

**CITY OF NEW WESTMINSTER**

**BYLAW NO. 7856, 2016**

A bylaw to declare a heritage control period

WHEREAS the Queen's Park neighbourhood has a high concentration of buildings that have heritage value or heritage character, many of which are on the City's Heritage Register; and

WHEREAS the Council intends to consider long-term heritage protection measures for the neighbourhood and for properties in the neighbourhood; and

WHEREAS under Part 15 of the *Local Government Act* the Council may declare a heritage control period for heritage conservation planning purposes;

NOW THEREFORE the Council of the City of New Westminster, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Queen's Park Heritage Control Period Bylaw No. 7856, 2016".
2. The Council declares a heritage control period under Section 608 of the *Local Government Act* in respect of the area outlined in heavy black line on Schedule A to this Bylaw (the "Heritage Control Area").
3. The length of the heritage control period declared by this bylaw is one year.
4. All types of alterations to property in the Heritage Control Area are allowed without obtaining a heritage alteration permit, except the following:
  - a. demolition or relocation of a residential dwelling any portion of which was constructed before December 31, 1966;
  - b. addition of floor area to a residential dwelling any portion of which was constructed before December 31, 1966, if any part of the additional floor area is located between an exterior wall of the dwelling as it existed on the date of adoption of this bylaw and:
    - i. the front lot line of the lot on which the dwelling is located; or
    - ii. either of the side lot lines of the lot.
  - c. alterations to the roof structure of a residential dwelling that was constructed before December 31, 1966 that are visible from the street from which the dwelling takes its civic address;
  - d. alterations to an exterior wall of the dwelling that faces the street from which the dwelling takes its civic address, or either of the side lot lines of the lot on which the dwelling is located, that involve the location or dimensions of any door or window or the design or material composition of any verandah, porch including sleeping porch, railing or architectural detailing.
5. For the purposes of Section 4, a building was constructed on the earliest of the dates on which the City issued a building permit authorizing the construction or authorized, in writing, the connection of the building to the City's water supply, sewage collection or electrical power supply systems.

6. A heritage alteration permit is not required for any alteration for which a complete building or demolition permit application was made prior to the date of first reading of this Bylaw.
7. The Council delegates to the Director of Development Services authority to issue a heritage alteration permit for an alteration described in Subsection b, c or d of Section 4, and in such cases references to the Council in Sections 7, 8, 9, and 10 shall be interpreted as references to the Director.
8. The Council may direct that a notice of its intention to issue a heritage alteration permit be given in the same manner as a notice of its intention to issue a development variance permit.
9. The Council may, prior to considering the issuance of a heritage alteration permit, refer the permit application to the Community Heritage Commission for its recommendation.
10. The Council may, subject to s. 617(6) of the *Local Government Act*, refuse to issue a heritage alteration permit for an alteration that would, in the Council's opinion, not be consistent with the purpose of the heritage control period declared in this bylaw.
11. A heritage alteration permit issued by the Council under this bylaw may be made subject to terms, requirements and conditions that the Council considers consistent with the purpose of the heritage control period declared in this bylaw, including a requirement that the applicant provide security as described in s. 618 of the *Local Government Act*.
12. If the Director of Development Services requires under Section 11 that an applicant provide security to guarantee the performance of the terms, requirements and conditions of the permit, the amount of the security shall be determined on the basis of an estimate by the applicant's architect or design consultant of the cost that the City would incur in undertaking and completing the work that would be required to satisfy a term, requirement or condition of the permit specified by the Director for the purposes of this Section.
13. The Council delegates to the Director of Development Services the authority to determine whether the holder of a heritage alteration permit issued in respect of the Heritage Control Area has contravened or failed to comply with a term, requirement or condition of the permit, and to undertake and complete the work required to satisfy the term, requirement or condition or ameliorate the effects of the contravention or noncompliance.
14. An applicant who is subject to a decision of the Director of Development Services under this Bylaw is entitled to have the Council reconsider the matter, in accordance with the procedures set out in City of New Westminster Heritage Alteration Permit Procedure Bylaw No. 7859, 2016.
15. No person shall undertake or perform any work described in Section 4 in the Heritage Control Area without obtaining a heritage alteration permit.
16. No person shall undertake or perform any work authorized by a heritage alteration permit in the Heritage Control Area, except in accordance with the terms, conditions and requirements specified in the permit.

17. Nothing in this bylaw is intended to affect in any way the force or effect of heritage protection of any property in the Heritage Control Area existing on the date of adoption of this bylaw, including without limitation any heritage designation bylaw, heritage covenant, or heritage revitalization agreement.

**Adopted June 15, 2016**

# SCHEDULE A

## MAP OF QUEEN'S PARK HERITAGE CONTROL AREA

