> <p>If a heritage alteration permit is required by subsection (1), a delegate may act in relation to such a permit only if</p> <p>a) the property is protected heritage property, or</p> <p>b) the permit relates to a feature or characteristic identified under section 614 (3) (c).</p>	<p>HAPs can be used to subdivide land, initiate new construction, or to alter existing buildings and features, but this heritage conservation tool can be used only for properties, features and characteristics that are affected by the HCA. As with all heritage conservation tools, HAPs are not available for non-heritage properties.</p>
<p>616 Heritage site maintenance standards</p> <p>1)</p> <p>A local government may, by bylaw, establish minimum standards for the maintenance of real property that is</p> <p>a) designated as protected by a heritage designation bylaw, or</p> <p>b) within a heritage conservation area.</p>	<p>The local government may set minimum maintenance standards for designated properties and properties within an HCA.</p>
<p>2)</p> <p>Different standards may be established under subsection (1) for different areas or for different types or classes of property.</p>	<p>Different maintenance standards can be set for different areas or different types or classes of properties.</p>

HERITAGE CONSERVATION AREAS

SAMPLE ENABLING BYLAW

With minor alterations, this sample bylaw was prepared by Lidstone, Young, Anderson for *Heritage Conservation: A Technical Manual for Local Governments*, 1995.)

TITLE

This Bylaw may be cited as “_____”.

AMENDMENT

Bylaw No. _____, being the Official Community Plan of the _____, is amended by:

a) Deleting sections _____

b) Adding the following text:

“HERITAGE CONSERVATION AREA”

1. Designation

The area shown outlined in heavy black line on Schedule Eight attached to and forming pan of this Bylaw is designated as a heritage conservation area.

2. Justification

The area designated in this section was developed with commercial uses in the late 1940s and early 1950s, a period in which land use and development patterns were permitted to evolve almost entirely to serve the needs of automobile transportation. The conservation of the commercial buildings and automobile-related facilities in the area will preserve a regionally unique example of this continentwide phenomenon, including particularly. important examples of commercial architecture and urban design catering to automobile-oriented uses.

3. Objectives

The objectives of the designation of the Heritage Conservation Area are to ensure that

a) The buildings, structures, land and features listed in Schedule Nine attached to and forming part of this bylaw are neither demolished nor altered or, maintained in any way that is not consistent with their original design, function or appearance, and that

b) Buildings that are constructed in the area are designed, constructed and maintained so as not to detract from the appearance and overall effect of the buildings, structures, land and features listed in Schedule Nine and so as to reinforce the pervasive automobile orientation that was originally established in the area.

4. Guidelines

Heritage alteration permits authorizing the subdivision of land, or the construction or alteration of buildings or structures, must be issued in accordance with the following guidelines:

[insert architectural guidelines]

5. Exemptions from Permit Requirements

A heritage alteration permit is not required for

- a) the construction of a commercial building on the east side of _____ Street if the building is separated from the street by a paved automobile parking area accommodating at least one vehicle for every 5 square metres of floor area in the building, and every part of the parking area is clearly visible from the travelled portion of the street;
- b) the construction of a commercial building anywhere in the Heritage Conservation Area if the building is designed to be occupied solely by a business providing a service to persons seated in automobiles, including without limiting the generality of the foregoing drive-in restaurants, drive in banks, drive-in laundries, automatic car washes, full service gasoline stations and drive-in-automobile engine oil change services;
- c) the use of a site as a drive-in motion picture theatre; or
- d) an alteration to a building within the Heritage Conservation Area that does not affect the appearance of the building when viewed from street level at any point on the travelled portion of a fronting or flanking street, and that does not result in a reduction in the number or size of automobile parking spaces provided on the building

6. Protected Heritage Property

The buildings, structures, land and features listed on Schedule Nine are protected heritage property.

7. Essential Features and Characteristics

The features or characteristics that contribute to the heritage value and character of the area are the following:

- a) provision of automobile parking facilities between the principal building and the street;
 - b) Absence of landscaping from the site, except for plastic or fibreglass replicas of plant specimens not indigenous to British Columbia;
 - c) use of signage extending above the roofline of commercial buildings and constructed entirely of plywood or consisting entirely of inflatable replicas of goods sold at retail on the premises; and
 - d) use of concrete block single-storey construction with tar and gravel roofing, with building surfaces facing the street being either unpainted or painted with primary colours only;” and
- c) adding to the Bylaw as Schedules Eight and Nine the map and list of properties attached to this Bylaw as Schedules A and B.

SCHEDULE A: to include Heritage Conservation Area boundaries

SCHEDULE B: to include names, land and features to be included in the HCA designation.

HERITAGE CONSERVATION AREAS

SAMPLE MAINTENANCE STANDARDS BYLAW

With minor alterations, this sample bylaw was prepared by Lidstone, Young, Anderson for *Heritage Conservation: A Technical Manual for Local Governments*, 1995.)

The Council of the District of _____, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited as “District of _____ Heritage Standards and Maintenance Bylaw No. _____”

General Requirements

2. The following standards apply to protected heritage property designed under the Local Government Act [RSBC 2015] Chapter 1, Part 15 — Heritage Conservation, Division 5 — Continuing Protection: Heritage site maintenance standards.

a. no owner of protected heritage property shall permit any building structure or land comprising the heritage property to fall into a state of disrepair which may result in the deterioration of any exterior or interior feature or appurtenance that would alter or detract or tend to alter or detract from the heritage value or heritage character of the building or structure or land and in the case of a Heritage Conservation Area the Heritage Conservation Area as a whole, including but not limited to:

- i. deterioration of exterior walls or other vertical supports;
 - ii. deterioration of roofs or other horizontal members;
 - iii. deterioration of chimneys or other stone, brick or masonry works;
 - iv. deterioration of plaster and mortar;
 - v. ineffective waterproofing of exterior walls, roofs and foundations including all glass, glazing, windows and doors;
 - vi. deterioration of any heritage characteristic or other feature having heritage value so as to create or permit the creation of any hazardous or unsafe or unsightly condition;
 - vii. the deterioration of landscaping features having heritage value by failure to cultivate, care for and maintain grass, plants, trees and shrubs in a neat and tidy condition in accordance with good horticultural practice.
- b. Without limiting the generality of S. 2(a) hereof, each owner and occupant shall keep all exterior components of every building and structure in good repair, including but not limited to, walls, roofs, chimneys, cornices, gutters, downspouts, drains, porches, steps, landings, fire escapes, exterior stairs, windows, shutters, doors, storefronts, signs, marquees and awnings and in addition:
- i. all surfaces shall be covered with a protective coating, such as paint or other material which preserve the structure and does not contribute to deterioration.

- ii. all surfaces shall be maintained free of deterioration, including but not limited to, broken glass, loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.
 - iii. overhanging structures including canopies, marquees, signs, awnings, exterior stairways, fire escapes, and other structures with overhanging extensions shall be maintained in good repair, be securely anchored to the structure, and be protected from rust and other signs of decay by application of a weather protective material such as paint. Nonoperative or broken electrical signs shall be repaired or removed. All obsolete signs and sign structures shall be removed.
- c. each accessory structure shall be subject to the maintenance standards set forth above;
- d. all premises and landscaped elements shall be maintained in a safe and sanitary condition, including but not limited to steps, walks, driveways, fences, retaining walls, trees, shrubs, and weeds. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced or removed and without limitation:
- i. all paved driveways and walks shall be maintained in safe condition;
 - ii. all fences, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair. Wooden elements or other elements subject to deterioration from weathering shall be maintained with chemicals or paint to preserve the element and to retard deterioration;
 - iii. weeds and grass shall be kept trimmed and from becoming overgrown;
 - iv. all yards, courts or lots shall be kept free of accumulations of trash, garbage waste, rubbish, refuse, junk, and other noxious or offensive materials or substances which may cause a fire hazard or may act as a breeding place for vermin or insects;
 - v. all portions of all premises shall be graded so that there is no pooling of water or recurrent entrance of water into any basement or cellar.

Conservation Area Maintenance Requirements

3. Attached hereto and forming part of this Bylaw as Schedules "A", "B" and "C" are additional standards of maintenance that apply to protected heritage property within Conservation Areas I, II, and III respectively. Without limiting the general application of S. 2 of this Bylaw, each owner of buildings, structures or land to which either Schedule "A", "B" and "C" applies shall also maintain the protected heritage property in accordance and in compliance with the standards therein set out.

Duty to Maintain

4. No Owner of protected heritage property shall fail to comply with the requirements and standards provided in this Bylaw and every Owner shall maintain protected heritage property in accordance with and to standards required.

Offence

5. a) Every person who violates any of the provisions of this Bylaw or who omits to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or who suffers or permits any act to be done in contravention hereof is guilty of an offence and is liable of an offence and is liable to the penalties imposed in this Bylaw.
- b) Each day that an offence continues shall be deemed to be a separate offence.

Penalty

6. Every person who commits an offence against this Bylaw is liable to a fine and penalty up to \$10,000.00 for each offense.

Schedules

7. Schedule “A”, “B” and “C” form part of this Bylaw.

(Signatures)

SCHEDULE “A”

Conservation Area I

Heritage Standards of Maintenance

1. Conservation Area I means that Heritage Conservation Area defined and delineated as Conservation Area I in the District of _____ Official Community Plan Bylaw _____.
2. The following requirements apply to the maintenance, repair and replacement of roofs, roof coverings and roof membranes in respect of:
 - a. Resident dwellings listed as protected heritage property in Conservation Area I
 - b.
 - c.

SCHEDULE “B”

SCHEDULE “C”

HERITAGE CONSERVATION AREAS: RESOURCE GUIDE

This resource guide is part of a series describing the heritage conservation tools that are available through BC's *Local Government Act*. The other guides are:

Community Heritage Commissions
Community Heritage Registers
Heritage Designation
Heritage Revitalization Agreements

Heritage Impact Assessment
Heritage Covenant
Temporary Heritage Protections

All guides are available at heritagebc.ca.

A NOTE TO READER

Please contact Heritage BC if this guide did not provide answers to your questions. [Let us know](#) how we can help, and we will find the information you need.

It is intended this guide will develop through community input. If you have best practices and case studies that would benefit this guide, please contact [Heritage BC](#).

The resource guides provide overviews through research and commentary. Application of the heritage conservation tools are not prescriptive, as they can be adapted to each situation. Local governments and regional districts wanting to implement the heritage conservation tools should seek legal counsel as required.

ABOUT HERITAGE BC

Heritage BC supports all people of British Columbia who champion the preservation and conservation of all forms of cultural heritage, developing awareness, appreciation and respect for B.C.'s built and intangible traditions.

Heritage BC is a charitable not-for-profit supporting heritage conservation across British Columbia through education, training and skills development, capacity building in heritage planning and funding through the Heritage Legacy Fund.

As an organization of provincial scope, Heritage BC recognizes that its members, and the local history and heritage they seek to preserve, occupy the lands and territories of B.C.'s Indigenous peoples. Heritage BC asks its members to reflect on the places where they reside and work, and to respect the diversity of cultures and experiences that form the richness of our provincial heritage.

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