

**THE CORPORATION OF THE CITY OF GRAND FORKS
AGENDA – PUBLIC HEARING**

**Monday March 18th, 2013 – 6:00 p.m.
Council Chambers City Hall**

<u>ITEM</u>	<u>SUBJECT MATTER</u>	<u>RECOMMENDATION</u>
1. <u>CALL TO ORDER</u>	6:00 p.m. Call to Order	Mayor to Declare this Public Hearing Open
2. <u>STAFF REPORT AND RECOMMENDATIONS</u>		
a) Bylaw No. 1947, Amendment to the City of Grand Forks Zoning Bylaw No. 1606, 1999	Holding of a Public Meeting to re-zone the property located at 6876 Boundary Drive, from R-1 (Single & Two Family Residential) to R-2 (Residential Small Lot) zone prior to giving Bylaw 1947 Third Reading.	Council holds the public hearing as advertised, allowing any person present who believes that his or her interests in the properties are effected by the proposed bylaw be given the opportunity to be heard on matters contained in the bylaw and ensuring that as a Council, hearing from the public is required to take all submissions and then base the facts relevant to the rezoning request, within the parameters set out in the Sustainable Community Plan and the existing zoning bylaw.
3. <u>ADJOURNMENT</u>		

**THE CITY OF GRAND FORKS
REQUEST FOR COUNCIL DECISION
PUBLIC HEARING**

DATE : **March 8th, 2013**

TOPIC : **Bylaw No. 1947, Amendment to the City of Grand Forks Zoning Bylaw No. 1606, 1999**

PROPOSAL : **Holding of a Public Hearing, prior to giving Bylaw 1947 Third Reading**

PROPOSED BY : **City Staff / Zoning Applicants - Jason Turner & Linda Caron**

SUMMARY:

Bylaw 1947, cited as Amendment to the City of Grand Forks Zoning Bylaw No. 1947, 2013, received two readings at the Regular Meeting held on March 4th, 2013. Prior to giving a zoning bylaw third reading, Council must hold a public hearing, and publish notice of this public hearing in accordance with the Local Government Act. Notice of this public hearing was advertised in the Gazette, as required, on March 6th & 13th. Council is now in a position to hold the public hearing.

FACTS SURROUNDING BYLAW 1947:

1. The bylaw is intended to rezone property located at 6876 Boundary Drive, legally described as Parcel X, Block 5, District Lot 382, SDYD, Plan 22 from R-1 (Single & Two Family Residential) to R-2 (Residential Small Lot) zone.
2. The focus of the rezoning of 6876 Boundary Drive is so that the applicant would eventually subdivide the property into two smaller residential lots and to eventually construct a home on the vacant lot.
3. The residential development is encouraged in the Sustainable Community Plan in this area of the City.

STAFF RECOMMENDATIONS:

Option 1: Council hold the public hearing as advertised, allowing any person present who believes that his or her interest in the properties are effected by the proposed bylaw be given the opportunity to be heard on matters contained in the bylaw and ensuring that as a Council, hearing from the public is required to take all submissions and then base a decision on the facts relevant to the rezoning request, within the parameters set out in the Sustainable Community Plan and the existing zoning bylaw.

OPTIONS AND ALTERNATIVES:

Option 1: Council provides the opportunity for the public to make their views known on the matters contained in the bylaw at the public hearing: This option will allow the public the opportunity to be heard as outlined in the Local Government Act. It is the duty of Council to receive submissions, ask relevant questions and keep an open mind before making the final decision. Council can seek advice from Staff and receive additional reports from Staff based on the public's submission.

Option 2: Council may decline to hold the public hearing and deny rezoning and further public process. There is no option not to hold the public hearing, inasmuch as it has been duly advertised.

BENEFITS, DISADVANTAGES AND NEGATIVE IMPACTS:

Option 1: The advantage to this option is that Council will proceed as outlined in the Local Government Act.

Option 2: The key disadvantage is that the applicant has not been provided a due process in a rezoning application. Denying a rezoning application without considering all relevant submissions and facts might constitute a closed process.

COSTS AND BUDGET IMPACTS – REVENUE GENERATION:

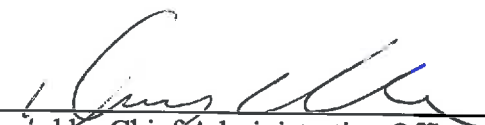
The City's cost of rezoning, including advertising is covered by the application fees charged for rezoning applications. Additional tax revenues will be generated should the applicant develop the property with residential housing in the future.

LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:

The Local Government Act outlines the requirements for the holding of public hearings.



Department Head or CAO



Reviewed by Chief Administrative Officer

**THE CITY OF GRAND FORKS
REQUEST FOR COUNCIL DECISION**

COPY

DATE : February 20, 2013

TOPIC : Bylaw No. 1947 – Amendment to the City of Grand Forks Zoning Bylaw No. 1606, 1999

PROPOSAL : First and Second Reading

PROPOSED BY : Manager of Technical Services

SUMMARY:

At the Primary Committee meeting held on February 18, 2013, the Primary Committee recommended to Council to direct Staff to draft a Zoning Amendment Bylaw to rezone the property located at 6876 Boundary Drive, legally described as Parcel X, Block 5, District Lot 382, S.D.Y.D., Plan 22 from R-1 (Single and Two Family Residential) zone to R-2 (Residential Small Lot) zone.

In this regard, Bylaw No. 1947 is presented for first and second reading. Should Council consider giving first and second reading, this bylaw would proceed to a Public Hearing where the public will be afforded an opportunity to make their views on this bylaw known to Council. (See attached Zoning Amendment Process)

STAFF RECOMMENDATIONS:

Option 1: Council gives first and second reading to Bylaw No. 1947 “Amendment to the City of Grand Forks Zoning Bylaw No. 1606, 1999”.

OPTIONS AND ALTERNATIVES:

Option 1: Council gives Bylaw No. 1947 first and second reading. This option intends that the proposed amendments are being considered by Council.

Option 2: Council determines to give the Bylaw no readings. This option intends that the status quo will remain and the zoning of property located at 6876 Boundary Drive will remain R-1 (Single and Two Family Residential).

BENEFITS, DISADVANTAGES AND NEGATIVE IMPACTS:

Option 1: This option will allow the application to rezone the property located at 6876 Boundary Drive from R-1 (Single and Two Family Residential) to R-2 (Small Lot Residential) and to proceed to the public hearing. At the Public Hearing the public will be afforded an opportunity to make their views known to Council with regard to these bylaw changes.

Option 2: This option will allow for the status quo to remain and the property will remain zoned as R-1 (Single and Two Family Residential).


COSTS AND BUDGET IMPACTS – REVENUE GENERATION:

COPY


There are the advertising costs, as well as the notifications to surrounding property owners. These costs are generally covered by the application fees charged.

LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:

The Local Government Act allows for amendments to a Zoning bylaw to be undertaken by bylaw and the proposal supports the land use guidelines as part of the Sustainable Community Plan.



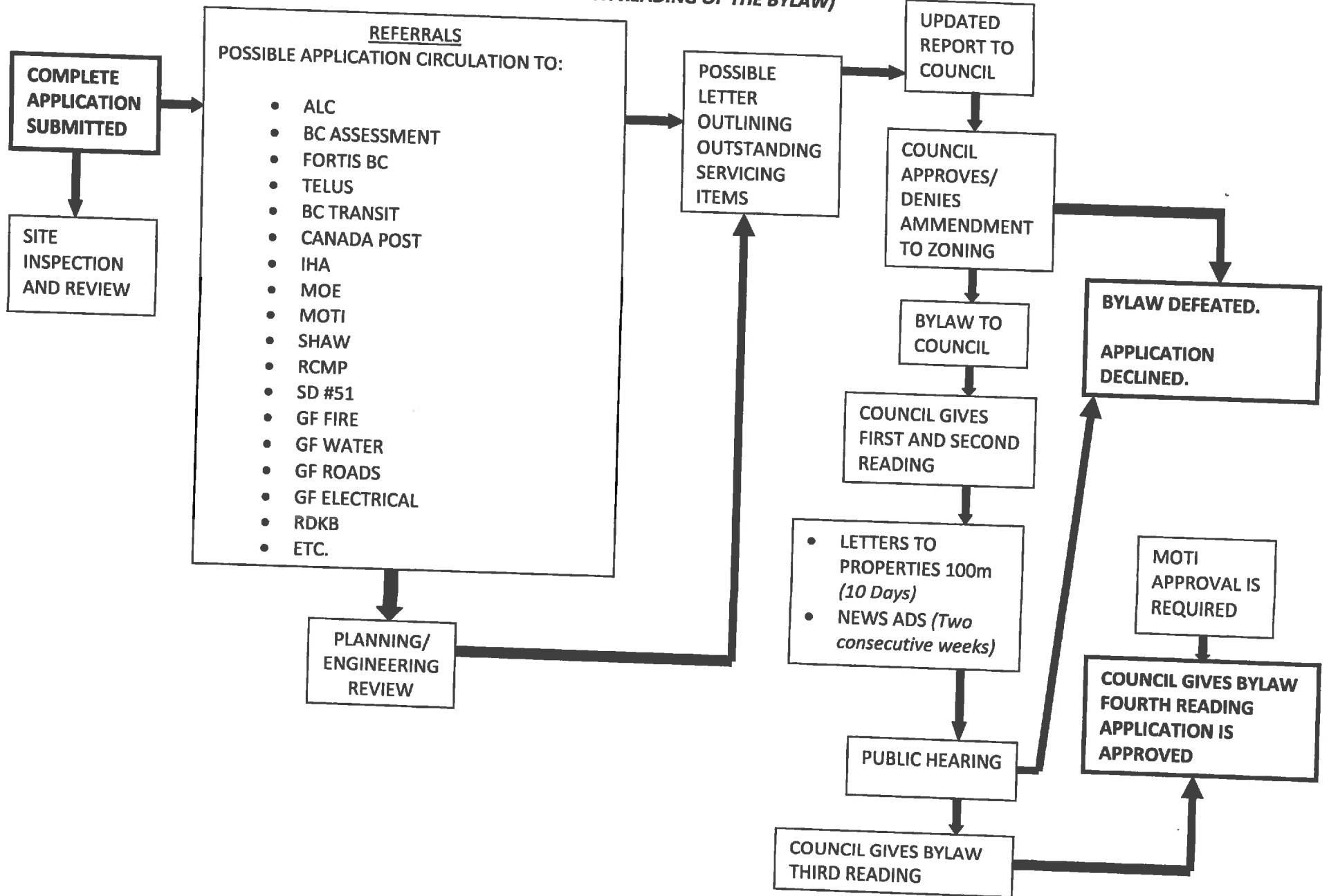
Department Head or Chief Administrative
Officer



Reviewed by Chief Administrative
Officer

ZONING AMENDMENT PROCESS

(THIS PROCESS ASSUMES THAT NO DEVELOPMENT OR DEVELOPMENT VARIANCE PERMIT IS REQUIRED SINCE SUCH PERMIT MAY REQUIRE APPROVAL PRIOR TO FOURTH READING OF THE BYLAW)



THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1947

**A Bylaw to Amend the City of Grand Forks
Zoning Bylaw No. 1606, 1999**

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WHEREAS Council may, by bylaw, amend the provisions of the Zoning Bylaw pursuant to the Local Government Act;

AND WHEREAS Council has received an application to rezone property located 6876 Boundary Drive;

NOW THEREFORE Council for the Corporation of the City of Grand Forks, in an open meeting assembled, **ENACTS**, as follows:

1. That the City of Grand Forks Zoning Bylaw No. 1606, 1999 be amended to rezone the property located at 6876 Boundary Drive, legally described as Parcel X, Block 5, District Lot 382, S.D.Y.D., Plan 22 from the R-1 (Single & Two Family Residential) zone to the R-2 (Residential Small Lot) zone, as shown outlined in bold on the attached map identified as Schedule "X".
2. That this Bylaw may be cited as the "**Amendment to the City of Grand Forks Zoning Bylaw No. 1947, 2013**".

Read a **FIRST** time this 4th day of March, 2013.

Read a **SECOND** time this 4th day of March, 2013.

PUBLIC HEARING NOTICE ADVERTISED, pursuant to the Local Government Act this 6th day of March and also this 13th day of March, 2013.

PUBLIC HEARING HELD this 18th day of March, 2013.

Read a **THIRD** time this 2nd day of April, 2013.

APPROVED by the Ministry of Transportation on this ____ day of _____, 2013.

Approving Officer

FINALLY ADOPTED this 15th day of April, 2013.

Brian Taylor - Mayor

Diane Heinrich – Corporate Officer

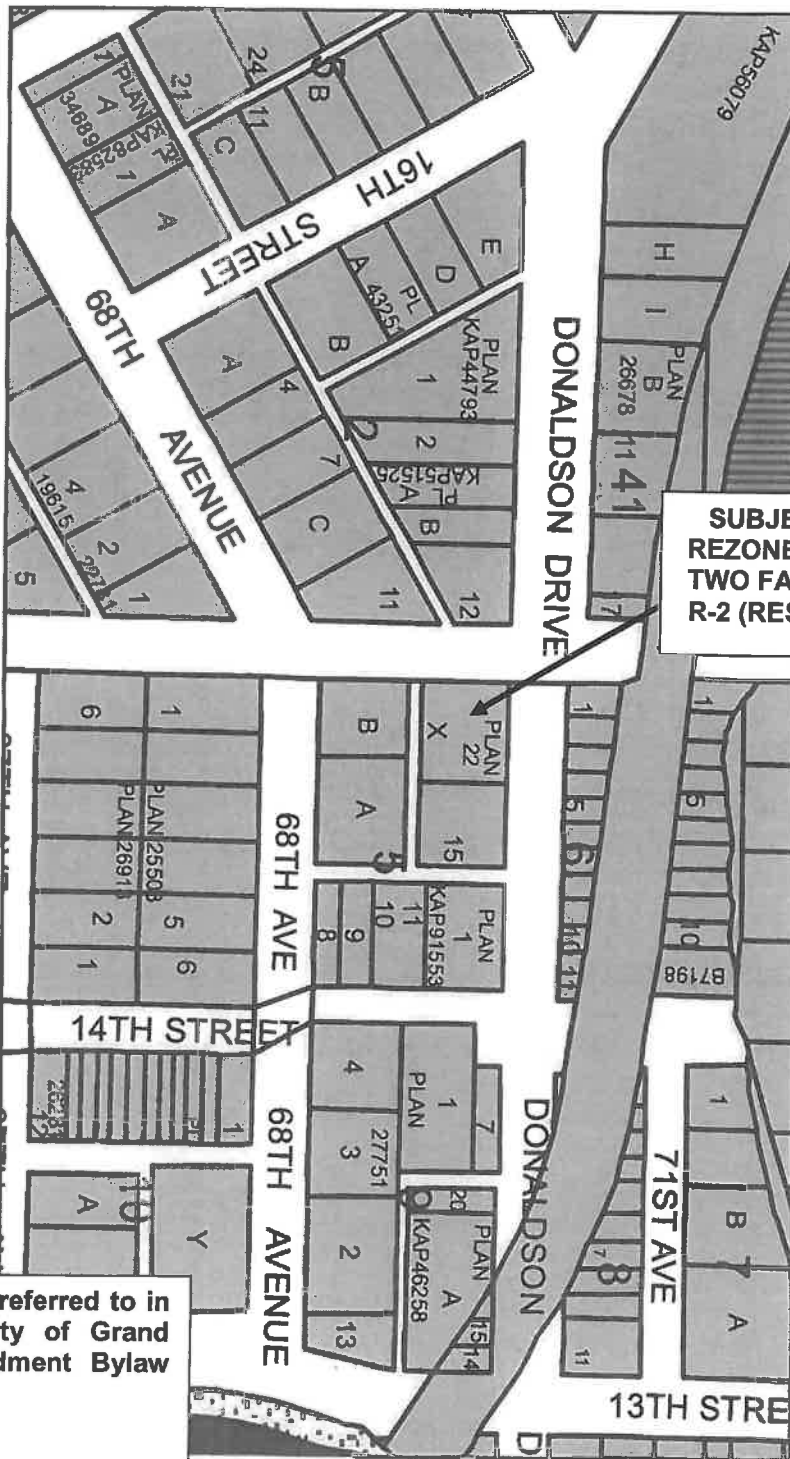
CERTIFICATE

I hereby certify the foregoing to be a true copy of Bylaw No. 1947 as passed by the Municipal Council of the City of Grand Forks on the 15th day of April, 2013.

Corporate Officer for the
Municipal Council of the City of Grand Forks

**CITY OF GRAND FORKS
ZONING MAP**

SCHEDULE "X"



**SUBJECT PROPERTY TO BE
REZONED FROM R-1 (SINGLE &
TWO FAMILY RESIDENTIAL) TO
R-2 (RESIDENTIAL SMALL LOT)**

**This is Schedule "X" referred to in
Section 1 of the City of Grand
Forks Zoning Amendment Bylaw
No. 1947, 2013.**

April 15, 2012
Date of Adoption

Diane Heinrich
Corporate Officer