

TOWN OF LAKE COWICHAN

Bylaw No. 981-2016

A BYLAW TO ESTABLISH A REVITALIZATION TAX EXEMPTION PROGRAMME.

WHEREAS Council may, by bylaw, establish a revitalization tax exemption programme to encourage various types of revitalization to achieve a range of economic and environmental objectives, pursuant to the *Community Charter*;

AND WHEREAS Council has given notice of the proposed bylaw in accordance with the *Community Charter*;

NOW THEREFORE, the Council of the Town of Lake Cowichan ENACTS AS FOLLOWS:

1. CITATION

This Bylaw may be cited as "Town of Lake Cowichan Revitalization Tax Exemption Programme Bylaw No. 981-2016".

2. SEVERABILITY

2.1 If any part, section, subsection, clause, or sub clause of this Bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity or the remaining portions of this Bylaw.

3. DEFINITIONS

3.1 In this Bylaw:

BROWNFIELD means an abandoned, idle or underutilized commercial or industrial property where past actions have caused known or suspected environmental contamination, but where there is an "active potential" for redevelopment;

BUILDING PERMIT means a Town of Lake Cowichan building permit;

BUILDING PERMIT VALUE means the Construction value as stated on a printed building permit;

COMMERCIAL means a land use that is currently permitted as a commercial activity and professional, personal or other service for the purpose of gain or profit and classified as Business and Other under the *Assessment Act*;

COMMERCIAL FAÇADE IMPROVEMENT means the renovation, restoration or redesign of a commercial building façade/storefront located within the Town of Lake Cowichan within the area designated in Schedule "A";

COMMERCIAL OR RESIDENTIAL RENOVATION means the work regulated by the Town of Lake Cowichan Building Bylaw by the process of altering a building or portion thereof, to improve its functionality or performance beyond a level which currently exists and which improvements may also include additions, property improvements but shall not include repairs for wear and tear;

COUNCIL means the Municipal Council of the Town of Lake Cowichan;



MUNICIPAL PROPERTY TAX means the property taxes Council has imposed pursuant to the Town of Lake Cowichan Annual Rates Bylaw for the applicable taxation year;

NON-MARKET CHANGE means the change as determined by BC Assessment under the *Assessment Act*, to the improvements portion of a parcel's assessed value, after issuance of a building permit for construction that is eligible under Part 6 of this Bylaw, that is not due to real estate market fluctuations or conditions;

OWNER in respect to real property means the registered owner of an estate in fee simple and includes:

- (a) the registered holder of the last registered agreement for sale; and
- (b) the holder or occupier of land held in the manner mentioned in Section 5 of the *Local Government Act*; and

PARCEL means a lot, block or other area in which land is held or into which land is subdivided;

PROGRAMME means the programme established by The Town of Lake Cowichan Revitalization Tax Exemption Programme Bylaw No. 981-2016;

PROJECT means a project as outlined in Part 6 of this Bylaw, and does not include any construction that is outside the scope of this Bylaw;

TAX EXEMPTION means a revitalization tax exemption pursuant to this Bylaw.

4. ESTABLISHMENT OF AN INVESTMENT INCENTIVE AREA AND A REVITALIZATION TAX EXEMPTION PROGRAMME

4.1 Pursuant to the *Community Charter*, there is hereby established the Commercial and Brownfield Investment Incentive Area as outlined on Schedule "A", which is attached to and forms part of this Bylaw. Schedule "A" is a representation of Town of Lake Cowichan Commercial and Brownfield Investment Incentive Area; if there is any discrepancy, the official version shall prevail.

4.2 Pursuant to the *Community Charter*, there is hereby established a Revitalization Tax Exemption Programme for the Commercial and Brownfield Investment Incentive Area, providing a Revitalization Tax Exemption for parcels with projects meeting programme requirements.

5. PROGRAMME REASONS AND OBJECTIVES

5.1 The Town of Lake Cowichan has made significant investments in the community over the last several years, in keeping with Council's vision to create a vibrant and dynamic community.

An incentive programme has been established to encourage accelerated private sector investment in residential and commercial projects to help achieve Council's vision, and this Revitalization Tax Exemption Programme Bylaw is one element of that incentive programme.



- 5.2 A Revitalization Tax Exemption Programme is established under this Bylaw to:
- Encourage commercial investment to create a strong local economy and expand employment opportunities for citizens;
 - Encourage the remediation of existing properties; and
 - Encourage the remediation and redevelopment of brownfield sites.

6. ELIGIBLE PROJECTS

- 6.1 The Project must be situated on either a Parcel located within the Commercial Investment Incentive Area.
- 6.2 A Building Permit must have an issue date of not before October 25th, 2016, to qualify.
- 6.3 The Project must meet all Programme criteria and comply with all applicable land use and other Town of Lake Cowichan regulations.
- 6.4 The Project must be one or more of the following types:
- (a) New Commercial construction with a Building Permit Value greater than or equal to 100,000;
 - (b) ;New Residential construction of at least 4 units;
 - (c) Commercial Renovation with a Building Permit Value greater than or equal to \$10,000; and
 - (d) Commercial Façade Improvement with a Building Permit Value greater than or equal to \$10,000.
- 6.5 The Council will determine eligibility for those Commercial Façade Improvements where a Building Permit is not required.
- 6.6 Projects shall demonstrate that materials used are sustainable and enhance energy conservation or incorporate renewable energy.

7. TAX EXEMPTION

- 7.1 The terms and conditions upon which a Revitalization Tax Exemption Certificate may be issued are as set out in this Bylaw, the Revitalization Tax Exemption Agreement (as shown in Schedule "B") and the Revitalization Tax Exemption Certificate (as shown in Schedule "C") which are attached to and form part of this bylaw.
- 7.2 A Revitalization Tax Exemption Certificate shall apply to a Parcel after the following conditions are met:
- (a) The Owner of the Parcel has met all applicable provisions of this Bylaw;
 - (b) The Owner of the Parcel has entered into a Revitalization Tax Exemption Agreement with the Town of Lake Cowichan;
 - (c) The Owner of the Parcel has met all terms and conditions as set out in the Revitalization Tax Exemption Agreement; and
 - (d) The Owner has applied for a Revitalization Tax Exemption Certificate and a Revitalization Tax Exemption Certificate has been issued for the Parcel.
- 7.3 The Tax Exemption is equivalent to 100% of the Municipal Property Tax payable on the amount of Non-Market Change attributed to the Project, as specified in Part 6 of this Bylaw, and where all the conditions as stated in Part 7 of this Bylaw have been met for a total of five (5) calendar years



- for projects with a Building Permit Value of up to \$50,000 and for ten (10 years) for projects with a Building Permit Value of over \$50,000 pursuant to this Bylaw.
- 7.4 For a Tax Exemption to commence in a given year, an Owner must submit an Application for a Revitalization Tax Exemption Certificate to the Town of Lake Cowichan by July 1st of the preceding year.
- 7.5 A Revitalization Tax Exemption Programme Certificate may be revoked by Council by means of any of the following infractions:
- (a) The Owner breaches any covenant, condition or obligation as set out in the Revitalization Tax Exemption Agreement;
 - (b) The Parcel is put to any use that is not permitted or fails to meet any of the Project eligibility requirements as outlined in Part 6 of this Bylaw;
 - (c) The Owner breaches:
 - 1. Any enactments, laws, statutes, regulations and orders by any authority having jurisdiction, including bylaws of the Town of Lake Cowichan; and
 - 2. Any federal, provincial, municipal, and environmental licences, permits and approvals.
- 7.6 For a Revitalization Tax Exemption Programme Certificate that is revoked due to the infractions noted in Part 7, Section 7.5 of this Bylaw, the Town of Lake Cowichan may recapture the value of the Tax Exemption provided on the Parcel, for the current and any previous taxation years to which the Revitalization Tax Exemption Programme Certificate applies. Failure on the part of the Owner to remit the recaptured amount within thirty (30) days will result in the amount being placed on the general property tax bill for the Parcel.

READ A FIRST TIME on the 20th day of September, 2016.

READ A SECOND TIME on the 20th day of September, 2016.

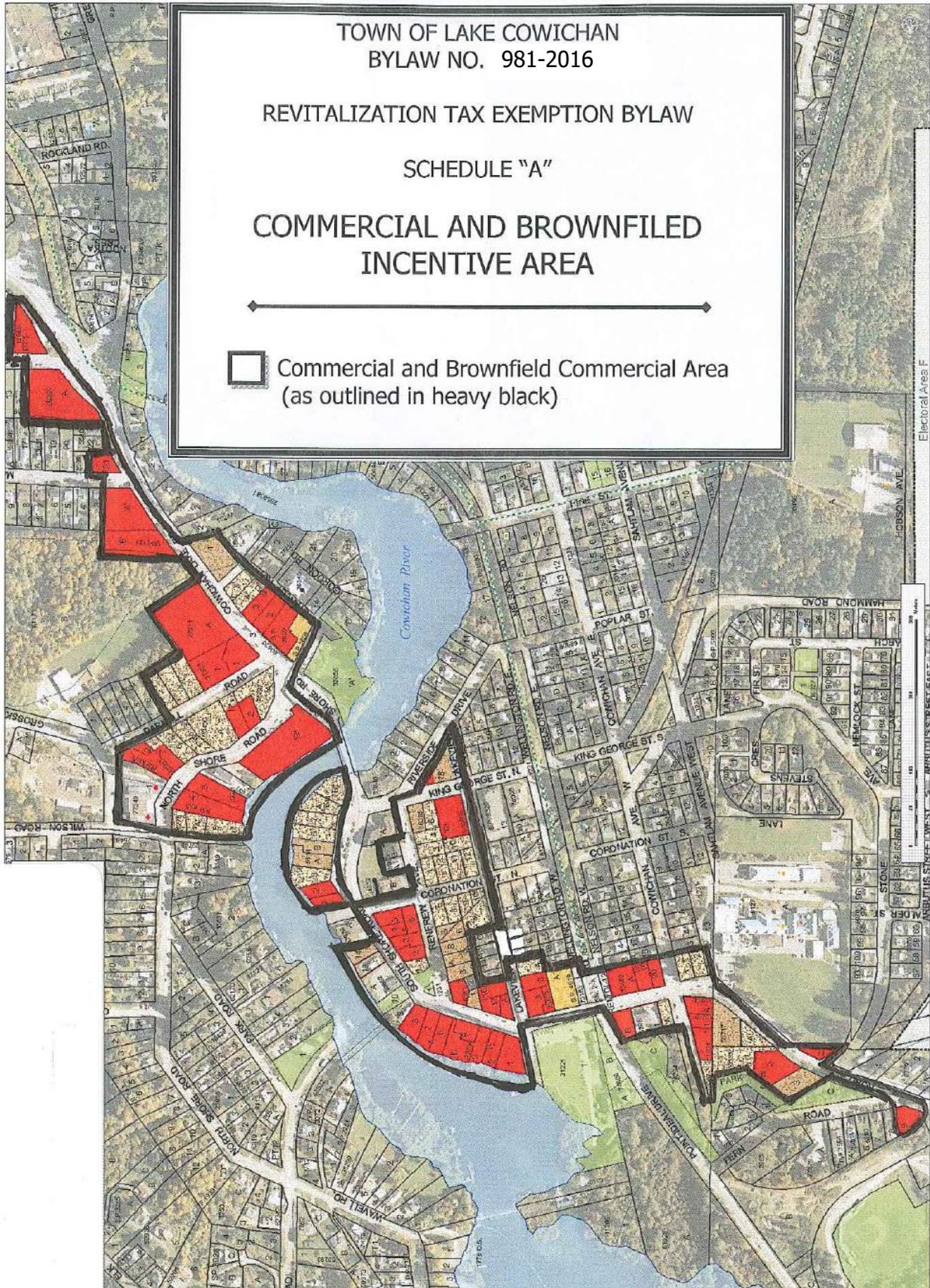
READ A THIRD TIME on the 20th day of September, 2016.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 25th day of October, 2016.

Ross Forrest
Mayor

Joseph A. Fernandez
Corporate Officer





TOWN OF LAKE COWICHAN
BYLAW NO. 981-2016

REVITALIZATION TAX EXEMPTION BYLAW

SCHEDULE "B"

TOWN OF LAKE COWICHAN

Date: _____



DEVELOPMENT SERVICES DEPARTMENT

APPLICATION FOR TAX EXEMPTION

FOLIO NO.:

EXEMPTION NO.:

APPLICANT INFORMATION		OWNER INFORMATION	
NAME OF APPLICANT(S):		NAME OF OWNER(S):	
APPLICANT'S ADDRESS:		OWNER'S ADDRESS:	
CITY:	POSTAL CODE:	CITY:	POSTAL CODE:
PHONE:	FAX:	PHONE:	FAX:

PROPERTY INFORMATION
CIVIC ADDRESS OF PROPERTY: _____
LEGAL DESCRIPTION OF PROPERTY: _____

CERTIFICATION AND SIGNATURE
<p>I hereby certify that:</p> <p>a) A building has been constructed, renovated or received façade improvements upon the above referenced lands and is fully operational; and/or</p> <p>b) That the total cost of construction was \$ _____ [attach documentary evidence in support].</p>
<p>_____ Applicant's Signature</p> <p>_____ Date</p> <p style="text-align: center;">THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT</p> <p>_____ Registered Owner of Subject Property</p> <p>_____ Date</p> <p>Where the applicant is not the REGISTERED OWNER, the application must be signed by the REGISTERED OWNER</p>



TOWN OF LAKE COWICHAN
BYLAW NO. 981-2016

REVITALIZATION TAX EXEMPTION BYLAW

SCHEDULE "C"



TOWN OF LAKE COWICHAN

Date: _____

DEVELOPMENT SERVICES DEPARTMENT

TAX EXEMPTION CERTIFICATE

FOLIO NO.:

CERTIFICATE NO.:

TERM:

DATE OF EXPIRY.:

ELIGIBLE LAND AND IMPROVEMENTS
CIVIC ADDRESS OF PROPERTY: _____
LEGAL DESCRIPTION OF PROPERTY: _____

CERTIFICATION
<p>This Certificate is transferable upon the sale of the eligible land and improvements.</p> <p>Conditions:</p> <ol style="list-style-type: none"> This certificate is subject to the condition that: <ol style="list-style-type: none"> The owner of the eligible land continually meets all other terms and conditions of this Bylaw, the tax exemption agreement and this revitalization tax exemption certificate. If this certificate is cancelled during a year in which the owner of a parcel has received an exemption from municipal property taxes, a recapture amount is payable calculated as equal to a percentage of the amount of the exemption with the percentage derived from the period of the taxation year remaining from the date of cancellation. <p>The term: "municipal property taxes" and as used in this certificate have the same meaning as under the Town of Lake Cowichan Revitalization Tax Exemption Bylaw.</p> <p>Effective Date: this certificate does not apply to taxation in a calendar year unless it is issued on or before October 31st of the preceding year.</p>
<p>_____ Chief Financial Officer OR Director of Finance Town of Lake Cowichan</p>

