

# BYLAW NO. 5642

## PLANNING PUBLIC NOTICE BYLAW, 2021

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The Council of the City of Moose Jaw in the Province of Saskatchewan, enacts as follows:

### Title

1 This bylaw shall be referred to as the "Planning Public Notice Bylaw".

### Purpose

2 The purpose of this policy is to establish standards and procedures for public notification and consultation responsibilities in respect to development applications or related bylaws and policies. This will ensure transparent and consistent application of standards for the benefit of affected residents, the development community, and the City.

*The Planning and Development Act, 2007* allows a Council which has been designated as an approving authority to adopt a public notice policy for giving notice with respect to any matters for which public notice is required to be given under *The Planning and Development Act, 2007*.

### Definitions

3 In this Bylaw, in any amending bylaws, and in any schedules attached hereto, the following words and terms shall have the following meanings unless there is something in the subject matter or context inconsistent therewith:

- (a) **"Affected Parties"** means those members of the public who, in the sole discretion of the City, may be specially affected by the matter under consideration by Council;
- (b) **"Clear Days"** means the number of calendar days, excluding the day of original posting, publishing or mailing, as the case may be, as well as the day of the Council meeting.

### Scope

4(1) Public notice in accordance with this policy shall be given for the following matters:

- (a) The adoption, amendment, or repeal of a bylaw for a development plan or zoning bylaw except an amendment to remove the holding symbol "h";
- (b) An application for discretionary use approval or the amendment of a discretionary use approval;

- (c) The adoption, amendment, or repeal of a bylaw authorizing the sale of a buffer strip or municipal reserve;
  - (d) The voiding of a rezoning agreement; and
  - (e) The passing of a resolution to adopt or amend a concept plan.
- (2) This policy shall not impact or replace the Public Notice Policy adopted under Bylaw No. 5175 – City Administration Bylaw.
- (3) Where conflict arises between this policy and any other Bylaw or Act, the Bylaw or Act shall prevail.

### **Procedure**

- 5(1) Consideration of any matter outlined in Section 4 shall adhere to the form of public notification and consultation identified in Table 1 attached hereto as Schedule "A".
- (2) Additional public notice may be required at the discretion of the City;
- (3) All proposed bylaws and applications shall be advertised on the City's website for a minimum of one week prior to the public hearing or to the meeting at which Council will initially consider the application;
- (4) Fulfilling the requirements of this policy does not relieve the owner or applicant of the responsibility to comply with applicable regulations and bylaws, and those requirements of any other body having jurisdiction;
- (5) Failure to undertake the form(s) of notification and consultation in accordance with this policy may result in postponement of initial consideration of the application by Council. All costs incurred by the City for public notification as a result of the postponement will be the responsibility of the applicant;
- (6) Applicants are encouraged wherever possible to use online or web-based tools to enhance public engagement strategies.

### **Notification and Consultation Specification**

- 6(1) Newspaper Notices

- (a) Notice inserted in a newspaper that is printed in sheet form, that circulates within the municipality, at least once each week for two consecutive weeks prior to the public hearing or Council meeting at which the application is initially considered;
- (b) In the case of a Discretionary Use, the notice shall be printed for one week prior to the meeting at which Council initially considers the application;
- (c) In the case of adopting a new Official Community Plan or Zoning Bylaw, the notice shall be printed for four consecutive weeks prior to the public hearing;
- (d) The City shall procure all newspaper notices at the expense of the applicant;
- (e) Content of the notice must include:
  - (i) A summary of the intent of the proposed bylaw or application;
  - (ii) Specify any places where and the hours during which the proposed bylaw or application may be inspected by any person;
  - (iii) Specify any dates, places, and times that Council will be holding a public hearing with respect to the proposed bylaw or the meeting at which it will consider the proposed application;
  - (iv) Outline the procedure by which the public hearing will be conducted (if applicable);
  - (v) Describe the affected area by:
    - i. The municipal address or legal description of the areas and by including a map or, if it is in the opinion of the City not practical to include a map, reference to an electronic map that is widely available to the public
    - ii. In the case of a bylaw of general application, the type of property affected but not the specific location of each property affected;
  - (vi) Include a statement of specific reasons for and detailed explanation of the proposal, in the case of:
    - i. A proposed amendment to a zoning bylaw; and

- ii. An adoption, amendment or repeal of a bylaw authorizing the sale of a buffer strip or municipal reserve.

6(2) Neighbourhood Consultation

- (a) Notices shall be mailed by regular mail to property owners within a minimum of 90 metres of the affected property (if applicable), at least 7 clear days prior to the meeting at which Council will initially consider the application, or in the case of a bylaw, prior to the public hearing;
- (b) The City shall be responsible to mail all notices required by this policy;
- (c) Content of the notice must include:
  - (i) A summary of the intent of the proposed bylaw or application;
  - (ii) Specify any places where and the hours during which the proposed bylaw or application may be inspected by any person;
  - (iii) Specify any dates, places, and times that Council will be holding a public hearing with respect to the proposed bylaw or the meeting at which it will consider the proposed application;
  - (iv) Outline the procedure by which the public hearing will be conducted (if applicable);
  - (v) Describe the affected area by:
    - i. The municipal address or legal description of the areas and by including a map or, if it is in the opinion of the City not practical to include a map, reference to an electronic map that is widely available to the public
    - ii. In the case of a bylaw of general application, the type of property affected but not the specific location of each property affected;
  - (vi) Include a statement of specific reasons for and detailed explanation of the proposal, in the case of:
    - i. A proposed amendment to a zoning bylaw; and
    - ii. An adoption, amendment or repeal of a bylaw authorizing the sale of a buffer strip or municipal reserve.

- 6(3) Large Format Development Notice Sign
- (a) Where required, an applicant must erect a notice sign on the parcel of land which is the subject of the application;
  - (b) Signs must be posted a minimum of 10 days in advance of the either the Public Information Session or Council meeting, whichever occurs first;
  - (c) The public hearing date must be posted a minimum of 10 days in advance of the public hearing;
  - (d) Signs must remain in place until the conclusion of the public hearing;
  - (e) Signs must be removed within seven (7) days of conclusion of the public hearing;
  - (f) Signs placed on the property must be clearly visible from the street, and approximately 3 metres inside the property line;
  - (g) One sign is required for each road frontage;
  - (h) Applicants must provide photographs of the signs required by this policy before the application is considered at a public hearing or Council meeting;
  - (i) Signs must not interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes, or driveways, and be installed in a safe, sturdy manner capable of withstanding wind and weather;
  - (j) Information on the sign will include the following, at the discretion of City staff:
    - (i) Detailed explanation of the proposal;
    - (ii) Visual rendering and/or site plan illustrating the proposal;
    - (iii) Contact information for the applicant or authorized agent, including project website (if any); and
    - (iv) Contact information for the appropriate City Department.
- 6(4) Public Information Session
- (a) When required, an applicant must conduct a Public Information Session at their own expense;

- (b) Alternative forms of public engagement may be approved at the discretion of the City;
- (c) Sessions must be held a minimum of 15 days prior to Council's initial consideration of the application;
- (d) The date, time, duration, and location of a session are to be determined by the applicant, in consultation with City Administration;
- (e) Sessions must be advertised by both mailout and by newspaper notice in accordance with Sections 6.1 & 6.2;
- (f) The applicant must make available for review all relevant plans, studies, and technical information regarding the proposal;
- (g) City Administration must be notified of the meeting, and a City representative shall attend;
- (h) A summary report of the session must be prepared and signed by the applicant which includes the following information:
  - (i) Where was the information session held?
  - (ii) At what time and for what duration was the session held?
  - (iii) How many people attended?
  - (iv) What information was provided at the information session?
  - (v) How was the received input used?

**Coming into Force**

**7** This Bylaw comes into force on the day of passage.

READ a first time the 26<sup>th</sup> day of April, 2021.

READ a second time the 26<sup>th</sup> day of April, 2021.

READ a third time the        day of                    2021.

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Mayor

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City Clerk

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## SCHEDULE A

| Application Type                                  | Neighbour Consultation      | Newspaper Notice | Public Information Session | Large Format Development Notice Sign (8' x 4') |
|---|-----------------------------|------------------|----------------------------|--|
| New Official Community Plan (OCP) or Zoning Bylaw | ✓ - For affected properties | ✓                | ✓                          |  |
| OCP Amendment (Major) <sup>1</sup>                | ✓                           | ✓                | ✓                          | ✓  |
| OCP Amendment (Minor) <sup>2</sup>                |                             | ✓                |                            |  |
| Adoption of a Concept Plan or Amendment           | ✓                           | ✓                | ✓                          |  |
| Zoning Amendment (Major) <sup>3</sup>             | ✓                           | ✓                | ✓                          | ✓  |
| Zoning Amendment (Minor) <sup>4</sup>             | ✓                           | ✓                |                            |  |
| Land Use Contract                                 | ✓                           | ✓                |                            | ✓  |
| Discretionary Use                                 | ✓                           | ✓                |                            |  |
| Sale of a Buffer Strip or Municipal Reserve       | ✓                           | ✓                |                            | ✓  |
| Voiding of a Rezoning Agreement                   | ✓                           | ✓                |                            |  |

<sup>1</sup> – OCP Major means an application that involves a major change to the Future Land Use class of the applicable parcels or a substantial change to allowable density (including but not limited to: Residential to Commercial, or Low Density residential to Medium Density Residential).

<sup>2</sup> – OCP Minor means an application that is not an OCP Major, or one that is limited to text amendments.

<sup>3</sup> – Zoning Major means an application that involves:

- creation of a Direct Control District; or
- total land area of 2 hectares or greater; or
- the addition of 50 or more dwelling units and/or parcels; or
- major change in land use intensity

<sup>4</sup> – Zoning Minor means an application that is not a Zoning Major

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