

TOWN OF BANFF

BYLAW 418

Municipal Heritage Designation Bylaw – MacKenzie Residence

A Bylaw to designate the MacKenzie Residence as a Municipal Heritage Resource

WHEREAS the *Historical Resources Act*, R.S.A. 2000, c. H-9, as amended, permits the Municipal Council of a municipality to designate any historic resource within the municipality whose preservation it considers to be in the public interest as a Municipal Historic Resource upon giving notice to the owner of the resource in accordance with the *Historical Resources Act*; and

WHEREAS it is deemed in the public interest to designate the building located in the Town of Banff at 202 Beaver Street known as the MacKenzie Residence as a Municipal Historic Resource; and

WHEREAS the owners of MacKenzie Residence (Eleanor Luxton Historical Foundation) have agreed to the terms and conditions of the compensation proposal set out in **Schedule “C”** as compensation for the designation of the MacKenzie Residence as a Municipal Historic Resource;

NOW THEREFORE the Council of the Town of Banff, in the Province of Alberta, having complied with the *Historical Resources Act*, and duly assembled, hereby enacts as follows:

1.0 BUILDINGS DESIGNATED AS A MUNICIPAL RESOURCE

- 1.1 The buildings known as MacKenzie Residence, specifically described in **Schedule “A”** which are located on the lands legally described as follows:

Lot 1, Block 8, Plan: 6719 BC

Is designated as a Municipal Historic Resource

2.0 PERMITTED REPAIRS AND REHABILITATION

- 2.1 In this bylaw, subject to section 3 hereof, the site hereby designated in section 1 as a Municipal Historic Resource shall not be removed, destroyed, disturbed, altered, rehabilitated, repaired or otherwise permanently affected, other than in accordance with the terms of **Schedule “B”** attached.

3.0 ADMINISTRATOR

- 3.1 The Director of the Town of Banff Planning and Development Department is hereby appointed to administer the implementation of any matters arising from the matters set out in **Schedule “B”**.

4.0 COMPENSATION

- 4.1 Compensation shall be paid to the registered owners of the MacKenzie Residence herein designated a Municipal Historic Resource in the manner, at the times and in the amounts set out in **Schedule “C”**.

5.0 SCHEDULES

- 5.1 Schedules “A” and “B” and “C” form part of this bylaw.

6.0 ENACTMENT

- 6.1 This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designate.

READ A FIRST TIME this 23rd day of September, 2019.

READ A SECOND TIME this 23rd day of September, 2019.

READ A THIRD TIME this 23rd day of September, 2019.

SIGNED AND PASSED this _____ day of _____, 2019.

Karen Sorensen
Mayor

Randall McKay
Interim Town Manager

SCHEDULE A – STATEMENT OF SIGNIFICANCE

This Statement of Significance forms Schedule “A” to Bylaw No. 418 and provides a *Description of the Historic Place*, explains the *Heritage Value* of the building and identifies, by written description and photographs, those *Character Defining Elements* of the MacKenzie Residence which are regulated by the “General Guidelines for Conservation” (**Schedule “B”**) and must be preserved (the “Regulated Character Defining Elements”).



Circa 1978



Summer 2019

Description of Historic Place

The MacKenzie Residence is a one and one-half storey, wood-frame, Craftsman style bungalow built in 1945. The bungalow displays mock-half-timbering, bottle-glass stucco cladding, and bracketed eaves. Its fenestration pattern is original and the house retains the majority of its original windows and doors. The house is located at the intersection of Beaver Street and Caribou Street. It is one of four designated historic houses that line the east side of Beaver Street, helping to create an historic streetscape in the Town of Banff.

Heritage Value

The 1945 MacKenzie Residence is significant as a well-preserved, modest Craftzman style bungalow. It is also an integral component of the collection of historic houses that line the east side of Beaver Street which forms a valuable historic streetscape. The streetscape symbolizes a variety of historic building house types and serves as an important aesthetic asset to the Town of Banff.

Built by George and Flora MacKenzie for \$6,000 in 1945, the house remained the MacKenzies' home until 1975. Flora died in 1971 and George sold the house to Eleanor Luxton who operated it as a rental property. In 1995 the house was transferred to the Eleanor Luxton Historical Foundation.

Character Defining Elements

The exterior character-defining elements of the MacKenzie Residence include, but are not limited to:

- one and one-half storey form, scale and massing
- medium pitched gable roof
- wood-frame construction; bottle-glass stucco; mock half-timbered gable; exposed rafter ends
- enclosed front-porch/verandah
- fenestration pattern including all original extant wood windows and doors

The interior character-defining elements of the MacKenzie Residence include, but are not limited to:

- Original wood elements including doors, floors, baseboards, window and door trims, and paneling
- Brass window and door hardware

The building's corner lot location including its front and side yard setbacks, landscaping and picket fence.

SCHEDULE B – GENERAL GUIDELINES FOR CONSERVATION

This is **Schedule “B”** to Bylaw 418 and identifies the “General Guidelines for Conservation” for the MacKenzie Residence located at 202 Beaver Street on lands described as Lot 1, Block 8, Plan 6719 BC recorded in Alberta Land Titles as number 081 011 627.

GENERAL GUIDELINES FOR CONSERVATION

1. Approval of Development or Alterations

As per section 26 (6) of the Alberta *Historical Resources Act*, notwithstanding any other Act, no person shall destroy, disturb, alter, restore or repair an historic resource or remove any historic object from an historic resource that has been designated under this section, without the written approval of the Council or person appointed by the Council of the purpose.

Council has appointed the Director of Planning and Development Department as the approving authority for this purpose. Any development or alterations affecting for the MacKenzie Residence shall respect and conserve the heritage value and character defining elements identified in the statement of significance in accordance with these General Guidelines for Conservation and as recommended in the Standards and Guidelines for the Conservation of Historic Places.

2. Compatible Uses

Wherever possible, the uses proposed for a Municipal Historic Resource shall be compatible with the existing building such that only minimal changes are required to the building. The use of a Municipal Historic Resource for its original purpose is desirable.

3. Original Character

The original distinctive qualities and character of the building as designated by this Municipal Historic Resource bylaw should be preserved. The removal or alteration of any historical materials or features shall be avoided whenever possible.

4. The Historic Period

The Municipal Historic Resource should be recognized as a product of its own time. Alterations which are not based on historical fact or which recreate an earlier or later idiom shall be discouraged.

5. Witness to Change

Changes to the Municipal Historic Resource may have occurred over time. These alterations are evidence of the history and development of the building. Because this evolution may have acquired significance in its own right, alterations to the original building should be recognized and respected where indicated.

6. Repair and Replacement

Deteriorated architectural features shall be repaired rather than replaced wherever possible. Where replacement is necessary, the new material should match the original as to composition, colour, texture, design, etc. The repair or replacement of architectural features shall be based on a sound knowledge of the original characteristics of the feature. Such knowledge shall be based on historical or pictorial evidence and not upon conjecture.

7. Style and Craftsmanship

Distinctive stylistic features and examples of skilled craftsmanship that have been designated by the Municipal Historic Resource Bylaw shall be preserved and treated sensitively.

8. Cleaning

In all cases, surface cleaning shall be undertaken with the gentlest means available. Sandblasting in particular, but also other cleaning methods, damage historic buildings and should not be undertaken without thorough testing prior to use on a building. Sandblasting is not recommended on brick, stone or wood. In all instances, it should be ascertained that a building exterior is really in need of cleaning prior to undertaking the work.

9. Reversibility of Improvements

When the introduction of new elements or materials is necessary to stabilize or preserve a municipally designated historic resource, alterations shall be undertaken such that the new materials, should they fail, may be removed at a later date without damage to the original fabric of the Municipal Historic Resource. Where this is not possible, (i.e., use of epoxy) only those methods and materials that have been thoroughly tested and found satisfactory in situ shall be used.

10. Recording

Prior to undertaking any alterations, particularly in cases where alterations may threaten the building fabric (underpinning, moving structures), the applicant shall compile a complete record of the architectural features of the Municipal Historic Resource. Measured drawings and photographs of details may prove invaluable if major features are damaged or lost during the subsequent repair work.

11. Original Construction Details

In some historic structures, poor construction details or inappropriate material resulted in rapid deterioration of certain building elements. In these instances, accurate restoration of the original detail will inevitably result in the failure of the element. Therefore, restoration of the resource should be undertaken in such a fashion as to duplicate the original appearance as closely as possible while using details based on sound construction practice.

12. Enforcement

The owner and the Town shall enter into an agreement to ensure that the designated structure will be maintained in such a manner as to prevent any deterioration.

13. Improvements

Prior to undertaking any improvements, a schedule of alterations should be prepared. This schedule should include phasing of alterations where necessary due to program or budget restrictions. The type and timing of both short and long term maintenance work shall also be included.

14. Codes

At no time should the life and safety of occupants of a Municipal Historic Resource be deemed of lesser importance than the preservation of the original fabric of the Municipal Historic Resource. The required life and safety standards are those required by the current Alberta Building Code. However, notwithstanding these Code requirements, where the essential character of the structure is threatened by changes for code reasons, every effort shall be made to achieve an equivalent safety standard by alternate means so as to minimize the impact on the historic fabric.

15. Signs

As a general rule signs should be limited to signs that were originally present on the building. In instances where new use or interpretive functions dictate the use of additional signs, these new elements should be integrated into the general design of the project. The size, typeface, graphics and materials should be chosen to suit the period of the Municipal Historic Resource wherever possible. All signs must conform to the Banff Land Use Bylaw.

SCHEDULE C

This is **Schedule “C”** to Bylaw 418, being a Bylaw to Designate the MacKenzie Residence as a Municipal Historic Resource.

Summary of Compensation

1. Pursuant to section 28 of the *Historical Resources Act*, R.S.A. 2000, c. H-9, as amended, the Town of Banff (the “Town”) is required by law to provide compensation to the Owner of for the MacKenzie Residence as a result of its designation as a Municipal Historic Resource. The Eleanor Luxton Historical Foundation is the owner of the MacKenzie Residence (Lot 1, Block 8, Plan 6719 BC recorded in Alberta Land Titles as number 081 011 627) as indicated on title for the Lease Agreement with Parks Canada.
2. Provided that at all times the Owner has performed its obligation under the Compensation Agreement and is not in default in any way under the Compensation Agreement, the Town and/or the Banff Heritage Corporation shall provide the following consideration to the Owner for the designation of the MacKenzie Residence as a Municipal Historic Resource:
 - 2.1. Upon designation of the MacKenzie Residence as a Municipal Historical Resource, and so long as the resource remains in serviceable condition, the Town shall grant a one-time matching restoration/rehabilitation grant during the years 2019 – 2021 inclusive. The amount of the Grant shall not exceed \$50,000 and in no circumstances shall the Town be obliged to advance more than this amount.

The Consideration shall be provided to the Owners in the manner described in paragraphs 4 through 10 of this **Schedule “C”**.

3. Unless otherwise defined in this Bylaw the terms used in **Schedule “C”** shall have the same meaning as was assigned to them in the Compensation Agreement between the Town, the Banff Heritage Corporation and the Owners.

Restoration/Rehabilitation Grant

4. The grant shall be advanced to the Owner in one or more installments on the condition that an agreed plan of Restoration/ Rehabilitation Work is prepared following a structural assessment of the building. The assessment must be submitted to the Town for review prior to undertaking work and shall be prepared by a suitably qualified engineer with experience in historic structures. After 2019, neither the Town nor the Banff Heritage Corporation shall be obligated to advance further monies to the Owner notwithstanding that some of the Restoration/Rehabilitation Work is not completed or that the full amount of the grant has not been advanced.
5. Upon completion of the agreed Restoration/Rehabilitation Work the owner shall provide the Town with:

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- 5.1. A statutory declaration from the Owner certifying that the Restoration/Rehabilitation Work has been completed;
 - 5.2. Receipts or other documents indicating that all suppliers and contractors involved in performing the Restoration/Rehabilitation Work have been paid in full for their goods or services; and
 - 5.3. Evidence that the Owner received competitive bids or estimates before engaging any contractor or supplier.
6. Within 14 days of receiving the documents described in clause 5 above, the Town shall inspect the MacKenzie Residence and either:
 - 6.1. Issue a Notice of Completion, indicating that the work has been performed to the satisfaction of the Director of the Planning and Development Department, or
 - 6.2. Provide the Owner with a description of the particulars in which the work performed is incomplete or deficient in the opinion of the Director of the Planning and Development Department (a “Deficiency List”).
7. In calculating the cost of performing the Restoration/Rehabilitation Work, the Town shall include the cost of labour and materials and any reasonably incurred professional fees and disbursements. However, such costs shall not include costs related to the interruption of the use of the MacKenzie Residence due to renovations, or costs or repairing any damage unintentionally caused to the buildings.
 8. After the Owner has completed the Restoration/Rehabilitation Work and all grant installments have been made to the Owner in accordance with clause 4 above, the Owner shall not be entitled to any further advances.
 9. Payment of the matching Restoration/ Rehabilitation Grant may be discontinued if the historical integrity of the MacKenzie Residence is destroyed; if the MacKenzie Residence is not in serviceable condition or if Bylaw No. 418, designating the MacKenzie Residence is rescinded at the discretion of Council.