

# Memo

## CITY OF MOOSE JAW Planning & Development Services

**DATE:** November 14, 2019

**TO:** City Council

**FROM:** Michelle Sanson, MCIP, RPP  
Director of Planning and Development Services

**RE:** Minutes of Municipal Planning Commission, October 22, 2019 – 303  
Coteau Street West Rezoning Application

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At the November 12, 2019 City Council meeting, the following motion was passed:

*"THAT the matter be tabled until questions around advertising and public stakeholder involvement are answered."*

This motion was passed after discussion regarding the process for rezoning applications. The current procedure for the review of zoning amendment applications is as follows:

- 1) A complete rezoning application and fee are received by Administration either from the property owner or an authorized agent of the property owner;
- 2) The application is circulated internally to obtain feedback from multiple departments;
- 3) The application is reviewed by Planning and Development for compliance with Provincial legislation, The Official Community Plan, City Bylaws and relevant regulations;
- 4) A report and recommendation are submitted to the Municipal Planning Commission (MPC) for review;
- 5) MPC considers the report and Administration's recommendations. MPC is independent and makes their own recommendation to Council;
- 6) The recommendations by Administration and MPC are reviewed by City Council, who directs Administration to proceed with advertising and Bylaw preparation, or instructs Administration to pursue a different course of action;
- 7) The Zoning Bylaw amendment is prepared and advertised for 2 weeks in the Moose Jaw Express and on the City website, and notices are sent to property owners within 90 metres of the affected property;



- 8) Following advertising, the Zoning Bylaw amendment and covering report are submitted to Council for a Public Hearing. The bylaw is given 1<sup>st</sup> and 2<sup>nd</sup> reading (the Public Hearing takes place at this time); and
- 9) The Zoning Bylaw amendment is read for a 3<sup>rd</sup> time.

The review of rezoning applications differs from other planning applications with regards to the timing of the review by the Municipal Planning Commission (MPC). It is typical for other applications (ex: Discretionary Use) to be advertised prior to review by MPC. In the case of rezoning applications, an initial review (step 6 above) by Council is undertaken to receive approval to advertise the Zoning Bylaw amendment. When the subject application was submitted to the November 12, 2019 meeting for review, it was solely to receive direction to proceed with advertising.

The review process for all planning applications will soon be revised to remove the Municipal Planning Commission and expedite timelines. Eliminating MPC from the process will make the initial review by Council more important. If rezoning applications are not reviewed by Council prior to advertising, then the first opportunity will take place at bylaw reading. The purpose of this initial review is to allow Council the opportunity to review the application and recommendations, and provide a different direction to Administration if necessary. In the example of the subject application, Administration is recommending that a different Zoning District be applied to the property than was requested by the applicant. Council may be in favour of the applicant's request over the recommendation, and direct Administration accordingly.

During the discussion of this application at the November 12, 2019 meeting, comments were also made regarding the practice of "spot zoning", and whether this is the case for the subject application. Spot zoning typically refers to rezoning a parcel in the middle of a block, and is not a practice that Administration would support. Spot zoning would not be applicable to this application since the subject property is located on a corner. This item will be further addressed in the covering report to the Zoning Bylaw amendment.

**RECOMMENDATION:**

THAT City Administration be directed to proceed with advertising and preparation of the Zoning Bylaw amendment to rezone Parcels 86 and 87, Plan No. D4450 Ext. 27 & 28 from R1 – Large Lot Low Density Residential District to CZ – Contract Zoning District.

Yours truly,



Michelle Sanson, MCIP, RPP  
Director of Planning and Development Services

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