Minute No. 367
Report – Executive Policy Committee – May 13, 2009

Item No. 3 **St. James Village Business Improvement Zone - Boundary Expansion (St. James-Brooklands Ward)**
File FL-7.14

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the boundaries of the St. James Village Business Improvement Zone be expanded to include the blocks bounded by Ferry Road, Assiniboine River, Library Place, and to the back lanes parallel to and north of Portage Avenue.

2. That the written description of the St. James Village Business Improvement Zone boundaries set out in Schedule "A" of the St. James Village Business Improvement Zone By-law No. 8122/2002 be replaced with a map showing the boundaries of the St. James Village Business Improvement Zone with the new expansion included.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – May 13, 2009

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 13, 2009, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

RE: **St. James Village Business Improvement Zone By-law Boundary Expansion**

REPORT DATE: **April 3, 2009**

AUTHORIZATION

Author	Department Head	CAO
Martin Pasieczka Neighbourhood Economic Development Officer	Deepak Joshi Director of Planning, Property and Development	Glen Laubenstein

RECOMMENDATION

1. That the boundaries of the St. James Village Business Improvement Zone be expanded to include the blocks bounded by Ferry Road, Assiniboine River, Library Place, and to the back lanes parallel to and north of Portage Avenue; and
2. That the written description of the St. James Village Business Improvement Zone boundaries set out in Schedule "A" of the St. James Village Business Improvement Zone By-law be replaced with a map showing the boundaries of the St. James Village Business Improvement Zone with the new expansion included.

REASON FOR THE REPORT

- The City of Winnipeg Charter provides for the creation of a Business Improvement Zone (B.I.Z.) by by-law. The “St. James Village” Business Improvement Zone, continued by By-Law No 8122/2002, is one of fifteen Business Improvement Zones within the City of Winnipeg.
- City Clerks received a petition from Businesses immediately to the west of the BIZ Zone seeking to have the St. James Village Business Improvement Zone boundaries expanded to have them added to the BIZ Zone.
- The proposed expansion follows the process set out in the Business Improvement Zone Procedures By-Law (No. 8111/2002) for adding businesses to an existing zone.

- This report also recommends that the attached By-law will replace the existing legal description in Schedule "A" of the By-law with an easy-to-read map (By-Law attached as Attachment “B” to this Report).

KEY ISSUES

The City of Winnipeg Charter provides for the creation of a Business Improvement Zone (B.I.Z.) by by-law. Changing the boundaries of the St. James Village Business Improvement Zone requires an amendment to the St. James Village Business Improvement By-law No. 8122/2002. Replacing a written description of the area of the BIZ with an easy-to-read map also requires an amendment to the By-law.

By-Law No. 7025/97 created the Business Improvement Zone known as the “St. James Village Business Improvement Zone”. The St. James Village Business Improvement Zone By-law No. 8122/2002 continued this BIZ under the same name. Like all other BIZ By-laws, By-law No. 8122/2002 used a written description to set out the boundaries of the BIZ, rather than a map.

Business Improvement Zones are governed by a set of procedures and required processes, which are laid out within the Business Improvement Zone Procedures By-Law No. 8111/2002. This By-Law specifies that Council may expand a BIZ Zone to add additional businesses if certain rules are followed, namely:

- A petition must be filed with the City of Winnipeg from the applying businesses;
- The City Clerk must determine that the petition has been signed by more than 50% of the proprietors in the proposed additional area of the zone representing more than 50% of the total taxable business assessment in the proposed additional area;
- The City Clerk must give notice to all the businesses in the proposed additional area of the petition and must offer them an opportunity (30 days) to object to joining the BIZ.

All of these requirements have been met in this case.

Confirmation from Assessment and Taxation Department (Taxation and Finance Division) to City Clerks stated that the petition for boundary expansion to the St. James Village Business Improvement Zone was in compliance with the Business Improvement Zone Procedures By-Law No. 8111/2002 (“the By-law”).

Assessment and Taxation Department had reviewed: (i) the petition, (ii) the proposed expansion area, and; (iii) the relevant sections of the By-law. The proposal/petition contemplates an amendment to the existing BIZ boundary to include 10 contiguous assessment parcels. There are a total of 15 active businesses in these parcels.

The results were:

1. The petition has been signed by the proprietor for eight (8) of the fifteen (15) active businesses which represents “more than 50% of the proprietors in the proposed area of the zone”.
2. The businesses represented by the eight (8) signatures have a combined taxable business assessment of 73% of the total taxable business assessment in the proposed expansion area. This achieves the requirement for “more than 50% of the total taxable business assessment” as per the By-law.

In summary, the petition has met the requirements set forth in clauses 3(1) (a) and 4(2) (a) of the By-Law.

The St. James Village Business Improvement Zone has participated in the process of the expansion right from the beginning. They had met with different Business owners with regards to benefits of a BIZ zone. The St. James Village BIZ is supportive of the report and the expansion.

No objections were received by the City Clerks to the proposed alteration and expansion of boundaries to the St. James Village Business Improvement Zone. Accordingly, this Report recommends amending the area of the St. James Village BIZ to include the blocks bounded by Ferry Road, Assiniboine River, Library Place, and to the rear public lanes north of Portage Avenue, as seen in “Attachment “A”.

In addition, in order to make the BIZ boundaries easier to identify, this Report recommends that the traditional written description of the boundaries of the St. James Village Business Improvement Zone in Schedule “A” of By-Law No. 8122/2002 be replaced with a map showing the boundaries of the St. James Village BIZ with the new expansion included in the Schedule. The proposed map is attached within the By-law as Attachment “B”.

It is recommended that the attached By-law (Attachment B) be enacted by Council in order to accomplish this BIZ Zone Expansion and Legal Description Amendment.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy		**X**	
Regulatory	**X**		By-law 8111/2002 allows Council to alter boundaries of a zone.
Environmental		**X**	
Human Resources		**X**	
Financial		**X**	
Legal (Contracts)		**X**	
Communications		**X**	
Council Priorities Direction		**X**	
Other, e.g. Organizational, community, etc. (Specify)		**X**	

FINANCIAL IMPACT

Financial Impact Statement Date: March 31, 2009

Project Name:

St James Village Business Improvement Zone By-Law Boundary Expansion

COMMENTS:

The recommendations contained in this report are that the boundaries of the St James Village Business Improvement Zone be expanded and that the written description of the St James Village Business Improvement Zone boundaries be replaced with a map.

There are no financial implications associated with these recommendations.

"Original Signed By"
Mike Ruta, FCA
Chief Financial Officer

CONSULTATION

In preparing this Report there was consultation with:

- City Clerks
- Corporate Support Services, Legal Services Division
- Chief Financial Officer
- Assessment and Taxation, Administration and Finance Division
- Assessment and Taxation, Taxation and Finance Division
- Corporate Finance, City Treasure's Division

External Consultation With:

- St. James Village Business Improvement Zone

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Martin Pasieczka, Neighbourhood Economic Development Officer
File No.	

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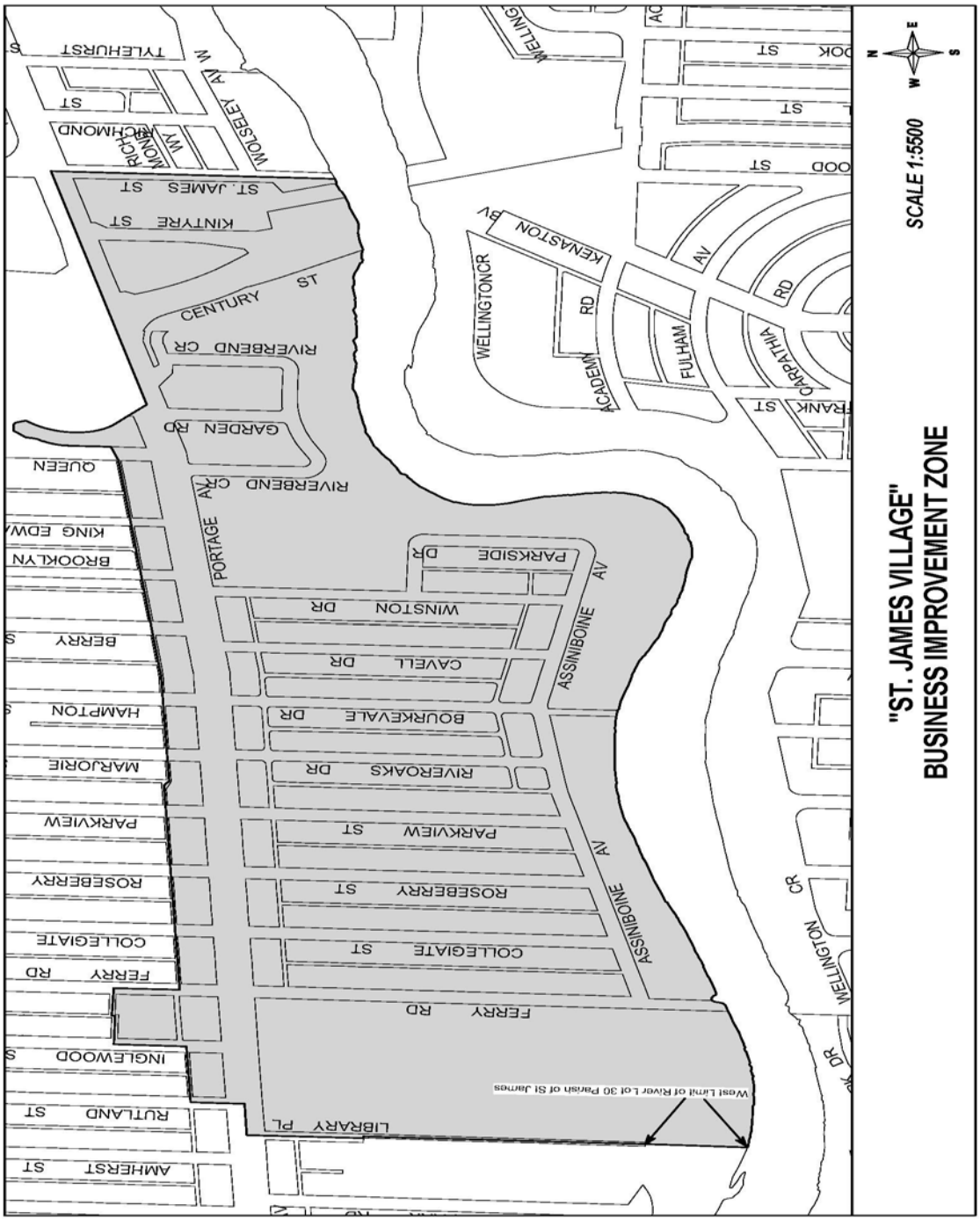
“ATTACHMENT A”


"ST. JAMES VILLAGE"
BUSINESS IMPROVEMENT ZONE
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WELLINGTON DR
WESTMINSTER AV
WOLSELEY AV
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RICHMOND AV
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ST. JAMES ST
KINTYRE ST
CENTURY ST
RIVERBEND CR
GARDEN RD
QUEEN
KING EDWARD
BROOKLYN
BERRY
HAMPTON
MARJORIE
PARKVIEW
ROSEBERRY
COLLEGIATE
FERRY RD
INGLEWOOD
RUTLAND ST
AMHERST ST
LIBRARY PL
PARKSIDE DR
WINSTON DR
CAVELL DR
BOURKEVALE DR
RIVEROAKS DR
PARKVIEW ST
ROSEBERRY ST
COLLEGIATE ST
FERRY RD
WELLINGTON CR
KENASTON BV
WELLINGTON CR
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"ATTACHMENT B"

THE CITY OF WINNIPEG

BY-LAW NO. /2009

A By-Law of THE CITY OF WINNIPEG to expand the boundaries of the St. James Village Business Improvement Zone.

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

1. *The* St. James Village *Business Improvement Zone By-law No. 8122/2002 is amended*

by this By-law.

2. *Section 2 is amended by striking out* "the area of which is described in" and substituting

"the area of which is shown as the shaded area on the map attached as".

3. S*chedule A is repealed and the attached document, which is identified as "Schedule "A"*

to the St. James Village *Business Improvement Zoning By-law No. 8122/2002", is substituted.*

DONE AND PASSED this day of , 2009

-- 2 –

By-law No. /2009

SCHEDULE "A"
To The St. James Village Business Improvement Zone
By-law No. 8122/2002

