

BYLAW NO. 2016-MC-17

A BYLAW OF THE TOWN OF MAPLE CREEK TO ESTABLISH A HERITAGE CONSERVATION INCENTIVE PROGRAM WITHIN THE MAPLE CREEK HERITAGE DISTRICT

WHEREAS the Town of Maple Creek recognizes the important role that heritage conservation plays in economic development, tourism development, place making, and quality of life;

WHEREAS The Town of Maple Creek desires to encourage the reuse of heritage buildings given the negative impact building demolition has on the capacity of the Maple Creek Landfill;

WHEREAS section 28 of the Heritage Property Act empowers the Municipality to provide any form of assistance the Council considers appropriate with respect to heritage property;

WHEREAS section 298(5) of the Municipalities Act empowers the Municipality to exempt or partially exempt any property from taxation for the purposes of economic development;

WHEREAS section 11 of the Town of Maple Creek Official Community Plan outlines the Town of Maple Creek's commitment to heritage conservation and to exploring the development of a heritage incentive program;

WHEREAS the Town of Maple Creek's Strategic Plan identifies heritage preservation as part of the vision for the community as well as an element of the strategic theme of "Community, Economic & Tourism Development";

WHEREAS the Town of Maple Creek Heritage District Bylaw #2010-MC-21 references the creation of a "Heritage Conservation Incentive Program" and outlines eligibility criteria;

WHEREAS the Maple Creek Municipal Heritage Advisory Committee has recommended that a Heritage Conservation Incentive Program is established for the Maple Creek Heritage District;

WHEREAS the Town of Maple Creek desires to enhance the appeal of the community's downtown core by encouraging the retention, reuse, and redevelopment of commercial heritage properties through economic development support programs comparable to those available for the development of new commercial properties;

THEREFORE the Council of the Town of Maple Creek hereby enacts the following Heritage Conservation Incentive Program:

1. FORMER HERITAGE CONSERVATION INCENTIVES:

- a. This Bylaw hereby repeals all former Bylaws, policies, and/or other heritage conservation incentives previously offered by the Town of Maple Creek.
- b. Any property still receiving benefit from any former Bylaw, former policy, and/or any other former heritage conservation incentive of the Town of Maple Creek may continue to receive the incentive benefits of the original arrangement with the Town of Maple Creek until such a time as the original agreement expires.
- c. No property approved for a heritage conservation incentive under any former Bylaw, former policy, and/or other former heritage conservation incentive of the Town of Maple Creek may retroactively seek any additional incentives as result of this Bylaw coming into effect.

2. ELIGIBLE PROPERTIES:

- a. Commercial buildings located within the Maple Creek Heritage District that have been assessed as "heritage" (either Level I or Level II) as per the Maple Creek Heritage District bylaw 2010-MC-21.

3. INCENTIVES HERITAGE PROPERTIES:

- a. Property tax abatement may be granted to a **maximum value** equivalent to:
 - i. 50% of the eligible work costs, or;
 - ii. \$150,000.00, or;

- iii. The total property tax (excluding special levies) that would be payable in five years (based on the re-assessment of the property after work has been completed).

Whichever is the lesser.

4. ELIGIBLE WORK:

Subject to the approval of Council, the following elements may be eligible under this program:

- a. Interior and exterior structural & mechanical work necessary to repurpose an existing commercial heritage property in support of new and/or expanded business operations that are undertaken in a manner that does not in the opinion of Council (on the advice of the Maple Creek Municipal Heritage Advisory Committee) compromise the heritage character of the building.
- b. The installation of large specialized equipment built-in or hardwired into the building that is necessary to support new and/or expanded business operations.
- c. Expansion of the building envelope (additions) necessary to support new and/or expanded business operations that are undertaken in a manner that does not in the opinion of Council (on the advice of the Maple Creek Municipal Heritage Advisory Committee) compromise the heritage character of the building.
- d. Work that preserves or restores "Character Defining Elements" of the building.
- e. Work that effectively extends the life and/or ensures the structural integrity of a building. In general, structural work must be based on the assessment of a qualified architect, structural engineer, firm, or individual deemed appropriate by Council.
- f. Building permit costs as well as architectural and engineering services.
- g. Any work necessary to bring the building up to the requirements of the National Building Code.
- h. Work that complies with the "Standards & Guidelines for the Conservation of Historic Places in Canada."

5. INELIGIBLE WORK:

- a. Interior decorating/interior cosmetic work, and/or work deemed by Council (on the advice of the Maple Creek Municipal Heritage Advisory Committee) to be basic building maintenance.
- b. Any work that compromises the heritage character of the building or that alters its "Character Defining Elements" as identified in the building's Statement of Significance.
- c. Rehabilitation/repurposing that is not compatible with the building's heritage character.
- d. Expansions to the building envelope that in the opinion of Council (on the advice of the Maple Creek Municipal Heritage Advisory Committee) negatively impact the building's heritage character.
- e. The use of construction materials not compatible with the heritage character of the building.
- f. Work that does not comply with any design guidelines or architectural controls Council may enact for the district.
- g. Work that does not comply with the "Standards & Guidelines for the Conservation of Historic Places in Canada."
- h. Work that was initiated or completed prior to receiving approval from Council (with the exception of architect and/or engineer's reports).

6. APPROVAL PROCESS:

- a. An in-person interview with the Mayor, Administrator, and/or the Manager of Community & Economic Development is required.
- b. A Statement of Significance must be completed for the building in advance of application (assisted by the Maple Creek Municipal Heritage Advisory Committee) that is endorsed by Council.
- c. Guided by the Statement of Significance, a written application must be submitted to the Town of Maple Creek outlining the scope of work being proposed as well as a cost estimate for all eligible work. The application should also include:
 - i. An implementation timeline, including plans for phasing the project, if applicable.

- ii. An indication of how the proposed work will preserve or restore the “Character Defining Elements” of the building.
 - iii. The design of any business signage to be installed on the building.
 - iv. An indication of how the proposed work will extend the life and/or structural integrity of the building.
 - v. In the case of the repurposing of a building; an indication of how the rehabilitation will result in a more viable commercial use of the building.
 - vi. An architect or engineer’s report (where applicable).
 - vii. In the case of formally designated Municipal Heritage Properties; a request for an Alteration Permit.
- d. Following a review of the application by the Maple Creek Municipal Heritage Advisory Committee, a recommendation related to the application will be presented to Council.
 - e. Council will reject, approve, or request alterations to the application taking the advice of the Maple Creek Municipal Heritage Advisory Committee into consideration.

7. CONDITIONS:

- a. All work must be guided by the Statement of Significance for the building to ensure that “Character Defining Elements” of the building are preserved, restored, or rehabilitated.
- b. Although roof work and structural work is critical in preserving a heritage building, generally only projects that also include façade rehabilitation work will be considered.
- c. All rehabilitation work undertaken to repurpose a building for a more viable commercial usage must respect the heritage character of the building.
- d. All work must comply with the “Standards & Guidelines for the Conservation of Historic Places in Canada.”
- e. All outstanding taxes and/or special levies on the property must be paid in full prior to application to the Heritage Conservation Incentive Program being approved, and all taxes and special levies must continue to be paid annually until the project has been completed and a final tax credit claim has been calculated and approved by the Town of Maple Creek.
- f. A building permit must be obtained for all structural and repurposing projects.
- g. As a condition of approval, Council will require that some level of formal protection for the building be put in place. This may include putting the building forward for Municipal Heritage Property designation, or the signing of a formal agreement prohibiting demolition or further alteration of the property without Council’s consent for a period of no less than 10 years following the completion of the project.
- h. Tax credits are linked to the building itself and therefore will be transferred to any new owner of the property and will continue until such a time as the credits are exhausted. Any new owner of the property will also be bound by the agreement prohibiting the demolition or alteration of the property without Council’s approval.
- i. Phased projects must be completed within five years. No tax credits will be realized until all phases of the project have been completed.
- j. All approved tax credits will come into effect as of the January 1st nearest the date following:
 - i. The completion of all eligible work.
 - ii. The submission by the owner of the project’s final itemized financial statement, including copies of all paid invoices.
 - iii. The Town of Maple Creek’s inspection of the completed work.
 - iv. The formal reassessment of the property.
 - v. The final tax credit having been calculated and approved by the Town of Maple Creek as per section 3 of this Bylaw.
- k. Should the work completed not be in compliance with the property’s Statement of Significance, the “Standards & Guidelines for the Conservation of Historic Places in Canada,” and/or the Letter of Agreement for the project; Council reserves the right to withdraw its approval.
- l. In the event of the complete loss of the building, tax credits on the property will be discontinued.

- m. This program is intended to encourage and support major conservation work to commercial heritage properties within the Maple Creek Heritage District, and therefore the program may only be accessed once by the property owner.






Mayor



Administrator

Read a third time and hereby adopted on the
10 day of August, 2016.



Don McLeod
Chief Administrative Officer