



**THE CORPORATION OF THE CITY OF ROSSLAND  
PUBLIC HEARING**

**Bylaw #2452- Zoning Amendment – Drive-Through Restaurants  
Bylaw #2451- Zoning Amendment – 1840 Planer Crescent**

**CITY HALL COUNCIL CHAMBER  
Monday, June 22, 2009  
7:00 P.M.**

- (1) CALL THE PUBLIC HEARING TO ORDER** and advise the purpose of the Public Hearing is to consider the "Zoning Amendment Bylaw, No. 2452, 2009 (5)", and "Zoning Amendment Bylaw, No. 2451, 2009(4)".
- (2)** The City Clerk provides information as to how the meeting was publicized and if any correspondence or petitions have been received for the record.
- (3) BYLAW CONSIDERATIONS:**

**(a) Bylaw #2452– Zoning Amendment Bylaw, No. 2452, 2009 (5):**

Applicant: City of Rossland

Legal Description: All lands within the City of Rossland Boundary

Purpose: To amend the City of Rossland Zoning Bylaw #1912, such that Drive-Through Restaurants will now longer be a permitted use under Section 16-C-2.

**(b) Bylaw #2451 – Zoning Amendment Bylaw, No. 2451, 2009 (4):**

Applicant: Ross Hopkins – 1840 Planner Crescent / 1807 Planer Crescent.

Legal Description:

- Lot 6, DL 559, Kootenay District Plan 15704 (1840 Planner Cres.)
- Lot A, P DL 559, Kootenay District Plan NEP20491 (1807 Planer Cres.)

Purpose: To rezone the subject properties from R-1 (Single Family Residential) and P-2 Park and Open Space to R-1s – Residential Small Lot.

**(4) PROCEDURE**

- (a)** Staff, if requested by the Mayor, will provide a brief description
- (b)** Mayor will call for representations from the public in attendance.
- (c)** The public may ask questions, through the Chair, in order to clarify details of the proposal.

**(5) ADJOURNMENT**

P.H. 9  
7(b)

**THE CORPORATION OF THE CITY OF ROSSLAND**

**BYLAW #2452**

**A BYLAW TO AMEND THE CITY OF ROSSLAND ZONING BYLAW No. 1912, 1999.**

WHEREAS Part 26 of the *Local Government Act* R.S.B.C. 1996, c.323 authorizes the Council of the City of Rossland to establish and amend a zoning bylaw;

AND WHEREAS the Council of the City of Rossland deems it necessary and expedient to amend the City of Rossland's Zoning Bylaw No. 1912,1999.

NOW THEREFORE, the Council of the City of Rossland, in open meeting assembled, ENACTS AS FOLLOWS:

**SHORT TITLE**

1. This Bylaw may be cited as the **"Zoning Amendment Bylaw, No. 2452, 2009 (5)"**.

**AMENDMENT**

(1) Section 16.1 of Schedule "A" of the City of Rossland Zoning Bylaw No. 1912, 1999 and amendments hereto, is hereby amended by deleting the following sub-section under Permitted Uses:

- 16.1.9 Drive-through Restaurants

**ENACTMENT**

2. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.  
  
(2) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME  
READ A SECOND TIME  
PUBLIC HEARING  
READ A THIRD TIME  
FINALLY ADOPTED

this 25<sup>th</sup> day of May, 2009  
this 25<sup>th</sup> day of May, 2009  
this 22<sup>nd</sup> day of June, 2009  
this 22<sup>nd</sup> day of June, 2009  
this 22<sup>nd</sup> day of June, 2009

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

PH. 5  
7(a)

**THE CORPORATION OF THE CITY OF ROSSLAND**

**BYLAW #2451**

**A BYLAW TO AMEND THE CITY OF ROSSLAND ZONING BYLAW No. 1912, 1999.**

WHEREAS Part 26 of the *Local Government Act* R.S.B.C. 1996, c.323 authorizes the Council of the City of Rossland to establish and amend a zoning bylaw;

AND WHEREAS the Council of the City of Rossland deems it necessary and expedient to amend the City of Rossland's Zoning Bylaw No. 1912,1999.

NOW THEREFORE, the Council of the City of Rossland, in open meeting assembled, ENACTS AS FOLLOWS:

**SHORT TITLE**

- 1. This Bylaw may be cited as the **Zoning Amendment Bylaw, No. 2451, 2009(4)**

**AMENDMENT**

- 2. Zoning Bylaw #1912 is hereby amended such that the following properties are rezoned from R-1 Single Family Residential and P-2 Park and Open Space to R-1S Residential Small Lot:
  - Lot 6, DL 559, Kootenay District Plan 15704 (1840 Planer)
  - Lot A, DL 559, Kootenay District Plan NEP20491 (1807 Planer)

as shown hatched on Schedule "A" attached to and forming part of this Bylaw.

**ENACTMENT**

- 3. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME	this. day of, 2009
READ A SECOND TIME	this. day of, 2009
PUBLIC HEARING	this day of, 2009
READ A THIRD TIME	this day of, 2009
FINALLY ADOPTED	this day of, 2009

\_\_\_\_\_  
Mayor

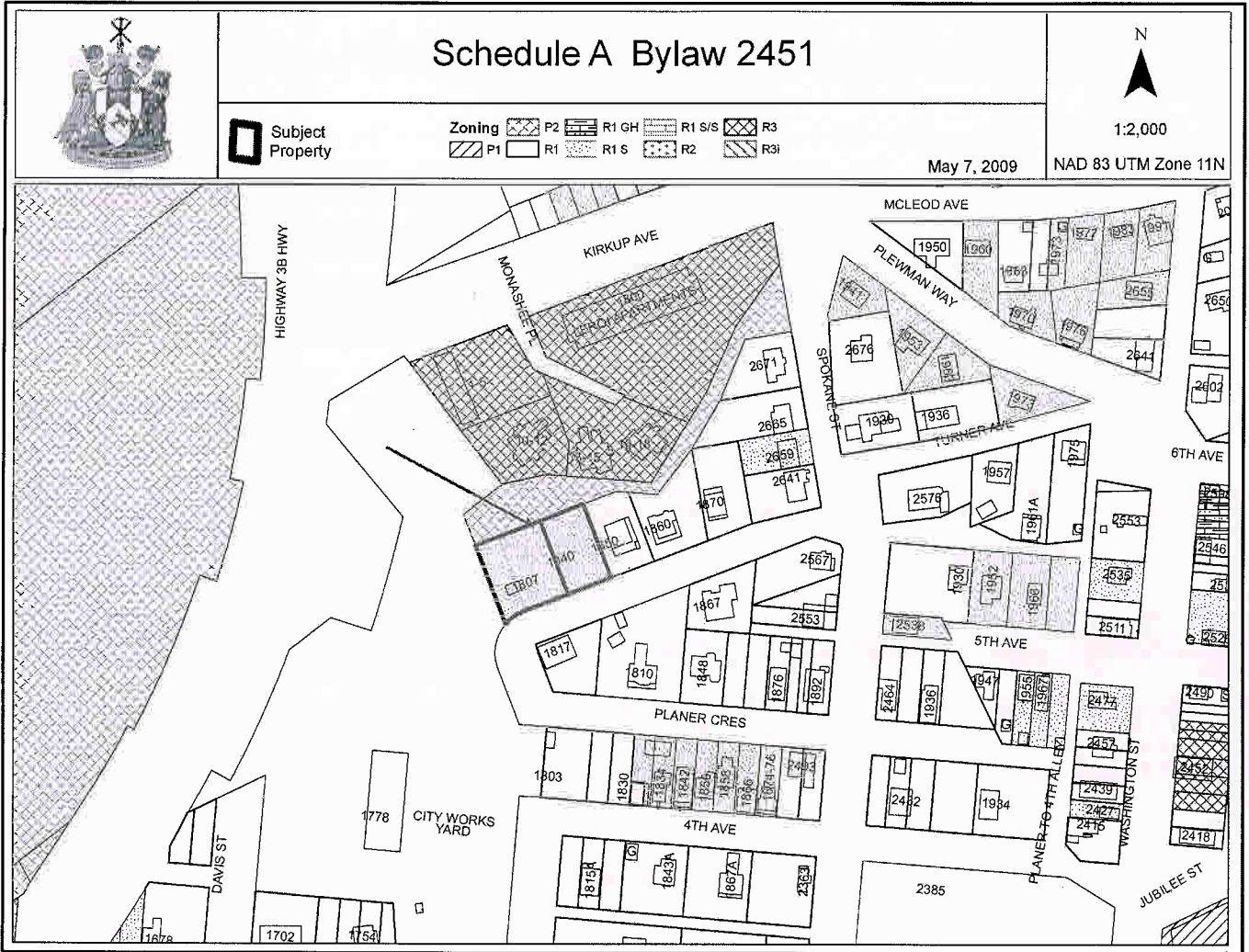
\_\_\_\_\_  
City Clerk

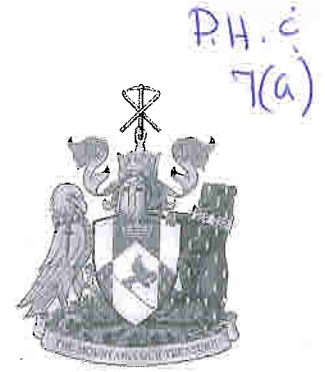
P.H. :  
7(a)

# THE CORPORATION OF THE CITY OF ROSSLAND

## BYLAW #2451

### SCHEDULE "A"





THE CORPORATION OF THE CITY OF ROSSLAND

**MEMORANDUM**

**TO:** Mike Maturo, MPDS

**FILE:** 3360.20/ 05-2009

**PC:**

**DATE:** June 1, 2009

**FROM:** Tracey Butler, Deputy City Clerk

**SUBJECT: Council Decision – Zoning Amendment 1807 and 1840 Planer Crescent**

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The following motion was passed, at the May 25, 2009 Regular Meeting of Council, regarding the above;

**Zoning  
Amendment –  
1807 and 1840  
Planer Crescent**

May 14, 2009 report from the Planning Assistant re: Zoning amendment for 1807 and 1840 Planer Crescent to allow for smaller lots on the properties;

Moved by Councillor Spearn / Seconded by Councillor Stradling

THAT Council approve the application for a zoning amendment for the properties legally described as Lot 6, DL 559, Kootenay District Plan 15704 and Lot A, DL 559, Kootenay District Plan NEP20491; located at 1807 and 1840 Planer Crescent, from P-2 (Parks and Open Space) and R-1 (Residential Single Detached) to R1-Small Lot – (Residential Small Lot) by giving First and Second Reading to Zoning Amendment Bylaw #2451, and schedule a Public Hearing on June 22, 2009, with the following conditions:

- A. THAT the owner agree to give a portion of his properties to the City to accommodate the Centre Star Gulch Trail as shown approximately on Attachment #2.
- B. THAT, if necessary, all site servicing requirements and infrastructure upgrades are undertaken by the owner upon subdivision.

AND THAT Council waive the rezoning application fees in order to facilitate this zoning amendment.

CARRIED