

BYLAW 36-24

BEING A BYLAW IN THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF DESIGNATING PROPERTY AS A MUNICIPAL HISTORIC RESOURCE

WHEREAS pursuant to the *Historical Resources Act (Act)*, RSA 2000, Chapter H-9 and amendments thereto, Council may pass a bylaw for municipal purposes to designate a municipal historic resource real property, including land and buildings, features and structure upon the land, whose preservation the Council considers to be in the public interest because of their heritage value; and

WHEREAS the owner of this proposed municipal historic resource has been given sixty days written notice of Council's intention to consider passing this Bylaw in accordance with the *Act*.

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

1. SHORT TITLE

- 1.1. This Bylaw may be known as the "Lineham/Mitchell Residence Municipal Historic Resource Designation Bylaw".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1. **Council** means the Mayor and Councillors of the Town of Okotoks duly elected pursuant to the provisions of the *Local Authorities Election Act*.
- 2.2. **Historic Property** means the property municipally described as Lineham/Mitchell Residence, in the Town of Okotoks in the Province of Alberta, at 38 Elma Street West, and legally described as:

Plan 4563I
Block E
Lots 6 and 7
- 2.3. **historic resource** means any work of nature or of humans that is primarily of value for its palaeontological, archaeological, prehistoric, historic, cultural,

natural, scientific or esthetic interest including, but not limited to, a palaeontological, archaeological, prehistoric, historic or natural site, structure or object.

- 2.4. **municipal historic resource** means any historic resource within the Town in need of preservation considered to be in the public interest, together with any land in or on which it is located as specified in this Bylaw.
- 2.5. **Town** means the Corporation of the Town of Okotoks in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof.

3. LAND DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE

- 3.1. The location of the Historic Property is visually represented in Schedule "A", entitled "Map Showing the Historic Property".
- 3.2. The heritage value of the Historic Property is hereby described as historically significant as a representation of the following values:
- 3.2.1. design/style/construction; and
 - 3.2.2. landmark/symbolic.
- 3.3. Constructed in and around 1900, the Lineham/Mitchell Residence represents the design/style/construction value in the value possessed as a well-preserved two-storey simple gabled-front style with a high-pitched roof and decorative wrap-around verandah residence in Okotoks.
- 3.4. The Lineham/Mitchell Residence represents the landmark/symbolic value as the property is significant for its construction during Okotoks' railway and early settlement (1892-1903) period and possesses symbolic value for its association with that period of the Town's early establishment on the Town's earliest subdivision registered by John Lineham.
- 3.5. The specific elements of the Historic Property considered to possess heritage value are specifically described as follows (and collectively known as the "Regulated Portions"):
- 3.5.1. form, scale, and massing as expressed by its simple two-storey rectangular plan with narrow facade;
 - 3.5.2. high-pitched, front-gabled roof with a central projecting cross-gabled roof to the east; curved shed roof covering the wrap-around verandah

- with exposed underside tongue and groove and narrow rafter detail;
projecting verges with plain fascia; wooden tongue-and-groove soffits;
and central external brick chimney;
- 3.5.3. wood-frame construction with bevelled wood cladding;
 - 3.5.4. original fenestration pattern on all facades: windows such as single assemblies of vertical windows; plain flat wood window and door trim; and plain wood lug sills;
 - 3.5.5. other exterior features such as full-width wrap-around, curved shed-roofed, and open verandah supported with decorative wood posts and brackets;
 - 3.5.6. original placement and orientation on property; large setback on east side and no setback on the west side; and landscaped front and rear setback with mature trees and shrubs; and
 - 3.5.7. location fronting Elma Street West residential street with many early twentieth century homes; consistent large soft landscaped setbacks; situated adjacent to an unpaved lane at the bottom of the natural area escarpment, and near the Sheep River.
- 3.6. The Historic Property is hereby designated a Municipal Historic Resource. Council may, in its sole discretion, revoke this designation at any time by repealing this Bylaw in accordance with the *Act*.
- 3.7. Council may, by resolution, appoint a person to administer the matters described in section 26(6) of the *Act*.
- 4. REPAIRS AND REHABILITATION**
- 4.1. No person shall destroy, disturb, alter, restore, repair, or otherwise permanently affect the Regulated Portions unless that person has obtained the prior written approval of Council or the person appointed pursuant to section 3.7 of this Bylaw.
 - 4.2. When considering any application under section 4.1 of the Bylaw, Council, or the person appointed pursuant to section 3.7 of this Bylaw, shall take into consideration the terms of the Parks Canada 2003 publication 'Standards and Guidelines for the Conservation of Historic Places in Canada' (as replaced or amended from time to time) as referenced and summarized in the attached Schedule "B" entitled "Standards and Guidelines for the Conservation of Historic Places in Canada".

- 4.3. All portions of the Historic Property that are not specifically described or identified as Regulated Portions (which collectively shall be known as the “Non-Regulated Portions”) may be disturbed, altered, restored, repaired, or otherwise permanently affected provided that such action does not impact the Regulated Portions and that all permits or approvals required to do such work have been obtained from the authority having jurisdiction.
- 4.4. Any portion of the Historic Property that encroaches onto any adjacent land, other than land owned by the Town, shall be considered Non-Regulating Portions. Any portion of any building that encroaches onto the Historic Property shall not be affected by the Bylaw.

5. COMPENSATION

- 5.1. No compensation pursuant to the *Act* or otherwise is owing to the owner of the historic property.

6. SCHEDULES

- 6.1. Schedules “A” and “B” attached to this Bylaw form a part of it.

7. INTERPRETATION

- 7.1. The headings in this Bylaw are for ease of reference only and are not intended to be taken into account in the construction or interpretation of the Bylaw.

8. SEVERABILITY

- 8.1. It is the intention of Council that each separate provision of the Bylaw shall be deemed independent of all other provisions herein, and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

This Bylaw shall come into full force and effect upon third and final reading.

READ A FIRST TIME this day of 2024.

READ A SECOND TIME this this day of 2024.

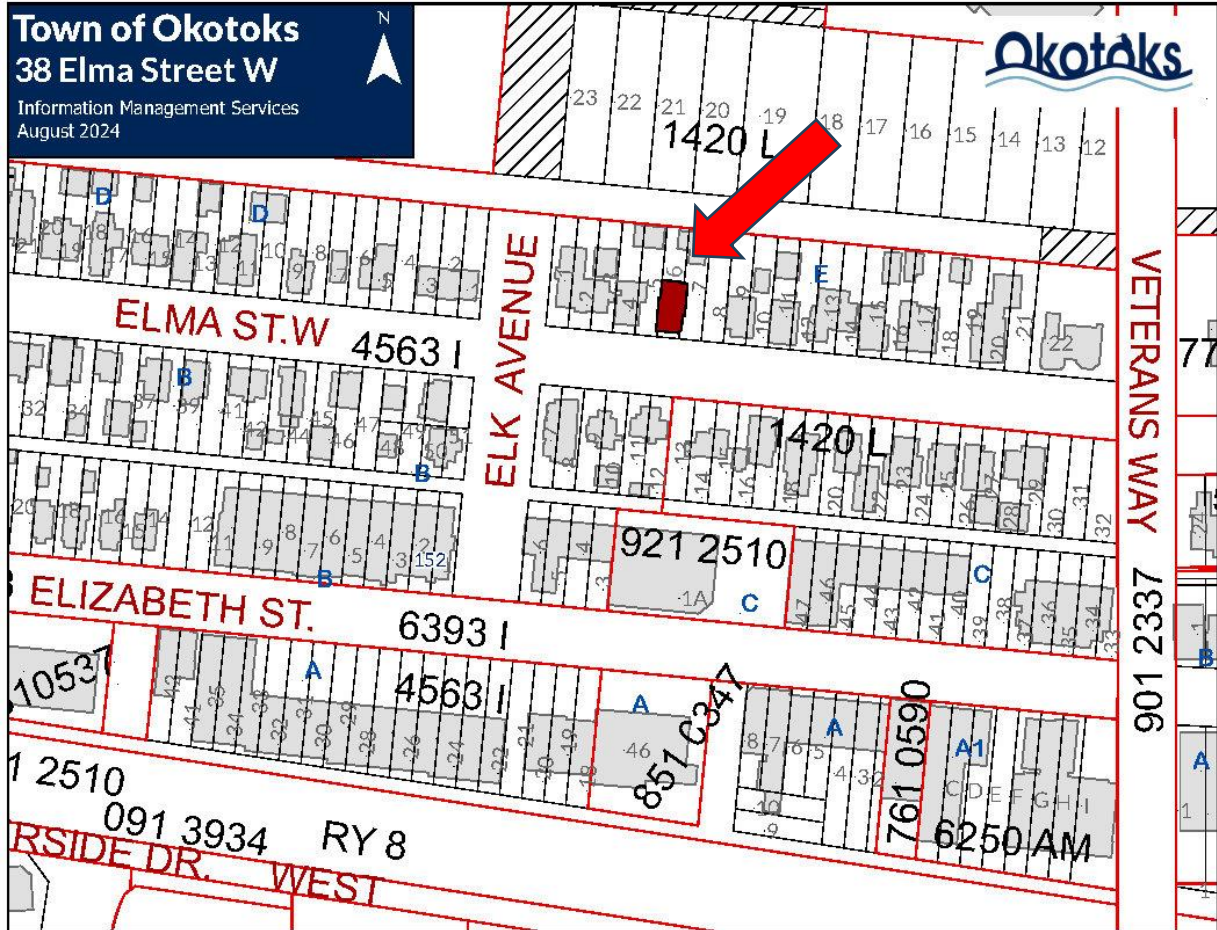
READ A THIRD TIME AND PASSED this this day of 2024.

Mayor

Chief Administrative Officer

DRAFT

SCHEDULE "A" MAP SHOWING THE HISTORIC PROPERTY



SCHEDULE "B"

STANDARDS AND GUIDELINES FOR THE CONSERVATION OF HISTORIC PLACES IN CANADA

The primary purpose of the 2003 Standards and Guidelines for the Conservation of Historic Places in Canada ('Standards and Guidelines') is to provide sound, practical guidance to achieve good conservation practice. They are used to assess proposed changes to designated Municipal Historical Resources and form the basis for review and assessment for the approved rehabilitation program.

The Standards and Guidelines were developed by Parks Canada and have been adopted as national standards for the conservation of designated historic structures. They provide a philosophical consistency for project work; and while neither technical nor case-specific, they provide the framework for making essential decisions about those features of a historic place, which should be maintained and can be altered.

The Standards and Guidelines

The Standards and Guidelines are not presented in a sequential or hierarchical order, and as such, equal consideration should be given to each. All Standards and Guidelines for any given type of treatment must therefore be applied simultaneously to a project.

General Standards and Guidelines (all projects)

1. Conserve the heritage value of a historic place. Do not remove, replace, or substantially alter its intact or repairable character-defining elements. Do not move a part of a historic place if its current location is a character-defining element.
2. Conserve changes to a historic place that over time, have become character-defining elements in their own right.
3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.

5. Find a use for a historic place that requires minimal or no change to its character-defining elements.
6. Protect and, if necessary, stabilize a historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbance of archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
8. Maintain character-defining elements on an on-going basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in-kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
9. Make any intervention needed to preserve character-defining elements physically and visually compatible and identifiable upon close inspection and document any intervention for future reference.

Additional Standards and Guidelines Relating to Rehabilitation

10. Repair, rather than replace, character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.
11. Conserve the heritage value and character-defining elements when creating any new additions to a historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to, and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of a historic place will not be impaired if the new work is removed in the future.

Additional Standards and Guidelines Relating to Restoration

13. Repair, rather than replace, character-defining elements from the restoration period. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

Standards and Guidelines

The full text of the Standards and Guidelines for the Conservation of Historic Places in Canada is available from:

Town of Okotoks
Planning Department
Okotoks Municipal Centre
5 Elizabeth Street
Okotoks, AB T1S 1K1

Parks Canada National Office
25 Eddy Street
Gatineau, Quebec K1A 0M5