

Heritage Legislative Framework



Heritage Conservation Measures available to Municipalities in B.C.

There are four levels of heritage recognition or conservation open to municipalities in BC. Beginning with a heritage inventory and ending with heritage designation. Each level offers a different degree of recognition or protection for heritage property.

Heritage Inventory

A Heritage Inventory is used to acknowledge local heritage buildings and properties.

- ❖ It is a list of buildings and properties that are considered by the municipality to have heritage value in the community.
- ❖ It is generally used to help increase public awareness of the existence and value of local heritage buildings and properties and to encourage more property owners to retain and rehabilitate these buildings.
- ❖ Formal adoption of a civic heritage inventory – like that adopted by the City for Coquitlam’s Maillardville Area – requires Council approval.
- ❖ Inclusion of a building or property in a Heritage Inventory:
 - Requires an evaluation of the building or property, and a review of historic records;
 - Does not require agreement from the owner;
 - Does not create a financial liability for the city; and
 - Does not “designate” or protect buildings or properties. The owners are free to make alterations to buildings and redevelop properties, provided the changes are within the limitations of other City bylaws and regulations.

Community Heritage Register

A Community Heritage Register is used to formally recognize the value of heritage buildings and properties to the community.

- ❖ It is an official list of buildings and properties with qualities and characteristics that are recognized as significant and contribute to the City’s heritage.
- ❖ Establishment of a Community Heritage Register – like that adopted by the City in 2007– requires Council approval.
- ❖ Inclusion of a building and/or property in a Community Heritage Register:
 - Requires a detailed evaluation of the building or property including reviews of historic records, photographs and archival research;
 - Requires the preparation of a statement of significance (an SOS) that documents the evaluation and research;
 - Opens opportunities for the property owner to apply for government grants and other incentives to help retain and rehabilitate it;
 - Does not require agreement from the owner;
 - Does not create a financial liability for the city;
 - Does not “designate” or protect a building or property.

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- The owner is free to make alterations to the building and redevelop the property, provided the changes are within the limitations of other City bylaws and regulations; and
- Does allow City Council to temporarily withhold demolition permits, building permits and development approvals to allow time to determine if a building or site can be saved if the right combination of conservation resources and tools are applied.

- ❖ Before a Heritage Conservation Area is established by Council the municipality consults with the property owners in the area about the protection and development controls that might be used to manage the buildings and properties in it.

Heritage Revitalization Agreement

A Heritage Revitalization Agreement (HRA) recognizes and provides protection to a heritage building or property:

- ❖ It is a formal written agreement negotiated between the owner and the City and outlines their obligations and benefits including the degree of protection to be applied to the building or property;
- ❖ An HRA can only be approved by Council, through a bylaw, with the consent of the owner; and
- ❖ An HRA is intended to be a powerful and flexible tool that can be written to address a unique situation and sets out conditions that apply to a specific property. The terms of the agreement supersede local government zoning regulations and may vary land use, density, setbacks and other regulations.

Heritage Conservation Area

A Heritage Conservation Area is a distinct area with special heritage value and/or character that is identified as an HCA in an Official Community Plan. A Heritage Conservation Area can be used to provide protection to all or some of the buildings and properties in the area. Protected properties must be specifically identified by the municipality in the Official Community Plan.

- ❖ In a heritage conservation area, a property owner may not do any of the following without a heritage alteration permit:
 - Alter an existing building or feature;
 - Subdivide a property;
 - Construct a new building; or
 - Add to an existing structure.
- ❖ A municipality may establish a heritage conservation area when it has identified a distinct area that it feels should be managed through long-term protection.

Heritage Designation

Heritage Designation provides the greatest amount of protection to a heritage building or property.

- ❖ A municipal council may designate heritage buildings and property if it considers that:
 - They have heritage value or character; or
 - Designation is necessary to conserve the building or property.

Municipal heritage designation can only be approved by Council, through a bylaw, following a public hearing. Municipal designation of a building, structure or property does not require agreement from the owner.

- ❖ Before a municipal council can designate a heritage building or property a report must be prepared that considers the following:
 - Heritage value or heritage character of the building or property (based on an evaluation that involves reviews of historic records, photographs and archival research and the preparation of a statement of significance [an SOS] that documents the evaluation and research);
 - Compatibility of conservation with the official community plan and any other community planning objectives in the area in which the property is located;
 - Compatibility of conservation with lawful uses of the property and adjoining lands;
 - Condition and economic viability of the property;
 - Possible need for financial or other support to enable appropriate conservation of the property; and
 - Possible need for financial compensation.
- ❖ The owner of a heritage designated building, structure or property may not without a heritage alteration permit:
 - Alter, change, move or damage a designated building or structure including interior features as well as designated landscape features; or
 - Alter, excavate or build on a protected property (i.e. add to an existing building, construct a new building or subdivide property).