

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

Monday December 7th, 2009 – 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) <u>Bylaw No. 1888, Amendment to the City of Grand Forks Zoning Bylaw</u>		Council hear from the public, allowing any person present who believes that his or her interest in the property is effected by the proposed bylaw be given the opportunity to be heard on matters contained in the bylaw.
13. <u>ADJOURNMENT</u>		

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

DATE : December 2nd, 2009

TOPIC : Bylaw No. 1888, Amendment to the City of Grand Forks Zoning Bylaw

PROPOSAL : Holding of a Public Hearing, prior to giving Bylaw 1888 Third Reading

PROPOSED BY : Applicants – City of Grand Forks

SUMMARY:

Bylaw 1888, cited as Amendment to the City of Grand Forks Zoning Bylaw No. 1888, 2009, received two readings at the Regular Meeting held on November 16th, 2009. 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 November 25th and December 2nd, 2009. Council is now in a position to hold the public hearing.

FACTS SURROUNDING BYLAW 1878:

1. The bylaw is intended to reduce screened, solid and closed side yard fence heights from 8 feet to 6 feet.
2. The focus of the rezoning is to decrease the height of screened, solid and closed fencing between interior side yards by two feet.

STAFF RECOMMENDATIONS:

Option 1: Council hold the public hearing as advertised, allowing any person present who believes that his or her interest in the property is 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 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:

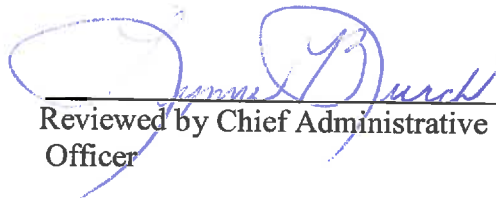
The City's cost of rezoning, including advertising is paid for by the City.

LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:

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



Department Head or Corporate Officer
Or Chief Administrative Officer



Reviewed by Chief Administrative
Officer

BYLAW NO. 1888

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 a Zoning Bylaw pursuant to the provisions of the *Local Government Act*;

AND WHEREAS Council of the Corporation of the City of Grand Forks believes it is in the public interest to amend the provisions of the Zoning Bylaw in order to have better interpretation and have greater enforcement of the bylaw;

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

1. This Bylaw may be cited for all purposes as “**The City of Grand Forks Zoning Amendment Bylaw No. 1888, 2009**”.

2. Amend Section 3 Definition of “Screening and Fencing, to read as follows:

SCREENING, SOLID AND CLOSED FENCING means a fence, wall berm or other similar like barriers or any combination thereof, that effectively obstructs the view or denies physical access to a parcel of land or portion thereof;

3. Delete Section 26A(b) in it’s entirety and add a new Section 26A(b) as follows:

(b) Open fencing 2.4 metres (8 ft) or less may be sited on any portion of a parcel provided that they are located to the rear of the front face of a principal building on the parcel;

4. Delete Section 26A(c) in it’s entirety.

5. Add Section 26A(e) as follows:

(e) Landscape screens, solid and closed fencing on the interior sideyard shall be 1.8 meters (6 ft) in height.

6. Delete Section 33(2)(j), which reads:

“The minimum size for a parcel of land that is to be used for a two-family dwelling shall be 929 square metres (10,000sq ft);”
in its entirety.

Read a **FIRST** time this 16th day of November, 2009.

Read a **SECOND** time this 16th day of November, 2009.

NOTICE OF PUBLIC HEARING advertised this 25th day of November, 2009 **AND** this 2nd day of December, 2009.

PUBLIC HEARING HELD this _____ day of _____, 2009.

Read a **THIRD** time this _____ day of _____, 2010.

APPROVED by the Ministry of Transportation and Highways this _____ day of _____, 2010.

Approving Officer

FINALLY ADOPTED this _____ day of _____, 2010.

Mayor Brian Taylor

City Clerk Lynne Burch

CERTIFICATE

I hereby certify the foregoing to be a true copy of Bylaw No. 1888 as passed by the Municipal Council of the City of Grand Forks on the _____ day of _____, 2010.