

## CITY OF PRINCE GEORGE

### BYLAW NO. 8390

**A bylaw of the City of Prince George to define procedures under which an owner of land may apply for the issue of a heritage alteration permit.**

**WHEREAS**, pursuant to provisions of the *Local Government Act*, Council has adopted an official community plan;

**AND WHEREAS**, pursuant to the provisions of the *Local Government Act*, the City may, by bylaw, define procedures under which an owner of land may apply for the issue of a heritage alteration permit under Part 27 of the *Local Government Act*;

**AND WHEREAS**, the City may, pursuant to s. 958 of the *Local Government Act*, require an applicant for a heritage alteration permit to provide a heritage impact assessment to the City;

**AND WHEREAS**, Council may, pursuant to s. 154 of the *Community Charter*, delegate its powers, duties and functions to an officer or employee of the City;

**NOW THEREFORE**, Council of the City of Prince George, in an open meeting assembled, **ENACTS AS FOLLOWS:**

#### **Section 1 – Introduction**

##### **1.1 Title**

This bylaw may be cited as the “City of Prince George Heritage Alteration Permit Procedures Bylaw No. 8390, 2012”.

##### **1.2 Definitions**

Definitions for key words and phrases not contained in legislation or other bylaws are listed below. In this bylaw:

**“application”** means a written request by an **applicant** for the issue of a heritage alteration permit in a form and content prescribed by the **Authorized Person** and this Bylaw;

**“applicant”** means the **owner** or a representative of the **owner** duly authorized to act on the **owner’s** behalf in relation to an **application**;

**“approval”** means a permit, license or other authorization required under the *Local Government Act* or any other enactment administered by the City or a delegate.

**“Authorized Person”** means the head of the Planning & Development Department, or a person designated in writing by the head of the Planning and Development Department to carry out any act or function under this bylaw.

**“City”** means the City of Prince George;

“**City Clerk**” means a person assigned the responsibility by **Council** under s. 148 of the *Community Charter*;

“**Council**” means the elected officials of the **City**;

“**heritage impact assessment**” means an impact assessment under s. 958 of the *Local Government Act*;

“**land title office**” means the land registry office for the Province of British Columbia;

“**official community plan**” means the City of Prince George Official Community Plan Bylaw No. 8383, 2012.

“**owner**” means a person listed in the **land title office** as the **owner** of a **parcel**;

“**qualified professional**” means a professional heritage or building specialist, or archaeologist with experience relevant to the applicable matter, as determined by the **Authorized Person**;

“**surveyor’s certificate**” means a site plan certified by a registered British Columbia Land Surveyor showing the locations of improvements on a **parcel** in relation to the boundaries of the **parcel**; and

“**zoning bylaw**” means the City of Prince George Zoning Bylaw No. 7850, 2007.

### 1.3 General Provisions

1.3.1 Unless otherwise defined herein, all words and phrases in this Bylaw shall have the meaning given to them in the *Local Government Act* and the *Community Charter*.

1.3.2 Words in this Bylaw directing or empowering any officer or employee of the **City** to do any act or thing, or to otherwise applying to him by name of office, include his successors in such office and his lawful deputy, and any person the **Council** may from time to time by bylaw or resolution designate to act in his place.

## Section 2 – Heritage Alteration Permit Issuance

### 2.1 Application Requirements

2.1.1 The **Authorized Person** is authorized to withhold the issuance of any **approval** for an action that, in the opinion of the **Authorized Person**, would alter or cause an alteration to any of the following:

- (a) protected heritage property;
- (b) property subject to temporary heritage protection under the *Local Government Act*;
- (c) property in a community heritage register.

- 2.1.2** An **applicant** who applies for the issue of a heritage alteration permit shall seek **approval** from **Council** or the **Authorized Person** in accordance with the *Local Government Act* and Section 2 of this Bylaw.
- 2.1.3** An **applicant** who applies for the issue of a heritage alteration permit shall complete an **application** and submit it to the **Authorized Person**.
- 2.1.4** **Application** fees in accordance with the City of Prince George Comprehensive Fees and Charges Bylaw No. 7557, 2004, are payable to the **City** at the time of **application** submission. Review of the **application** may only proceed when fees have been paid in full.
- 2.1.5** The **applicant** must provide the following information, at the **applicant's** expense, to the **Authorized Person** at the time of **application** submission, except to the extent that the **Authorized Person** determines that the provision of the information is not required to assist the **Council** or the **Authorized Person** in their consideration of the **application**:
- (a) name, address and signature of the **owner**;
  - (b) name, address and signature of the **applicant**, if different from the **owner**;
  - (c) legal description of the **parcel**;
  - (d) civic address of the **parcel**;
  - (e) legal title search and corporate search for the **parcel** dated no more than 5 business days from the date of **application** submission;
  - (f) copy of all relevant charges registered on the legal title of the **parcel**;
  - (g) **surveyor's certificate**;
  - (h) documents and plans which describe and justify the proposal;
  - (i) documents and plans that demonstrate compliance with the applicable heritage conservation area guidelines, including all information listed in, and in the format specified in Schedule A of this Bylaw;
  - (j) a **heritage impact assessment** in accordance with the *Local Government Act* and this Bylaw; and
  - (k) any additional information the **Authorized Person** determines is required to assist the **Council** or the **Authorized Person** in their consideration of the **application**.
- 2.1.6** **Council** delegates to the **Authorized Person** the powers of **Council** to require a **heritage impact assessment** for any **application** for the issue of a heritage alteration permit.
- 2.1.7** The **Authorized Person** may require in writing that the **applicant** provide, at the **applicant's** expense, a **heritage impact assessment** in a report that is certified by a **qualified professional**, which:
- (a) complies with and fully addresses terms of reference which are provided by the **Authorized Person** in accordance with Section 2.1.8;
  - (b) identifies and defines the context, interaction, scope, magnitude and significance of the anticipated impacts of the alteration or activity on the

heritage property, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats;

- (c) provides recommendations for conditions or requirements **Council** or the **Authorized Person** may impose to mitigate or ameliorate the anticipated impacts; and
- (d) provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts.

**2.1.8** The terms of reference may require the **applicant** to provide information on, and a systematic and detailed appraisal of:

- (a) compliance of the alteration or activity with the **official community plan** and any other relevant **City** bylaw, plan or policy in preparation or adopted by **Council**;
- (b) historical, cultural and archeological buildings, sites or features;
- (c) compatibility with existing land uses, functions, form, heritage character, heritage values, aesthetic and scale of alteration or activity;
- (d) land use impacts such as noise, vibration, glare, fumes, odours and electrical interference;
- (e) transportation including public transit, parking demand, traffic safety, pedestrian and vehicular traffic flow or operation, trip generation, site access and egress, network connectivity, and accessibility;
- (f) geotechnical assessment of any affected area on the heritage property including soil composition, profile, classification, agricultural suitability and capability, geologic process and terrain stability;
- (g) hydrological assessment of any affected area on the heritage property including infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
- (h) the phasing and timing of the construction;
- (i) hazardous conditions including mud flow, debris torrents, erosion, lands slip, rock falls, subsidence, avalanche, wildfire, flood, inundation (including appropriate construction elevations and setbacks) or other hazard;
- (j) compatibility with rights of way, easements, or any other agreement affecting the heritage property;
- (k) local infrastructure and site servicing including drainage, water, sewer or other utilities;
- (l) any other topic in relation to which the **Authorized Person** considers the proposed alteration or activity impacts the heritage property.

**2.1.9** Within 30 days of the **Authorized Person's** decision to require a **heritage impact assessment**, the **applicant** may request that **Council** reconsider the decision in accordance with the following:

- (a) the request shall be in writing, and include reasons in support of the reconsideration;

- (b) upon receipt of a complete written request for **Council's** reconsideration, the **Authorized Person** shall prepare and forward a report to **Council** attaching the **application** and setting out the reasons for the decision;
- (c) at a date and time set by **Council** the **applicant** shall have the opportunity to appear before **Council** and be heard regarding the decision of the **Authorized Person**; and
- (d) following this, **Council** shall reconsider the decision of the **Authorized Person** and either uphold the decision or substitute the **Council's** decision for the **Authorized Person's**.

## 2.2 Review by the Authorized Person

- 2.2.1 Upon receipt of a complete **application** the **Authorized Person** may review the **application** and prepare a permit substantially the same as Schedule B, and a report that contains:
  - (a) a summary of the **application**;
  - (b) an assessment of the anticipated impact of the activity or action on the heritage property;
  - (c) a review of the **application** with reference to **City** bylaws and policies; and
  - (d) any other matters the **Authorized Person** considers essential or desirable.
- 2.2.2 **Council** delegates to the **Authorized Person** the powers of **Council** to issue, refuse, supplement the provisions of a bylaw, set terms, requirements and conditions that the **Authorized Person** considers consistent with the purpose of the heritage protection of the property, impose conditions respecting the sequence and timing of construction, and impose conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures, of a heritage alteration permit in accordance with the *Local Government Act*, except for heritage alteration permits that vary a bylaw.
- 2.2.3 Within 30 days of the **Authorized Person's** decision to issue, refuse, supplement the provisions of a bylaw, set terms, requirements and conditions that the **Authorized Person** considers consistent with the purpose of the heritage protection of the property, impose conditions respecting the sequence and timing of construction, and impose conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures, the **applicant** may request that **Council** reconsider the decision subject to the following:
  - (a) the request shall be in writing, and include reasons in support of the reconsideration;
  - (b) upon receipt of a complete written request for **Council's** reconsideration, the **Authorized Person** shall prepare and forward a report to **Council** attaching the **application** and setting out the reasons for the decision;
  - (c) at a date and time set by **Council** the **applicant** shall have the opportunity to appear before **Council** and be heard regarding the decision of the **Authorized Person**; and

(d) following this, **Council** shall reconsider the decision of the **Authorized Person** and either uphold the decision or substitute the **Council's** decision for the **Authorized Person's**.

**2.2.4 Council** delegates to the **Authorized Person** the powers of **Council** to require security as a condition of the issue of a heritage alteration permit.

**2.2.5 The Authorized Person** may require that the **applicant** provide security based on a complete construction cost estimate from a **qualified professional** in an amount equal to 120% of the estimated cost to guarantee the performance of the terms, requirements and conditions of the heritage alteration permit.

**2.2.6 The Authorized Person** may require that the **applicant** provide security, in a form approved by the **Authorized Person**, and in an amount stated in the permit, by whichever of the following the **applicant** chooses:

- (a) irrevocable letter of credit;
- (b) cash; or
- (c) certified check.

### **2.3 Council Consideration**

If a resolution of **Council** is required for the issuance of the permit, **Council** shall, upon receiving the **application**, as well as **Authorized Person's** report and permit, consider the **application** and permit in accordance with the *Local Government Act*, **Council Procedures Bylaw No. 7572, 2004**, and this Bylaw.

### **2.4 Responsibilities of the City Clerk**

**2.4.1** If a resolution of **Council** is required for the issuance of the permit, the **City Clerk** may, upon receipt of the **application**, **Authorized Person's** report and permit:

- (a) forward the **application**, report and permit to **Council** for consideration;
- (b) notify the **applicant** of **Council's** decision in writing within 30 days immediately following the date of **Council's** consideration and include the minutes which contain the record of **Council's** deliberations and resolution.

**2.4.2** If a resolution of **Council** is not required for the issuance of the permit, the **City Clerk** may, upon receipt of the **application** and **Authorized Person's** report and permit notify the **applicant** of the **Authorized Person's** decision in writing within 30 days immediately following the date of the **Authorized Person's** decision.

### **2.5 Notification of Council's Consideration**

**2.5.1** The **City Clerk** shall give notice of **Council's** consideration of a resolution to issue a heritage alteration permit which varies a bylaw under the *Local Government Act*, as if the permit were a development variance permit.

2.5.2 The distance for mailing or delivering of notices under s. 922 of the *Local Government Act*, and Section 2.5.1 of this Bylaw is 30 m.

**2.6 Reapplication**

No person may reapply for the issuance of a heritage alteration permit for a period of 6 months after **Council's** or the **Authorized Person's** refusal of the same **application**.

**2.7 Heritage Alteration Permit Form**

The form of a heritage alteration permit shall be substantially the same as Schedule B.

**Section 3 – Severability**

If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the Bylaw and any decision shall not affect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME THIS THE **26th** DAY OF **MARCH**, **2012**.

READ A SECOND TIME THIS THE **26th** DAY OF **MARCH**, **2012**.

First Two readings passed by a **unanimous** decision of Members of City Council present and eligible to vote.

READ A THIRD TIME THIS THE **30th** DAY OF **APRIL**, **2012**.

Third Reading passed by a **unanimous** decision of Members of City Council present and eligible to vote.

ADOPTED THIS THE **25th** DAY OF **JUNE**, **2012**, BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

  
\_\_\_\_\_  
MAYOR  
  
\_\_\_\_\_  
CORPORATE OFFICER

**Schedule A to Bylaw No. 8390****Application Information****A.1 Document, Map, Plan and Drawing Submission Format**

- A.1.1** If required by the **Authorized Person** a **qualified professional** shall certify all documentation including drawings, reports, security estimates, technical letters and other documentation submitted to the **Authorized Person** for the purposes of reviewing the **application**. Three originally certified copies of the documents prepared by the **qualified professional** shall be submitted to the **Authorized Person**. Alternatively, the **Authorized Person** may accept fewer certified copies (hardcopy) if the documents are certified and submitted in a digital format acceptable to the **Authorized Person**.
- A.1.2** The **Authorized Person** may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the **qualified professional's** design. Any errors or omissions will be the sole responsibility of the **qualified professional** who has certified the documents and design drawings.
- A.1.3** Upon notification that the documents and design drawings are acceptable to the **Authorized Person**, the **applicant** will be asked to submit 3 originally certified copies of the documents and design drawings prepared by the **qualified professional**. If the design drawings are submitted for the issue of a heritage alteration permit, 1 set of drawings will be stamped "Exhibit" by the **Authorized Person** and forwarded to the **applicant** with the issued permit.
- A.1.4** Digital format design drawings shall be submitted in accordance with the standards of the Subdivision and Development Servicing Bylaw No. 7652, 2004.
- A.1.5** maps, plans and drawings shall be prepared in a metric representative fraction scale (ex: 1:200, 1:500 or 1:1000) and include a graphic scale.

**A.2 Document, Map, Plan and Drawing Submission Content**

- A.2.1** The documents, maps, plans and drawings shall include details of the existing site conditions and improvements, as well as details of the proposed alteration or activity.
- A.2.2** The documents, maps, plans and drawings shall include the following information:

**Cartographic Representation**

- a) the name and address of the author;
- b) the date of the map, plan or drawing's creation;

- c) the name and address of the **qualified professional** who has reviewed the map, plan, or drawing;
- d) the seal or signature of the **qualified professional**;
- e) an arrow indicating true north;
- f) a legend for symbols and marks used in the map, plan or drawing; and
- g) metric representative fraction scale and graphic scale

### **Legal**

- a) cadastral information including existing and proposed **parcel** boundaries, as well as adjacent lands;
- b) legal description of the **parcel**;
- c) area and width of the **parcel**;
- d) name and address of the **owner**;
- e) name and address of the **applicant**, if different from the **owner**;
- f) **official community plan** Schedule C: Long Range Land Use Map designation;
- g) **zoning bylaw** zoning boundaries;
- h) location, extent, and density of land use;
- i) heritage conservation area boundaries;
- j) central business district parking exempt area boundaries;
- k) business improvement area boundaries;
- l) Soil Removal and Deposit Bylaw Schedule A overlay boundaries;
- m) Agricultural Land Reserve boundaries; and
- n) water, sanitary sewer, and garbage specified area boundaries.

### **Environmental**

- a) topographic information for any relevant area including point elevations and contour lines of equal elevation;
- b) hydrographic information for any relevant area including rivers, creeks, streams, ditches, drainage swales, lakes, ponds, and swamps whether regular or intermittent, including the 200 year floodplain construction level and appropriate setbacks;
- c) geotechnical information of any relevant area including underlying geology, and geologic process, terrain stability and the type and rate of movement;
- d) soil characteristics including classification;
- e) flora including vegetation type, location and maturity;
- f) proposed land clearing including logging, vegetation and debris removal.

### **Engineering**

- a) location and dimension of rights of way and easements;
- b) location and dimension of **City** utilities including cross-sections;
- c) location of private utilities including gas, hydro, telephone and cable;
- d) location of on-site and off-site works including signs, street lights, signals, adjacent street laning and geometry, sidewalks, hydrants, bus stops or shelters, power and telephone structures, retaining walls, etc;

- e) location and dimension of on-site services including water, sanitary and storm sewer lines, oil interceptors, wells, lagoons, septic tanks, septic fields, and fuel tanks;
- f) site grading plan with proposed point elevations, grades, and drainage works such as swales, gutters, catch basins, sub-drains, curbs, ponds or other drainage works, including cross-sections and rim invert elevations;
- g) location and dimension of vehicular and pedestrian access and egress on the **parcel** and any relevant adjacent property; and
- h) location and dimension of vehicular and pedestrian travel lanes in any adjacent road right of way.

### **Design**

- a) building or structure floor plans including the dimension of rooms, walls, ramps, steps, etc.;
- b) building or structure elevations and cross sections including the location and dimension of openings, doors, windows, façade features and building height;
- c) building or structure site coverage, gross floor area, gross leasable floor area, and floor area ratio;
- d) building or structure setbacks from the front, rear, and side site lines including setbacks from other buildings or structures, the natural boundary, and top of bank of any watercourse or water body;
- e) location and dimension of all rooftop equipment, vents and chimneys;
- g) location and dimension of all projections;
- h) off-street parking and loading areas including the surfacing, location, number and dimension of any access or egress, maneuvering aisle, raised islands, barriers, curb and wheel stops, and parking and loading spaces, handicapped parking, access ramp to side walk and main entrance, signage, as well as on-site traffic control devices including crosswalks, traffic guidance signs etc.;
- i) Parking and loading area setbacks from the front, rear, and side site lines including setbacks to any building or structure;
- j) Simple perspective or massing model. Photographs or photomontages may be used if relevant;
- k) Visual impact, light access and shadow, wind and snow deposition analysis;
- l) Location, access and screening for garbage and recycling receptacles;
- m) landscaping treatment of the adjacent road rights of way including vegetation, and hard surfaces;
- n) treatment of landscaping and screening on the **parcel**, and adjacent boulevard, including dimension and location of all existing and proposed landscaping relative to the existing and final grades, naturalized areas, off-street parking and loading areas and outdoor storage and display areas; property lines, fencing, easements, rights of way, adjacent land use, building entrances and walkways, signage, exterior lighting, outdoor furniture, hydrants, garbage and recycling receptacles; utilities and works; and
- o) plant materials to be protected, relocated, or removed, and proposed plant material including common and botanical plant names; quantity, caliper, root ball size, height and/or spread at planting and maturity; plant spacing, growing medium and surface treatment; landscape fabrics or liners, edging treatment, typical plant details.

Schedule B  
to Bylaw No. 8390



CITY OF PRINCE GEORGE

HERITAGE ALTERATION  
PERMIT NO. \_\_\_\_\_

1) This permit is issued to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

2) This permit applies to:

Address: \_\_\_\_\_

Legal description: \_\_\_\_\_

4) This permit imposes terms, requirements and conditions as follows:

\_\_\_\_\_  
\_\_\_\_\_

The alteration or activity must be completed in compliance with the plans attached as Exhibit "A" on file at City Hall.

5) This permit imposes conditions respecting the sequence and timing of construction as follows:

\_\_\_\_\_  
\_\_\_\_\_

6) This permit is issued subject to compliance with all of the Bylaws of the City of Prince George applicable thereto, except as specifically varied or supplemented by this permit.

7) This permit varies Section \_\_\_\_\_ of \_\_\_\_\_  
as follows:

\_\_\_\_\_  
\_\_\_\_\_

8) This permit supplements Section \_\_\_\_\_ of \_\_\_\_\_  
as follows:

\_\_\_\_\_  
\_\_\_\_\_

9) As a condition of the issuance of this permit, the City has required that the applicant for the permit provide security in the amount of: \$ \_\_\_\_\_ in the form of

\_\_\_\_\_ , to guarantee the performance of the terms, requirements and conditions of the permit.

10) If a Building Permit for the construction permitted by this permit has not been issued and construction substantially commenced within two years after the date of this permit's issuance, this permit shall lapse.

11) Minor changes in the alteration or activity, that do not violate the heritage alteration permit guidelines, in accordance with which the permit was originally issued may be approved by the Authorized Person and his or her designate.

**12) This Heritage Alteration Permit is not a Building Permit.**

Authorizing resolution passed by Mayor and Council on \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Authorizing Signature: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

Authorization date: \_\_\_\_\_