

## BY-LAW NO. 10991

### A By-law to declare a Heritage Control Period with respect to part of Vancouver

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

#### Name of By-law

1. The name of this By-law, for citation, is the "Heritage Control Period (First Shaughnessy) By-law".

#### Definitions

2. In this By-law:

"Area" means that certain area of the City of Vancouver enclosed by the broken line on the Map attached to this By-law as Appendix "A";

"Building" means any building located in the Area;

"Fixture or Feature" includes any fireplace, interior door, wall finishing, paneling, staircase, and tiling;

"Heritage Control Period" means the period of time stated in section 4;

"Heritage Alteration Permit" means a permit authorized under Part XXVIII, Division (5) of the *Vancouver Charter*;

"Landscape Feature" includes any fence, retaining wall, fountain, patio, terrace, statuary or other similar structure that is located outside the exterior walls of a building, as well as any hedge, shrub or tree that grows within two meters of the structure; and

"Property" means a legal parcel or lot in the Area.

#### Heritage Control Period

3. In order to allow for heritage conservation planning for the Area, Council declares a Heritage Control Period in the Area.

4. The Heritage Control Period commences on the date this By-law is enacted, and continues for a period of one year.

## Heritage Alteration Permit

5. During the Heritage Control Period, an owner of Property may not cause, permit or allow:

- (a) alteration of the exterior of a Building on the Property;
- (b) a structural change to a Building on the Property;
- (c) a Building to be moved onto or off of the Property;
- (d) alteration, movement of or taking any other action that would damage a Landscape Feature on the Property;
- (e) alteration, movement of or taking any other action that would damage a Fixture or Feature on the Property; or
- (f) other alteration, excavation or construction on the Property;

unless a Heritage Alteration Permit is first obtained authorizing such work, but no Heritage Alteration Permit is required for routine maintenance, including pruning and trimming of flora.

6. Notwithstanding section 5, an owner of Property may take any action otherwise prohibited by section 5 of this By-law or section 591 of the *Vancouver Charter*, without acquiring a Heritage Alteration Permit, if the Property does not contain a Building that was erected, in whole or in part, prior to 1940.

7. During the Heritage Control Period, the Director of Planning is hereby delegated the authority to identify Property in the Area as heritage property and issue or refuse Heritage Alteration Permits for Property in the Area. When making a determination of whether a Property is heritage property, the Director of Planning may consider the:

- (a) age;
- (b) historic associations;
- (c) builder or architect;
- (d) architectural style; and
- (e) construction methods;

of a Building on a Property.

8. If the Director of Planning determines that a Property is heritage property, he may issue a Heritage Alteration Permit that would allow for the renovation of the heritage property, and may impose terms, requirements and conditions on the Heritage Alteration Permit in accordance with sections 597 and 598 of the *Vancouver Charter*.

9. Notwithstanding section 5, an owner of Property may take any action otherwise prohibited by section 5 of this By-law or section 591 of the *Vancouver Charter*, without acquiring a Heritage Alteration Permit, if the Director of Planning determines that the

Property is not heritage property.

10. This By-law does not affect a Property that is subject to a heritage revitalization agreement entered into before or during the Heritage Control Period, to the extent that this By-law conflicts with the heritage revitalization agreement.

11. During the Heritage Control Period, the Director of Planning may withhold the issuance of a development permit that would result in alteration to a Building on a Property until a Heritage Alteration Permit that would authorize the work is issued, or it is determined that no Heritage Alteration Permit is needed.

12. During the Heritage Control Period, the Director of Planning may order a heritage inspection of a Property that contains a Building built in whole or in part prior to 1940, in order to assist in the determination of whether the Property is heritage property.

**Reconsideration**

13. If the Director of Planning issues or refuses a Heritage Alteration Permit under this By-law or determines that a property is heritage property under this By-law, then the owner of the Property may seek to have Council reconsider the decision by requesting a reconsideration in writing, by delivering that request to the Director of Planning within 14 days of the decision.

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

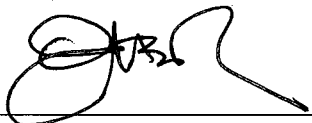
**Severability**

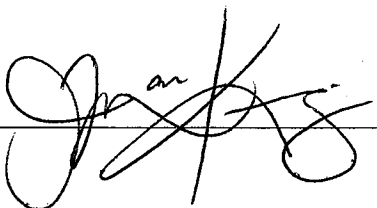
15. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

**Force and effect**

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

ENACTED by Council this 24<sup>th</sup> day of June, 2014

  
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Mayor

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

# APPENDIX A



**LEGEND**  
 - - - FIRST SHAUGHNESSY DISTRICT

North: ↑  
 Scale: 1:25,000  
 Date: April 22, 2014

City of Vancouver  
 Planning and  
 Development Services