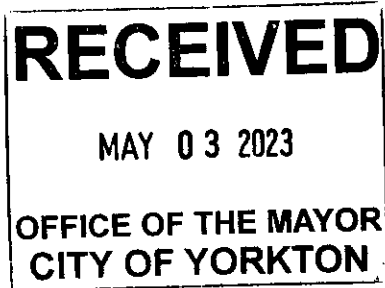


CITY OF YORKTON
REGULAR COUNCIL MEETING AGENDA
Monday, July 17, 2023 - 5:00 p.m.
Council Chambers, City Hall

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **PUBLIC ACKNOWLEDGEMENTS**
4. **APPROVAL OF MINUTES**
 - Regular Council Meeting Minutes – June 26, 2023
5. **UNFINISHED BUSINESS**
6. **REPORTS OF COUNCIL COMMITTEES AND MATTERS REFERRED**
 - Yorkton Public Library Board – Member Resignation
 - Development Appeals Board Meeting Minutes – May 4, 2023
7. **HEARING OF PETITIONS, PUBLIC NOTICES AND PRESENTATIONS**
 - Public Hearing
 - Proposed Bylaw No. 7/2023 – A Bylaw of the City of Yorkton in the Province of Saskatchewan to Provide for the permanent closure and sale of a portion of Highway 10 Service Street Right of Way in Plan No. 71Y08466, adjacent to 415 and 441 Broadway Street East
8. **BUSINESS ARISING OUT OF PETITIONS, PUBLIC NOTICES AND PRESENTATIONS**
 - Director of Legislation and Procedures (City Clerk)
 - Proposed Bylaw No. 7/2023 – A Bylaw of the City of Yorkton in the Province of Saskatchewan to Provide for the permanent closure and sale of a portion of Highway 10 Service Street Right of Way in Plan No. 71Y08466, adjacent to 415 and 441 Broadway Street East [2nd and 3rd Readings]
9. **CORRESPONDENCE**
10. **BYLAWS**
 - Land Use Planner
 - Proposed Bylaw No.9/2023 – Amend Zoning Bylaw No. 14/2003 – Rezone Remnant Portion of Blk/Par C, Plan 101962357 from R-5 Mixed Density Residential to C-1 City Centre Commercial [1st Reading & Public Notice Authorization]
11. **ADMINISTRATIVE REPORTS**
 - Land Use Planner
 - Discretionary Use DU03-2023 Residential Care Facility in R-3 Zoning District 560 Circlebrooke Drive [Public Notice Authorization]
12. **GIVING NOTICE OF MOTION**
13. **IN CAMERA SESSION**
 - 2 Other Items
 - Other Item A
 - Other Item B
 - 1 Property Item
14. **ADJOURNMENT**



Yorkton, Sask.
May 2, 2023.

To whom it may concern,

Please accept my resignation
from the Yorkton Public Library
board.

It has been an enlightening
experience

Luba Magis

**CITY OF YORKTON
SASKATCHEWAN**

**PUBLIC MINUTES OF THE DEVELOPMENT APPEALS BOARD
May 4, 2023**

Minutes of the Development Appeals Board Meeting held on Thursday, May 4, 2023 in City Hall Council Chambers.

Members Present: Jerome Niezgoda, Arliss Dellow, and Scott Sharpe

Others Present: Amanda Dietz – Secretary, Jessica Matsalla – City Clerk, Michael Eger – Director of Planning and Development (Respondent), Carleen Koroluk – Land Use Planner (Respondent), Jared Hiebert – Representative for the Appellant

Regrets: Wyatt Strutynski, Appellant

Absent: None

Recording: Amanda Dietz - Secretary

CALL TO ORDER

A quorum being present, Chairman Niezgoda called the meeting to order at 5:12 p.m.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

AGENDA

R07-2023

Moved by Scott Sharpe

That the agenda for May 8, 2023 be approved as presented.

Carried Unanimously.

MINUTES

R08-2023

Moved by Arliss Dellow

That the minutes of the February 8, 2023 Development Appeals Board meeting be approved as presented.

Carried Unanimously.

HEARINGS

A. DEVELOPMENT APPEAL NO. 2/2023

An appeal application was considered regarding the subject property 85 York Road West, Blk/Par Z Plan 67Y09629 requesting variance to the City of Yorkton's Zoning Bylaw No. 14/2003 to allow for an increase in the height of the existing metal fence from the maximum allowable of 13 feet to 20 feet.

Jared Hiebert – Representative for the Appellant and Carleen Koroluk – Land Use Planner, appeared before the Board with respect to the appeal.

IN CAMERA SESSION

R09-2023

Moved by Arliss Dellow

That this Meeting move to an In Camera Session to deliberate a decision for Appeal No. 1/2023 – 5:42 pm.

Carried Unanimously.

Chairman Niezgoda called a brief recess to clear Council Chambers at 5:42 p.m.

Chairman Niezgoda called the In-Camera session to order at 5:45 p.m.

Members Present: Jerome Niezgoda, Arliss Dellow, and Scott Sharpe

Others Present: Jessica Matsalla – City Clerk and Amanda Dietz – Secretary.

R010-2023

Moved by Scott Sharpe

That members rise and report to the regular scheduled meeting agenda – 6:10 p.m.

Carried Unanimously.

RESOLUTIONS RESULTING FROM IN CAMERA SESSION

R11-2023

Moved by Arliss Dellow

That Development Appeals Board Appeal No. 2/2023 for variance to the Zoning Bylaw No. 14/2003 regarding subject property 85 York Road West, Blk/Par Z; Plan 67Y09629 be granted for the reasons set forth in the Record of Decision of the Board.

Carried Unanimously.

ADJOURNMENT

R12-2023

Moved by Arliss Dellow

That this Regular Meeting adjourn at 6:14 p.m.

Carried Unanimously.

Approved this 20th day of June, A.D., 2023

Jerome Niezgoda

Chairman

Amanda Dietz

Secretary

PUBLIC NOTICE

Bylaw No. 7/2023 - Permanent Service Street Closure (a portion of) and Sale



Legal Description: A portion of plan 71Y08466 abutting Parcel T Plan 102336566

Civic Address: A portion of Service Street Right-of-Way adjacent to 415 and 441 Broadway Street East, Yorkton, SK

Pursuant to *The Cities Act* section 13, the Council of the City of Yorkton hereby gives notice of its intention to permanently close and sell at market value a 20.3 metre wide by 209.4 metre long strip of service street right of way to the owner of adjacent property: 415 and 441 Broadway Street East. Permanent road closures must be passed as a City bylaw before the Province will authorize transfer of ownership.

Information: You can view this bylaw online at www.yorkton.ca . A link for Public Notices appears on the home page. Questions regarding the closure and sale can be directed to:

Jessica Matsalla, City Clerk
Telephone: 306-786-1717
Email: cityclerk@yorkton.ca

Public Hearing: A Public Hearing will be held on the matter described above on **Monday, July 17, 2023 in City Hall Council Chambers, located at 37 Third Avenue North, Yorkton, Saskatchewan at 5:00 p.m.**

City Council will hear all persons who are present and wish to speak to the proposed bylaw. A person may provide a submission in writing regarding the matter and all written submissions will be read verbatim aloud unless the submitter is in attendance to speak on the submission. Any written submissions will be included in the public Council package and circulated to City Council. Written submissions must be received by 9:00 a.m. on Wednesday, July 12, 2023 and must be directed to:

Jessica Matsalla, City Clerk
Box 400, 37 Third Avenue North
Yorkton, SK S3N 2W3
Email: jmatsalla@yorkton.ca

Dated this 27th day of June in the City of Yorkton in the Province of Saskatchewan.

Jessica Matsalla, City Clerk

TITLE: Proposed Bylaw No. 7/2023 Permanent Closure and Sale of a portion of Service Street Right-of-Way in Plan No. 71Y08466, adjacent to 415 & 441 Broadway Street East [2 nd and 3 rd Readings]	DATE OF MEETING: July 17, 2023
CLEARANCES: <div style="text-align: right;">Michael Eger</div> <hr/> Michael Eger, Director of Planning, Building & Development	REPORT DATE: July 11, 2023 ATTACHMENTS: <ol style="list-style-type: none"> 1. Bylaw No. 7/2023 – A Bylaw of the City of Yorkton in the Province of Saskatchewan to Provide for the Closure of a Service Street Right-of-Way in Plan No. 71Y08466, adjacent to 415, 441 and Broadway Street East 2. June 26, 2023 Council Report
Written by: Jessica Matsalla – Director of Legislation and Procedures (City Clerk) <div style="text-align: right;">Jessica Matsalla</div>	
Approved by: Ashley Stradeski - Acting City Manager <div style="text-align: right;">Ashley Stradeski</div>	

Summary of History/Discussion:

This is the second report to Council in regard to the proposed closure of a portion of Highway 10 Service Street Right of way adjacent to the property at 415 and 441 Broadway Street East.

Council carried 1st Reading and authorized public notification for the proposed bylaw at the June 26, 2023 meeting. Public Notice has since been posted at City Hall and on the City webpage, and advertised in the local newspaper in accordance with our requirements. As of the date of this report, no inquiries or comments have been received. Council may still receive written or verbal submissions as part of the Public Hearing.

The proposed Bylaw follows directive from a previous Council resolution, and there has not been any new information that would preclude the closure from proceeding at this time. Upon receiving final approval, Administration will complete subdivision, title transfer and easement registration for the subject lands.

Options:

1. That Bylaw No. 7/2023, a Bylaw of the City of Yorkton in the Province of Saskatchewan to provide for the permanent closure and sale of a portion of Highway 10 Service Street Right-of-Way in Plan No. 71Y08466, adjacent to 415 and 441 Broadway Street East, be given 2nd & 3rd/Final Readings, this 17th day of July, A.D., 2023.
2. That Bylaw No. 7/2023, a Bylaw of the City of Yorkton in the Province of Saskatchewan to provide for the permanent closure and sale of a portion of Highway 10 Service Street

Right-of-Way in Plan No. 71Y08466, adjacent to 415 and 441 Broadway Street East, be denied for reasons as listed by Council.

3. That Administration be provided with alternative direction.

Recommendation:

1. That Bylaw No. 7/2023, a Bylaw of the City of Yorkton in the Province of Saskatchewan to provide for the permanent closure and sale of a portion of Highway 10 Service Street Right-of-Way in Plan No. 71Y08466, adjacent to 415 and 441 Broadway Street East, be introduced and given 2nd Reading this 17th day of July, 2023, A.D.; and
2. That Bylaw No. 7/2023, a Bylaw of the City of Yorkton in the Province of Saskatchewan to provide for the permanent closure and sale of a portion of Highway 10 Service Street Right-of-Way in Plan No. 71Y08466, adjacent to 415 and 441 Broadway Street East, be given 3rd and Final Reading this 17th day of July, 2023, A.D., and entered in the City of Yorkton Bylaw register.

**City of Yorkton
Saskatchewan**

Bylaw No. 7/2023

**A Bylaw of the City of Yorkton in the Province of Saskatchewan to
provide for the permanent closure and sale of a portion of Highway 10 Service Street
Right-of-Way in
Plan No. 71Y08466, adjacent to 415 and 441 Broadway Street East**

WHEREAS, in accordance with Sections 8 (1)(g) and 13 of *The Cities Act*, the Council of the City of Yorkton in the Province of Saskatchewan in Council assembled hereby enacts that the following street be permanently closed:

“All that portion of Service Street Right-of-Way in Plan No. 71Y08466, as identified on Schedule ‘A’, attached to and forming part of this bylaw.”

And that Bylaw No. 12/2015 to provide for closure to lease is hereby repealed.

Effective Date of Bylaw

This bylaw shall come into force and take effect upon the day of final passing thereof.

MAYOR

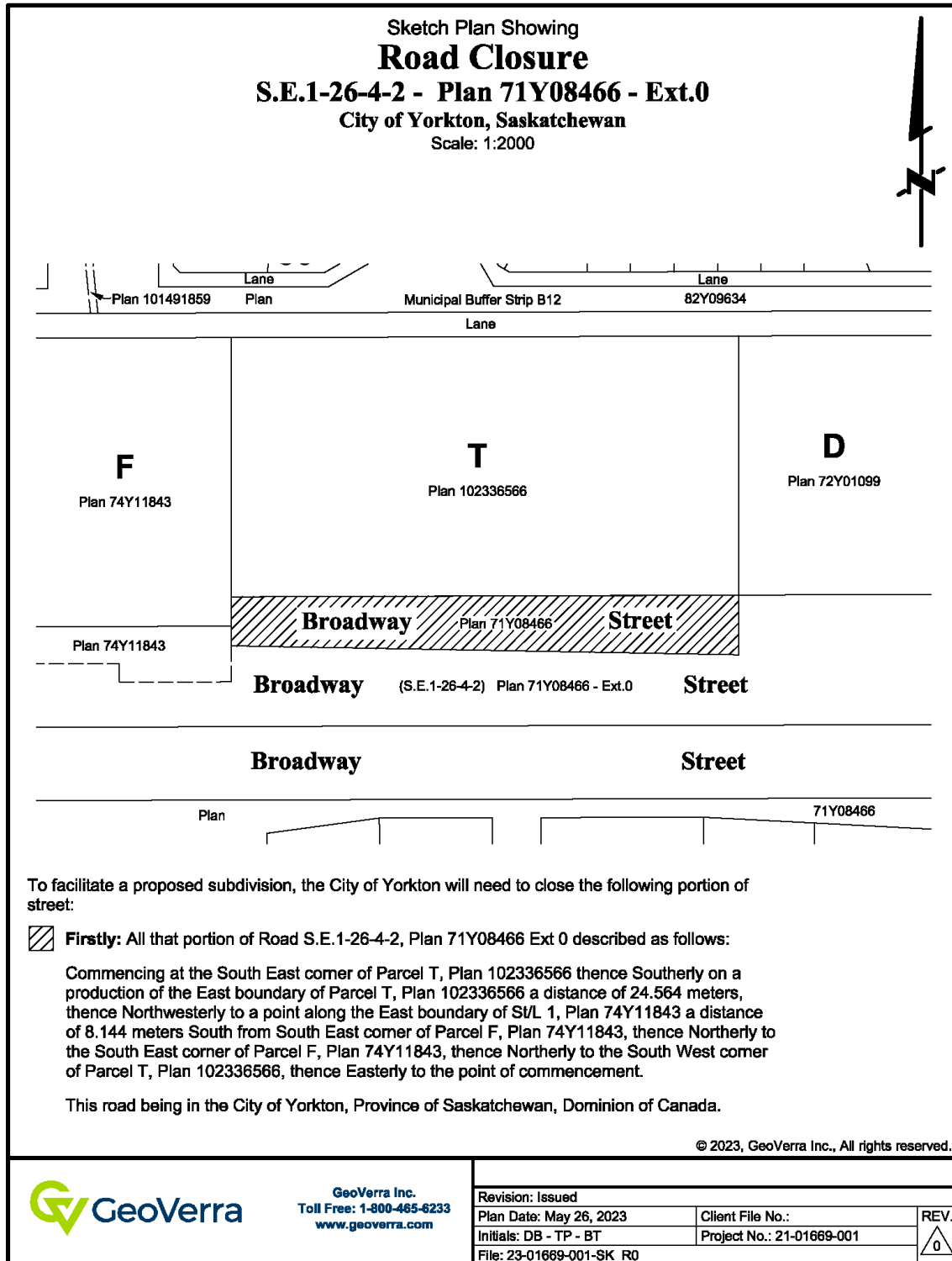
CITY CLERK

Introduced and read a first time this 26th day of June, A.D. 2023.

Read a second time this _____ day of _____, A.D. 20____.

Read a third time and adopted this _____ day of _____ A.D. 20____.

Schedule 'A'



REPORTS TO COUNCIL

TITLE: Proposed Bylaw No. 7/2023 Permanent Closure and Sale of a portion of Service Street Right-of-Way in Plan No. 71Y08466, adjacent to 415 & 441 Broadway Street East	DATE OF MEETING: June 26, 2023
CLEARANCES: Michael Eger <hr/> Michael Eger, Director of Planning, Building & Development	REPORT DATE: May 5, 2023 ATTACHMENTS: 1. Draft Bylaw No. 7/2023 – A Bylaw of the City of Yorkton in the Province of Saskatchewan to Provide for the Closure of a Service Street Right-of-Way in Plan No. 71Y08466, adjacent to 415, 441 and Broadway Street East 2. Public Notice
Written by: Jessica Matsalla - City Clerk Jessica Matsalla	
Approved by: Lonnie Kaal - City Manager Lonnie Kaal	

Summary of History/Discussion:

The owner of 415 and 441 Broadway Street East wishes to obtain a portion of unused service street right-of-way along the southerly property boundary (as shown on Attachment 1).

Administration sees no need to protect the portion of right-of-way being requested for current or future services and has tentatively agreed to close an approximately 20.3m wide and 0.21km long portion of the Service Street right-of-way. The 1.04 acre strip of service street right-of-way adjacent to 415 and 441 Broadway Street East would be sold, subdivided, and consolidated with the private lands.

The Ministry of Highways has provided preliminary approval and further indicated that they will require compensation, of which has been negotiated at market value.

In accordance with *the Cities Act* the proposed bylaw is subject to public notice requirements. As such, the proposed Bylaw will be posted at City Hall and on the City webpage, and advertised in the local newspaper.

Options:

1. That Bylaw No. 7/2023, a Bylaw of the City of Yorkton in the Province of Saskatchewan to provide for the permanent closure and sale of a portion of Highway 10 Service Street Right-of-Way in Plan No. 71Y08466, adjacent to 415 and 441 Broadway Street East, be introduced and given 1st Reading, and that Administration be authorized to proceed with the Public Notice process.

2. That Bylaw No. 7/2023, a Bylaw of the City of Yorkton in the Province of Saskatchewan to provide for the permanent closure and sale of a portion of Highway 10 Service Street Right-of-Way in Plan No. 71Y08466, adjacent to 415 and 441 Broadway Street East, be denied for reasons as listed by Council.
3. That Administration be provided with alternative direction.

Recommendation:

1. That Bylaw No. 7/2023, a Bylaw of the City of Yorkton in the Province of Saskatchewan to provide for the permanent closure and sale of a portion of Highway 10 Service Street Right-of-Way in Plan No. 71Y08466, adjacent to 415 and 441 Broadway Street East, be introduced and given 1st Reading this 26th day of June, 2023, A.D., and that Administration be authorized to proceed with the Public Notice process.

**City of Yorkton
Saskatchewan**

Bylaw No. 7/2023

**A Bylaw of the City of Yorkton in the Province of Saskatchewan to
provide for the permanent closure and sale of a portion of Highway 10 Service Street
Right-of-Way in
Plan No. 71Y08466, adjacent to 415 and 441 Broadway Street East**

WHEREAS, in accordance with Sections 8 (1)(g) and 13 of *The Cities Act*, the Council of the City of Yorkton in the Province of Saskatchewan in Council assembled hereby enacts that the following street be permanently closed:

“All that portion of Service Street Right-of-Way in Plan No. 71Y08466, as identified on Schedule ‘A’, attached to and forming part of this bylaw.”

And that Bylaw No. 12/2015 to provide for closure to lease is hereby repealed.

Effective Date of Bylaw

This bylaw shall come into force and take effect upon the day of final passing thereof.

MAYOR

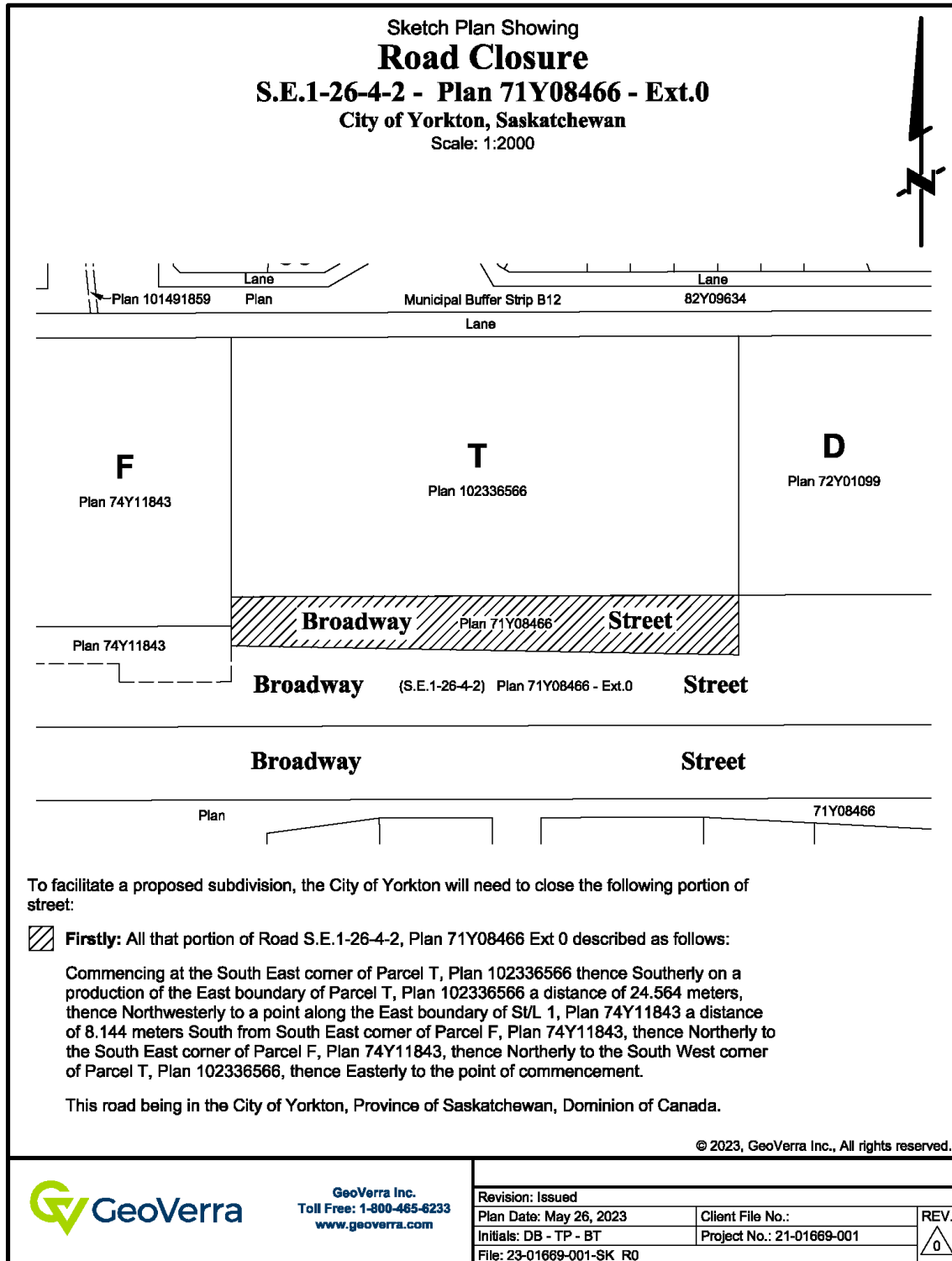
CITY CLERK

Introduced and read a first time this ____ day of _____, A.D. 20__.

Read a second time this ____ day of _____, A.D. 20__.

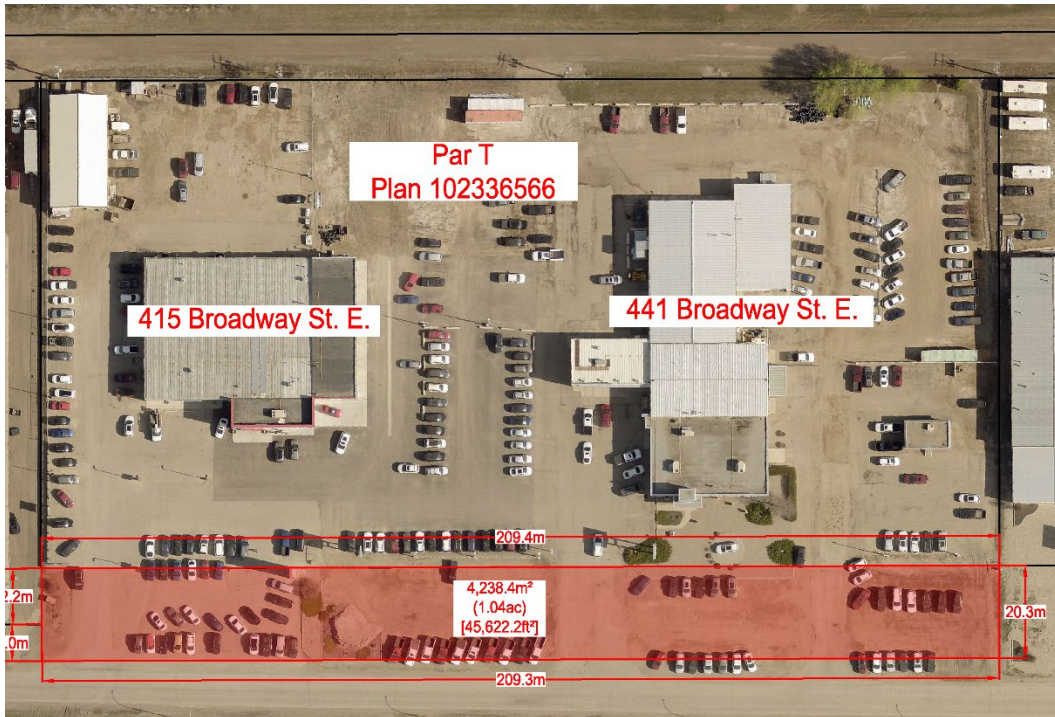
Read a third time and adopted this ____ day of _____ A.D. 20__.

Schedule 'A'



PUBLIC NOTICE

Bylaw No. 7/2023 - Permanent Service Street Closure (a portion of) and Sale



Legal Description: A portion of plan 71Y08466 abutting Parcel T Plan 102336566

Civic Address: A portion of Service Street Right-of-Way adjacent to 415 and 441 Broadway Street East, Yorkton, SK

Pursuant to *The Cities Act* section 13, the Council of the City of Yorkton hereby gives notice of its intention to permanently close and sell at market value a 20.3 metre wide by 209.4 metre long strip of service street right of way to the owner of adjacent property: 415 and 441 Broadway Street East. Permanent road closures must be passed as a City bylaw before the Province will authorize transfer of ownership.

Information: You can view this bylaw online at www.yorkton.ca . A link for Public Notices appears on the home page. Questions regarding the closure and sale can be directed to:

Jessica Matsalla, City Clerk
Telephone: 306-786-1717
Email: cityclerk@yorkton.ca

Public Hearing: A Public Hearing will be held on the matter described above on **Monday, July 17, 2023 in City Hall Council Chambers, located at 37 Third Avenue North, Yorkton, Saskatchewan at 5:00 p.m.**

City Council will hear all persons who are present and wish to speak to the proposed bylaw. A person may provide a submission in writing regarding the matter and all written submissions will be read verbatim aloud unless the submitter is in attendance to speak on the submission. Any written submissions will be included in the public Council package and circulated to City Council. Written submissions must be received by 9:00 a.m. on Wednesday, July 12, 2023 and must be directed to:

Jessica Matsalla, City Clerk
Box 400, 37 Third Avenue North
Yorkton, SK S3N 2W3
Email: jmatsalla@yorkton.ca

Dated this 27th day of June in the City of Yorkton in the Province of Saskatchewan.

Jessica Matsalla, City Clerk

TITLE: Bylaw No. 9/2023 – Amendment to Zoning Bylaw No. 14/2003 – Rezone remnant portion of Blk/Par C, Plan 101962357 from R-5 Mixed Density Residential to C-1 City Centre Commercial Council Report #1 – 1st Reading & Public Notice	DATE OF MEETING: July 17, 2023
	REPORT DATE: July 12, 2023, 10:03 AM
CLEARANCES: <div style="color: red; text-align: center;">Michael Eger</div> <hr/> Michael Eger Director of Planning, Building & Development	ATTACHMENTS: 1. Zoning Map 2. Aerial View 3. Public Notice 4. Bylaw No. 9/2023
Written by: Carleen Koroluk – Land Planner <div style="color: red; text-align: center;">Carleen Koroluk</div>	
Reviewed by: Jessica Matsalla – Director of Legislation and Procedures (City Clerk) <div style="color: red; text-align: center;">Jessica Matsalla</div>	
Approved by: Ashley Stradeski – Acting City Manager <div style="color: red; text-align: center;">Ashley Stradeski</div>	

Summary of History/Discussion:

Administration has received a Zoning Bylaw amendment application, affecting a portion of Blk/Par C, Plan 101962357 (see Attachment 1 & 2). The lands are within the City's downtown core and the current split-zoning consists of approximately 1.3 acres of R-5 Mixed Density Residential with the balance of the parcel, approximately 9.88 acres, zoned C-1 City Centre Commercial.

The split-zoning has been in place since 2003 and the property has remained undeveloped. While Administration has not received formal concept and/or development plans at this time, the Applicant is requesting rezoning of the residential portion from R-5 to C-1 to create a larger commercial parcel in contemplation of future development.

Administrative Review

In order to evaluate the merits of potential rezoning applications, Planning Services considers each application under eight criteria. This application was evaluated as follows:

1. Is the proposed use compatible with neighboring uses? AND 2. Are the building and property suitable to the proposed use?

The subject land is the remnant portion of a lot located between Seventh Avenue North and Dracup Avenue. The balance of the parcel is zoned C-1 City Centre Commercial (see

Attachment 1). While still within the City's downtown core, it was previously anticipated that residential development would occur along the Seventh Avenue North property boundary, however this has not occurred to date. Seventh Avenue North separates the parcel from existing residential use on the west side.

The City's Official Community Plan designates lands along Dracup Avenue for future commercial use and Administration is satisfied that the rezoning request aligns with the plan and is suitable for larger city centre commercial uses. For comparison purposes, the rezoning will create a parcel similar in size to the existing Superstore site (~10.4 acres).

3. Is there a need in the community for the proposed use? AND 4. Is there a need for additional properties within the zoning sector?

Commercial development in the city centre is desirable and currently, there are no existing vacant commercial parcels of this size available in the downtown core.

5. Would the rezoning transplant an existing business in such a way that it will create a vacancy elsewhere in the City?

Because the lands are vacant, no vacancies will be created.

6. Will the proposed use enhance or revitalize the property and building(s)?

Pursuant to the Zoning Bylaw, new builds are subject to a number of conditions including on-site storm water management, site improvements and landscaping which will enhance, not only the property, but also the surrounding area.

7. Has the applicant demonstrated their understanding of the potential financial constraints and opportunities that warrants consideration of a rezoning?

The applicant is an established company that operates in Canada, the United States and the Asia Pacific region. The company has vast experience with development and financial implications.

8. Would the rezoning be perceived as a precedent for which other owners of similarly-zoned properties would expect similar treatment?

There are limited split-zoned properties within the City and each of these situations are unique. As such, any request for rezoning would be analyzed on its own merits, taking into account the above criteria.

Based on the above criteria, Administration is supportive of the rezoning request.

Public Notice:

At this time, Administration would like to initiate the public notice process for the required amendments including advertisement in the local newspaper, at City Hall and on the City website, as well as circulation to property owners within 75 metres of the subject property.

If authorization for Public Notice is granted, the proposed amendment will also be referred to the

Planning and Infrastructure Commission for their input. The Commission's recommendations will be brought back to Council, for their review and decision, in conjunction with the Public Hearing.

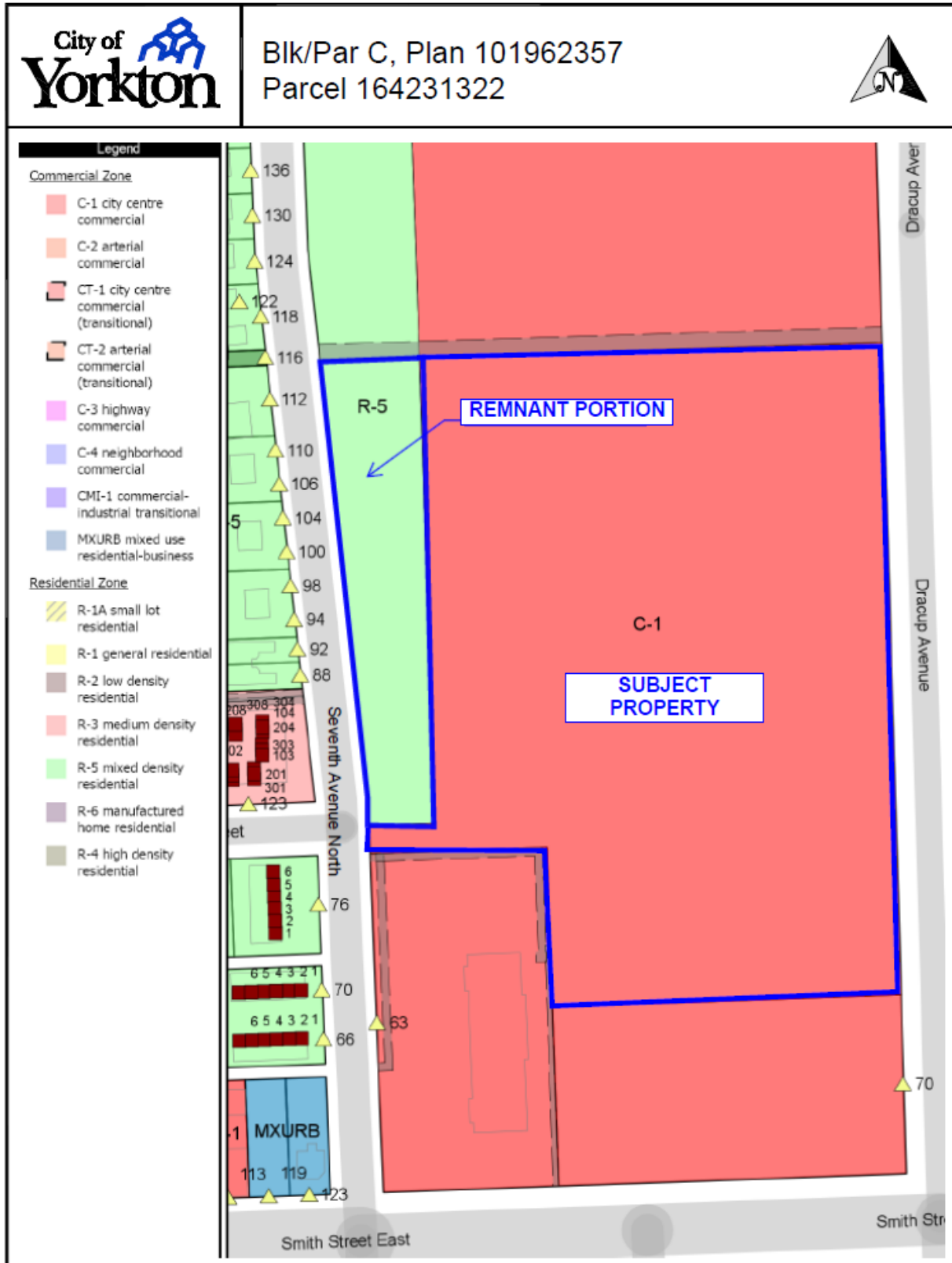
OPTIONS:

1. That Bylaw No. 9/2023, a bylaw of the City of Yorkton in the Province of Saskatchewan to amend Zoning Bylaw No. 14/2003 by rezoning the remnant portion of Blk/Par C, Plan 101962357, Parcel 164231322 as shown on Schedule 'A' from R-5 Mixed Density Residential to C-1 City Centre Commercial, be introduced and given 1st Reading, and that Administration be authorized to proceed with the Public Notice process.
2. That Bylaw No.9/2023, a bylaw of the City of Yorkton in the Province of Saskatchewan to amend Zoning Bylaw No. 14/2003 by rezoning the remnant portion of Blk/Par C, Plan 101962357, Parcel 164231322 as shown on Schedule 'A' from R-5 Mixed Density Residential to C-1 City Centre Commercial, be denied for reasons as listed by Council; or
3. That Administration be provided with alternative direction.

RECOMMENDATION:

1. That Bylaw No. 9/2023, a bylaw of the City of Yorkton in the Province of Saskatchewan to amend Zoning Bylaw No. 14/2003 by rezoning the remnant portion of Blk/Par C, Plan 101962357, Parcel 164231322 as shown on Schedule 'A' from R-5 Mixed Density Residential to C-1 City Centre Commercial, be introduced and given 1st Reading this 17th day of July, A.D., 2023, and that Administration be authorized to proceed with the Public Notice process.

Attachment 1 – Zoning Map



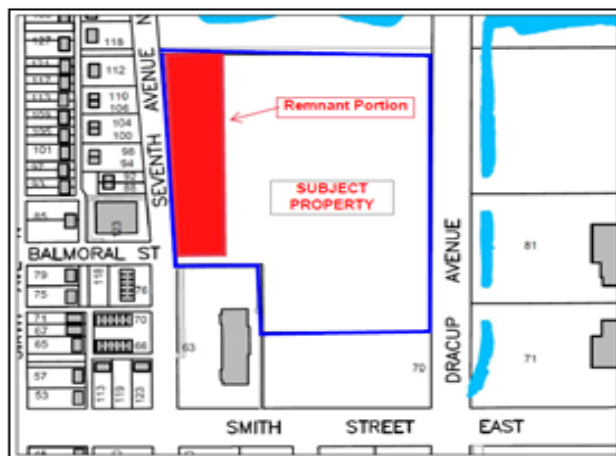
Attachment 2 – Aerial View



Attachment 3 - Public Notice

PUBLIC NOTICE

**Bylaw No. 9/2023 – Proposed Rezoning to C-1 City Centre Commercial
to Allow for Future Commercial Use
Amendment to Zoning Bylaw No. 14/2003**



Legal Description: Blk/Par C, Plan 101962357, Parcel 164231322

Civic Address: Unassigned

Current Zoning: R-5 Mixed Density Residential

Proposed Zoning: C-1 City Centre Commercial

Details – The applicant proposes to rezone the remnant portion of the subject lands from R-5 Mixed Density Residential to C-1 City Centre Commercial to allow for future commercial use.

Public Hearing – City Council will hear all persons who are present and wish to speak to the proposed bylaw and all written submissions will be read verbatim unless the submitter is in attendance to speak on the submission, on **Monday, August 14, 2023 at 5:00 p.m. in City Hall Council Chambers, Yorkton, SK.**

If you wish to provide written comments for Council's consideration, they must be submitted by 9:00 a.m. on Wednesday, August 7, 2023. Written submissions must be directed to:

Jessica Matsalla, Director of Legislation & Procedures

In Person: 37 Third Avenue North, Yorkton, SK

Via Mail: Box 400, Yorkton, SK S3N 2W3

Via Email: jmatsalla@yorkton.ca

Information – To see the full report on this application, please visit www.Yorkton.ca. Click/tap on the "Council Meetings" link and select the "Agenda and Information Package" for the July 17, 2023 Regular Council Meeting. The full report is included in the Information Package. Questions regarding the proposed bylaw may be directed to:

Carleen Koroluk, Land Use Planner

Phone: (306) 786-1727

Email: ckoroluk@yorkton.ca

Attachment 4 – Bylaw 9/2023

**City of Yorkton
Saskatchewan**

Bylaw No. 9/2023

A bylaw of the City of Yorkton in the Province of Saskatchewan to rezone the remnant portion of Blk/Par C, Plan 101962357, Parcel 164231322, from R-5 Mixed Density Residential to C-1 City Centre Commercial to allow for future commercial use.

WHEREAS, pursuant to Section 46(3) of *The Planning and Development Act, 2007*, the Council of the City of Yorkton in the Province of Saskatchewan in Council assembled hereby enacts as follows:

1. That Bylaw No. 14/2003 is amended by rezoning the remnant portion of Blk/Par C, Plan 101962357, Parcel 164231322 as shown on Schedule 'A' attached hereto, from R-5 Mixed Density Residential to C-1 City Centre Commercial;
2. That the Zoning Districts Map attached to and forming part of Bylaw No. 14/2003, is amended to change the zoning of the remnant portion of Blk/Par C, Plan 101962357, Parcel 164231322 as shown on Schedule 'A' attached hereto, from R-5 Mixed Density Residential to C-1 City Centre Commercial.

This bylaw shall come into force and take effect on the date of final passing thereof.

MAYOR

CITY CLERK

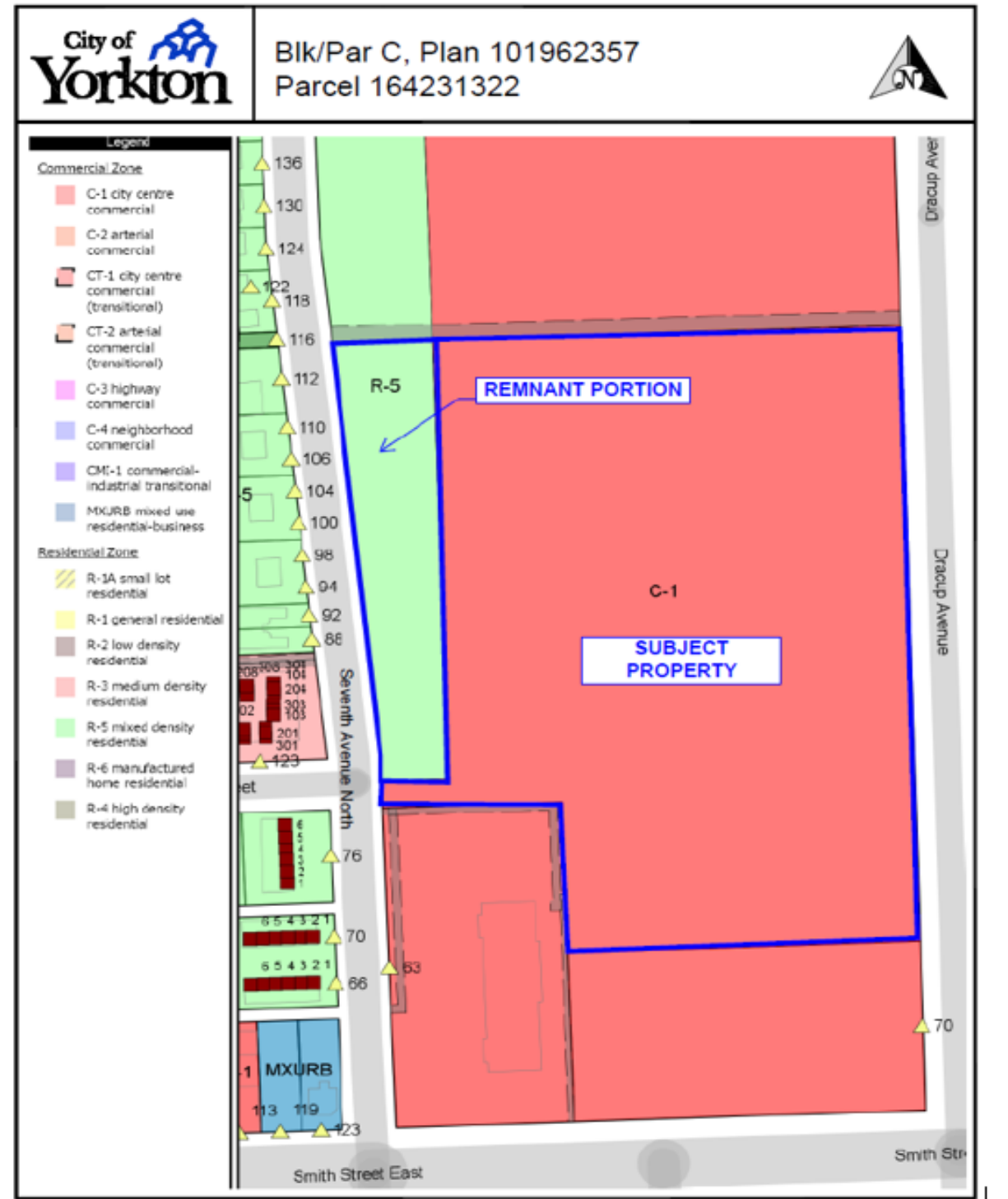
Introduced and read a first time this ____ day of _____, A.D., 2023.

Read a second time this ____ day of _____, A.D., 2023.

Read a third time and adopted this ____ day of _____, A.D., 2023.

Attachment 4 – Bylaw No. 9/2023 continued

Schedule 'A'



TITLE: Discretionary Use DU03-2023 Residential Care Facility in R-3 Zoning District 560 Circlebrooke Drive Council Report #1 – Public Notice Authorization	MEETING DATE: July 17, 2023, 2020 REPORT DATE: July 12, 2023 10:08:02 AM
CLEARANCES: <p style="color: red;">Michael Eger</p> Michael Eger Director of Planning, Building & Development	ATTACHMENTS: 1. Key Plan 2. Aerial View 3. Summary of Discretionary Use Application Process 4. Site Plan 5. Public Notice
Written by: Carleen Koroluk – Land Use Planner <p style="color: red;">Carleen Koroluk</p>	
Reviewed by: Jessica Matsalla – Director of Legislation and Procedures (City Clerk) <p style="color: red;">Jessica Matsalla</p>	
Approved by: Ashley Stradeski - Acting City Manager <p style="color: red;">Ashley Stradeski</p>	

Summary of History/Discussion:

This report is in response to a Development Permit application for a Residential Care Facility use in both sides of a semi-detached dwelling (side-by-side duplex) located at 560 Circlebrooke Drive (see Attachments 1 & 2 & 3). A Residential Care Facility is a Discretionary Use in the R-3 Medium Density Residential zone and Council consideration following the Discretionary Use Process (see Attachment 4) is required.

Administrative Review:

Zoning Bylaw definition of Residential Care Facility:

“A licensed or approved care facility governed by Provincial regulations that provides, in a residential setting, 24 hour care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual in which the number of residents, excluding staff, is five (5) or more.”

The semi-detached dwelling is situated on one legal lot and the applicant proposes to utilize both units for its proposed use, with each side providing daily care for a maximum of 5 individuals (newborn to 11 years of age). The use is consistent with the residential character of the neighbourhood and required on-site parking for 24 hour staff is being proposed in the front driveways (1 space in each driveway) and off of the rear lane (4 spaces) as shown on the Site Plan (see Attachment 5).

Pursuant to the Zoning Bylaw, the Residential Care Facility use also requires inspections and approval from the Fire Inspector and the Building Inspector in order to ensure compliance with the *National Building Code* and *City of Yorkton Building Bylaw 4/2017*. The Applicant is currently working with Building Services to arrange for inspections.

Conclusion:

At this time, Administration would like to initiate the public notice process, including advertisement in the local newspaper, at City Hall and on the City website, and circulation to property owners within 75 m of the subject property. The proposed public notice is attached for Council's consideration (see Attachment 6).

If authorization to proceed is granted, the application will also be referred to the Planning and Infrastructure Commission for their review and comments before it is brought back to Council for its review and final decision in conjunction with the Public Hearing.

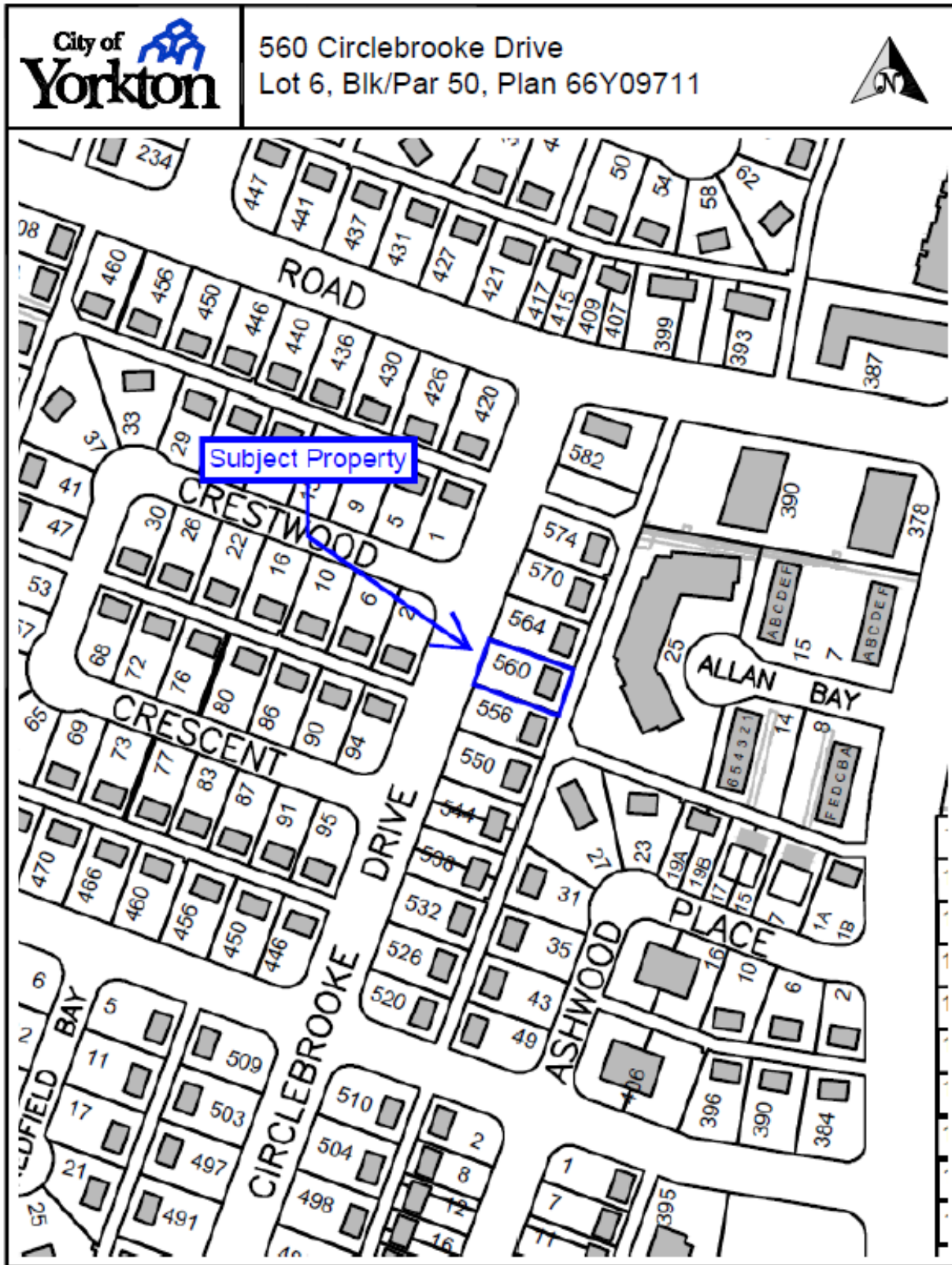
Council's Options:

1. That Administration be authorized to proceed with Public Notification for Discretionary Use application DU03-2023 which proposes a Residential Care Facility at 560 Circlebrooke Drive and that the application be brought back to Council for its review and decision.
2. That Public Notification for Discretionary Use application DU03-2023 which proposes a Residential Care Facility at 560 Circlebrooke Drive, be denied for reasons as listed by Council;
3. That Administration be provided with alternative direction.

Administration's Recommendation:

1. That Administration be authorized to proceed with Public Notification for Discretionary Use application DU03-2023 which proposes a Residential Care Facility use at 560 Circlebrooke Drive, legally described as Lot 6, Blk/Par 50, Plan 66Y09711, and that the application be brought back to Council for its review and decision.

ATTACHMENT 1 – KEY PLAN – 560 CIRCLEBROOKE DRIVE



ATTACHMENT 2 – AERIAL VIEW – 560 CIRCLEBROOKE DRIVE



ATTACHMENT 3 – SUMMARY OF DISCRETIONARY USE APPLICATION PROCESS

Summary of Discretionary Use Application Process:

The Planning and Development Act, 2007 ('The Act') allows a zoning bylaw to contain provisions for "Permitted Uses" and "Discretionary Uses" within specified land use zones. Any use that is not listed as "Permitted" or "Discretionary" is considered prohibited. *The Act* allows "Permitted Uses" to be approved by Administration, however, "Discretionary Use" applications require the approval of a council and must follow *The Act's* prescribed process. The process includes the requirement of giving Public Notice to property owners within 75 metres (250 feet) of the subject property, as well as the provision of a Public Hearing.

Pursuant to *The Act*, a council shall exercise its discretion respecting a Discretionary Use application to:

- (a) Reject the application;
- (b) Approve the discretionary use in accordance with the provisions of the zoning bylaw;
- (c) Approve the discretionary use subject to development standards or conditions in accordance with the zoning bylaw; or
- (d) Approve the discretionary use for a limited time, if a time limit is authorized in the bylaw.

A council may approve a discretionary use if the facts presented establish that the proposed discretionary use will:

- (a) Comply with provisions of the zoning bylaw respecting the use and intensity of use of land for the discretionary use;
- (b) Be consistent with the criteria in the zoning bylaw respecting the use and intensity of use of land for the discretionary use;
- (c) In the opinion of the council, be compatible with development in the district in the immediate area of the proposal; and
- (d) Be consistent with provincial land use policies and statements of provincial interest.

In approving a discretionary use, a council may prescribe specific development standards or conditions with respect to that use, but only if those standards or conditions:

- (a) Are based on and are consistent with general development standards or conditions made applicable to discretionary uses by the zoning bylaw; and
- (b) Are, in the opinion of the council, necessary to secure the objectives of the zoning bylaw with respect to:
 - (i) The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings;
 - (ii) The accessibility and traffic patterns for persons and vehicles, the type and volume of that traffic and the adequacy of proposed off-street parking and loading;
 - (iii) The safeguards afforded to minimize noxious or offensive emissions including noise, glare, dust and odour; or
 - (iv) Any treatment given, as determined by the council, to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials and architectural detail.

If an application for a discretionary use has been approved by a council with prescribed standards or conditions, the applicant may appeal to the Development Appeals Board, however a Discretionary Use application that is denied by a council may not be appealed.

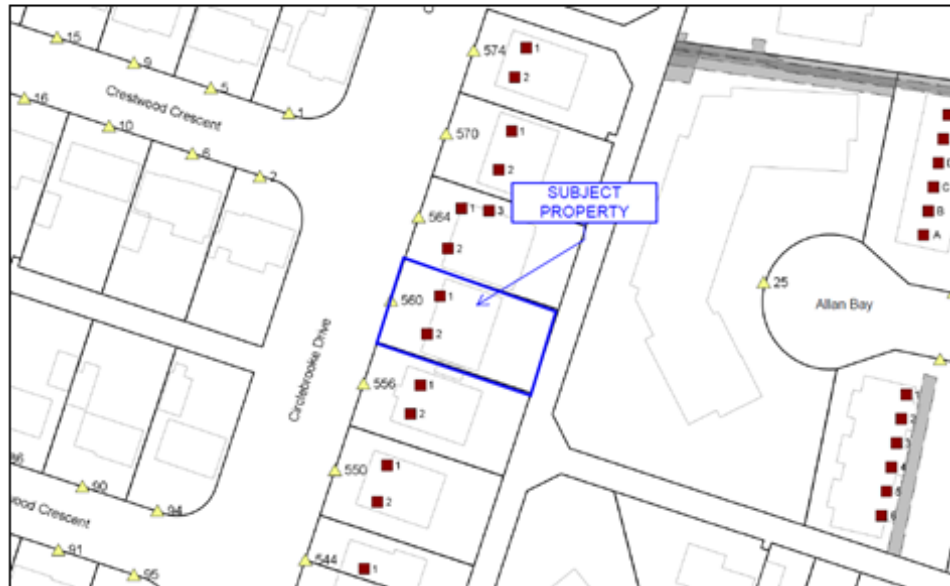
ATTACHMENT 4 – SITE PLAN



ATTACHMENT 5 – PUBLIC NOTICE

Public Notice

**Discretionary Use Application for Residential Care Facility use
in R-3 Medium Density Residential Zoning District
Units 1 & 2 – 560 Circlebrooke Drive**



Civic Address: Units 1 & 2 – 560 Circlebrooke Drive **Legal Description:** Lot 6, Blk/Par 50, Plan 66Y09711

Proposed Use: Residential Care Facility

Details: The applicant is proposing that each unit be used to provide care for a maximum of five individuals (newborn to 11 years).

Residential Care Facilities are listed as a Discretionary Use in Zoning Bylaw No. 14/2003 and under *The Planning & Development Act, 2007*, require City Council authorization to proceed.

Public Hearing: City Council will hear all persons who are present and wish to speak to the application and all written submissions will be read verbatim unless the submitter is in attendance to speak on the submission, on **Monday, August 14, 2023 at 5:00 pm in City Hall Council Chambers, Yorkton, SK.**

If you wish to provide written comments for Council's consideration, **they must be submitted by 9:00 a.m. on Wednesday, August 9, 2023.** Written submissions must be directed to:

Jessica Matsalla, Director of Legislation & Procedures
In Person: 37 Third Avenue North, Yorkton, SK
Via Mail: Box 400, Yorkton, SK S3N 2W3
Via Email: jmatsalla@yorkton.ca

Information: To see the full report on this application, please visit www.Yorkton.ca. Click/tap on the "Council Meetings" link and select the "Agenda and Information Package" for the July 17, 2023 Regular Council Meeting. The full report is included in the Information Package.

Questions regarding the application may be directed to:

Carleen Koroluk, Land Use Planner
Phone: (306) 786-1727
Email: ckoroluk@yorkton.ca