THE CITY OF WINNIPEG

BY-LAW NO. 67/2003

A By-law of **THE CITY OF WINNIPEG** to amend The CentreVenture 2002 Heritage Tax Credit By-law No. 8058/2002.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. By-law No. 8058/2002 is amended:

(a) by repealing Appendix "A" and substituting the appendix set out as Appendix "A" to this by-law;

(b) by striking out "Appendix "A"" and substituting "Appendix "B"" in the definition of "Standards For Conservation" in section 2.

(c) by repealing subsection 3(2) and substituting the following:

"3(2) For each approved project, fifty (50%) percent of the net private investment in eligible work is eligible for a tax credit to a maximum tax credit of Two Hundred and Fifty Thousand ($250,000.00) Dollars, for

(a) repairs deemed essential to the stabilization and preservation of the physical integrity of a designated building, including repairs to the roof, drainage system, foundation, and exterior cladding;

(b) measures that protect significant original heritage elements, restore significant original elements, or reconstruct those that are missing;

(c) repair or replacement of electrical, mechanical/heating and plumbing systems (including fire sprinkling, air conditioning and repair of heritage elevators) to ensure compliance with the Manitoba Building Code;

(d) new interior construction where the work is sympathetic to the original fabric of the building;

(e) measures to restore, upgrade or convert a designated building to a functional state for contemporary occupancy such as sympathetically designed, improved accessibility for the disabled;

(f) asbestos removal;

(g) energy efficient upgrading provided the exterior appearance of the building is not affected;

(h) approved architectural, engineering and interior design fees;

(i) replacement windows in non-original materials."

(d) by adding the following after subsection 3(2):

"3(2.1) The following work is not eligible for a tax credit under this by-law:

(a) non-heritage awnings and signage;

(b) exterior paint colours not based on historical analysis;

(c) application of water-repellant coatings;

(d) sandblasting or other cleaning methods that may damage building materials or finishes;

(e) demolition and haulage costs;

(f) additions, new buildings, new fences;

(g) landscaping or other work not done to the designated building unless the work is essential to the provision of physical access for persons with disabilities;

(h) moving of buildings;

(i) work on a designated replica or reconstructed building;

(j) removing, preserving, storing or reusing portions of a demolished designated building;

(k) routine maintenance of a designated building and its site;

(l) soft costs including but not limited to plumbing fixtures, wall coverings, floor coverings and lighting fixtures;

(m) feasibility studies;

(n) permit costs, management fees and borrowing costs;

(o) equipment rental."

(e) by adding the following after section 3:

"3.1(1) Applicants must be the property owner or the long-term tenant of a designated building located within the Downtown.

3.1(2) If an applicant is a long-term tenant, the application must include written authorization from the property owner for the proposed project and a signed lease effective for ten (10) years following completion of the proposed conservation project."

(f) by repealing section 6 and substituting the following:

"6. Applications will be evaluated based on the proposals that best meet the following criteria:

(a) Priority One: Buildings that bring new residential units onto the market;

(b) Priority Two: Eligible work in buildings that are more than fifty (50%) percent vacant;

(c) Priority Three: Projects that contain a building that includes a combination of residential uses with commercial or institutional uses, preferably on separate floors;

(d) Priority Four: Building conservation projects that include significant exterior repair."

(g) by renumbering section 11 as subsection 11(2) and by adding the following as subsection 11(1):

"11(1) When a proposed project has been approved, the applicant shall be required to:

(a) enter into a commitment agreement;

(b) enter into a written heritage agreement with the City;

(c) submit all costs and work plans;

(d) pay all outstanding taxes, utility charges or rates of any nature whatsoever which have become due to the City;

(e) complete the project as set out in the application;

(f) provide proof satisfactory to the Designated Officer that all costs related to the project have been paid in full; and

(g) provide any other information as may be required by the Designated Officer,

prior to the tax credit or any portion thereof being released to the applicant."

DONE AND PASSED, in Council assembled, this day of , 2003

Mayor

City Clerk

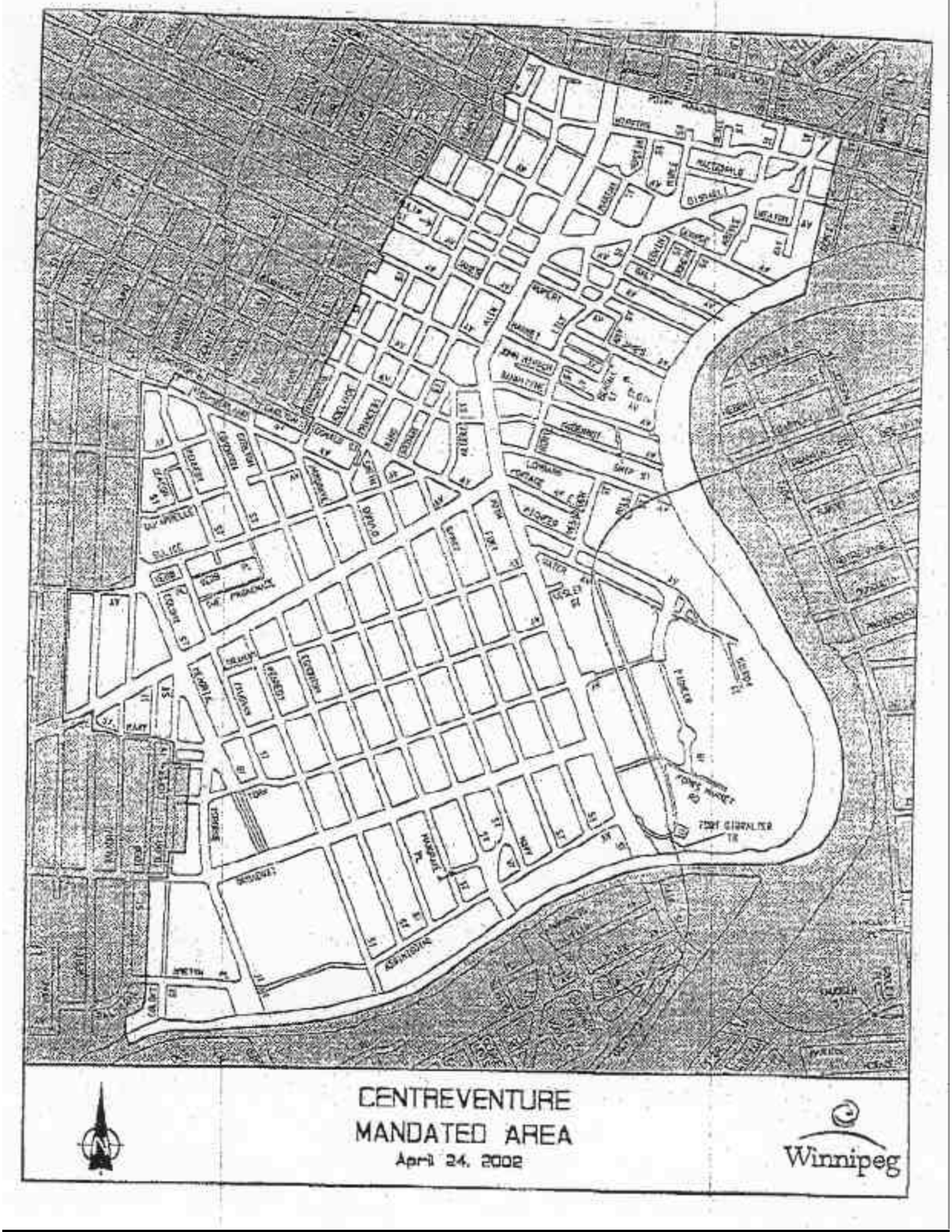
Certified as to content:

Director, Planning, Property and Development Department

Certified as to form:

for City Solicitor/Manager of Legal Services

APPENDIX "A"



APPENDIX "B"

Standards for Conservation

On August 19, 1995, City Council approved a Consolidated Policy for Funding the Conservation of Heritage Buildings. This policy includes a series of standards which are to be applied to specific heritage projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.