



DISCRETIONARY USE

Pursuant to the City of Moose Jaw's Zoning Bylaw, land uses within City boundaries are either permitted, discretionary or prohibited. As discretionary land uses may potentially conflict with neighbouring land uses, they are allowed in specific zoning districts only with the approval of City Council.

When City Council approves a discretionary use, the discretionary use is allowed and lawful only at the location and only in accordance with the conditions imposed by Council at the time of approval.

Prior to applying, you should discuss the broad outlines of your project with the City's Planning & Development Services. They will assist you to determine if your proposal is justifiable for economic, locational, timing and land use purposes.

Applications for discretionary use are submitted directly to Planning & Development Services and should include the following:

- A detailed explanation of the purpose of the proposed land use
- Preliminary drawings, floor plans and site development plans, drawn to scale
- Any supporting material
- Application fee of \$500 (in addition, applications will be invoiced for the cost of advertising in the local newspaper)

The review process for discretionary use applications may take a minimum of 6-8 weeks.

Discretionary use applications are publicly advertised in the local newspaper and residents within a 90-metre radius of the proposed development are informed directly by mail.

City Council shall consider the application with the report from the Planning & Development Services Department and any written or verbal submissions received by City Council.

Approval of a discretionary use application may be subject to the applicant entering into a Development Agreement with the City in order to address any concerns such as access and egress, landscaping, sewage and water services, and site draining. Development Agreements usually include bonding to ensure completion of certain aspects of the development.

If the review of your application is favourable, you will be notified that city Council has granted approval of your application. City Council makes the final decision regarding the application at a public Council meeting.

City Council decisions regarding discretionary land use are final and can only be appealed to the Provincial Courts on matters of law and jurisdiction. Development standards, however, can be appealed through the Development Appeals Board, only when City Council has approved the overall discretionary use.

Other Permits or Approvals that may be required:

- Zoning Bylaw Amendment or rezoning: If proposed development does not conform to the City's Zoning Bylaw
- Development and Building Permit
- Approval of a discretionary use is subject to compliance with City Bylaws

Please call 306-694-4443 or email planning@moosejaw.ca for further information.