

Land Use Planning Bylaw Checklist

Under *The Planning and Development Act, 2007* and
The Statements of Provincial Interest Regulations

2020

Preamble

This checklist is intended to assist in the preparation of land use planning bylaws, which include district plans, official community plans and zoning bylaws. This checklist provides an interpretation of the adoption, public notice and content requirements for land use planning bylaws contained within *The Planning and Development Act, 2007 (Act)* and *The Statements of Provincial Interest Regulations (Statements)*. The Act and Statements should be referred to for additional details because they supersede this checklist.

Together, the district plan, official community plan and zoning bylaw provide a comprehensive policy framework to guide and implement the physical, environmental, economic, social and cultural development of municipalities. District plans and official community plans must be prepared in consultation with a Registered Professional Planner and the municipality.

The Ministry of Government Relations (the Ministry) is committed to assisting municipalities in their development of land use planning bylaws. New district plans, official community plans and zoning bylaws must be submitted to the Ministry for review and decision. Community Planning prepares the review to ensure compliance with the Act and the Statements. The Act provides the Minister of Government Relations (the Minister) 90 days to issue a decision on new land use planning bylaws and 30 days to issue a decision on amendments. The Minister may request an extension to this time if required.

Reference to an “approving authority” means a council, district planning authority or regional planning authority that has been declared an approving authority within the area under its jurisdiction by the Minister under section 13 of the Act.

Municipality:
Bylaw Type:
Bylaw Number:

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1. New Planning Bylaw Submission

To meet legal standards, due process and public participation obligations, the Act contains a number of adoption process requirements that municipalities must follow before any district plan, official community plan or zoning bylaw can be legally approved by the Minister. This section of the checklist is intended to ensure the municipality follows the proper adoption procedure before any bylaw is submitted to the Minister¹ for review and decision.

1.1 Submission for Ministerial Approval²

Municipalities must submit:

	Indicate yes or no
Two certified true copies of the district plan, official community plan or zoning bylaw and the adopting bylaw(s);	
Statement repealing the existing district plan, official community plan or zoning bylaw, if applicable;	
Statutory declaration signed by the administrator; and	
Proof of compliance with public notice requirements:	
Copies of the public notice;	
Public hearing minutes; and	
Written submissions from the public, if any.	

1.2 Public Notice of Proposed Bylaw³

A council must provide notice to the public of its intention to consider adopting a new district plan, official community plan or zoning bylaw in accordance with Part X of the Act.

The notice must:

	Indicate yes or no
Be an advertisement in a municipal newspaper at least once a week for two consecutive weeks (or another method pre-approved by the Minister ⁴);	
Describe the proposed bylaw and reasons for it;	
Describe the areas affected (see note at the end of this section);	

¹ Bylaws should be submitted to the nearest Community Planning branch office for processing. See Contact Us (page 15) for mailing address and phone numbers.

² Sections 36 and 79 *The Planning and Development Act, 2007*

³ Section 207 *The Planning and Development Act, 2007*

⁴ Requests for alternative methods of advertising should be submitted to the nearest Community Planning branch office for processing. See Contact Us (page 15) for mailing address and phone numbers.

Indicate where and when the bylaw and relevant maps may be reviewed by the public;	
Include the date, time and place at which the public hearing will occur;	
Outline the public hearing procedure; and	
Be signed and dated by the administrator.	

1.3 Bylaw Readings, Public Notice and Public Hearing⁵

	Date
1 st bylaw reading	
1 st publication of public notice	
Four clear weeks (at least 29 days) required between first public notice and public hearing	
2 nd publication of public notice	
Public hearing	
2 nd bylaw reading	
3 rd bylaw reading and adoption	

	Indicate yes or no
If council proposes to replace its zoning bylaw with a new bylaw, and the proposed use or intensity of use to be permitted on a parcel of land is substantially different than under the current bylaw, it shall give written notice in accordance with subsection 207(6) of the Act respecting the proposed change in use or intensity of use permitted to each owner of land that is the subject of the new bylaw.	
In addition to the public notice requirements of Part X, a municipality may voluntarily utilize other forms of public notice, including but not limited to a posting in the office, website, social media or newsletter. Were any additional forms of public notice used? If so, specify.	

The public notice must include a legible map that clearly identifies the changes. If the size of the map within the notice is not legible, reference a public place where the map may be viewed and a web location where an image of the map is posted.

⁵ Section 207 *The Planning and Development Act, 2007*

2. District Plan

A district plan is a regional policy document that is typically broad in scope and identifies council’s objectives for development within the district. A valid bylaw will be passed by the council of all affiliated municipalities and then be considered by the Minister⁶. This section of the checklist is intended to ensure that the district plan complies with legislative requirements.

Required:

	Indicate yes or no
Professional planner’s seal;	
Two certified true copies of the district plan and the adopting bylaw(s) from each affiliated municipality; and	
Statement in the bylaw repealing existing district plan, if applicable.	

The Act requires a municipality to adopt a district plan if they are a member of a planning district. Each municipality may, but is not required to, adopt their own official community plan if they are a member of a planning district.

2.1 District Plan Contents⁷

A district plan must contain policies regarding matters the affiliated municipalities consider:

	Section
To be of inter-municipal or regional significance;	
To be necessary to coordinate community and land use planning services in the district; and	
To be necessary to ensure that the district plan is consistent with any provincial land use policies or statement of provincial interest.	

The Act allows a municipality to have a district plan serve as its official community plan, in which case it may be referred to as a district official community plan. If council chooses this option, then the requirements within section 32 of the Act must be incorporated into the district plan. In this instance, refer to and complete section 3.1 of this checklist.

A district plan may contain policies regarding:

	Section

⁶ Bylaws should be submitted to the nearest Community Planning branch office for processing. See Contact Us (page 15) for mailing address and phone numbers.

⁷ Section 102 *The Planning and Development Act, 2007*

Any matter mentioned in section 32 of the Act;	
Sector-specific planning;	
District public works;	
District service delivery;	
Development and maintenance of district public facilities (e.g. education, culture, recreation, health care);	
District economic development;	
Coordination of approaches for stewardship of environmentally sensitive lands;	
Matters dealing with significant transportation and municipal infrastructure in the district;	
District settlement patterns; and	
Any other matter considered to be of regional or inter-jurisdictional significance or necessary to coordinate community and land use planning and services between municipalities and with First Nations and Métis communities.	

2.2 Zoning Bylaw⁸

	Indicate yes or no
Every municipality in the district must pass or amend a zoning bylaw that is consistent with the district plan.	
Official community plans, zoning bylaws and maps for all affiliated municipalities must be consistent with the district plan.	

⁸ Section 103 *The Planning and Development Act, 2007*

3. Official Community Plan

An official community plan is a growth management strategy for a municipality that enables it to set development goals, objectives and policies that council can use to manage land use, subdivision, municipal services and public utilities. A valid bylaw will be passed by council and then be considered by the Minister⁹. This section of the checklist is intended to ensure that the official community plan complies with legislative requirements.

Required:

	Indicate yes or no
Professional planner's seal;	
Two certified true copies of the official community plan and the adopting bylaw(s); and	
Statement repealing existing official community plan, if applicable.	

3.1 Official Community Plan Contents¹⁰

An official community plan must incorporate any applicable provincial land use policies and the Statements insofar as is practical. Refer to the *Planning Handbook: Companion Document to The Statements of Provincial Interest Regulations* for details.

If one or more of the Statements is not addressed within the official community plan policies, provide justification for why it is not incorporated:

	Section
Agriculture and value-added agribusiness;	
Biodiversity and natural ecosystems;	
First Nations and Métis engagement;	
Heritage and culture;	
Inter-municipal cooperation;	
Mineral resource exploration and development;	
Public safety;	
Public works;	
Recreation and tourism;	
Residential;	
Sand and gravel;	
Shoreland and water bodies;	
Source water protection;	

⁹ Bylaws should be submitted to the nearest Community Planning branch office for processing. See Contact Us (page 15) for mailing address and phone numbers.

¹⁰ Section 32 *The Planning and Development Act, 2007*

Transportation;	
Community health and well-being; and	
Economic growth.	

An official community plan must contain policies respecting:

	Section
Sustainable current and future land use and development;	
Current and future economic development;	
Provision of public works, including water, sewer, storm drainage, roads, schools and recreation facilities;	
Management of lands subject to natural hazards, including flooding, slumping and slope instability;	
Management of environmentally sensitive lands;	
Source water protection;	
Official community plan implementation;	
Co-ordination of land use, growth patterns and public works with adjacent municipalities;	
Implementation of inter-municipal development agreement, if applicable;	
Provision of municipal reserve for school purposes:	
Ensure creation of municipal reserve sites suitable in size for school purposes;	
Designate locations of municipal reserve sites to be used for school purposes; and	
Provide for dedication of land or cash-in-lieu through the subdivision process that supports equity for all subdivision applicants and municipalities within the region.	
Policy regarding municipal reserve for school purposes reflects consultation with:	
The Minister responsible for the administration of <i>The Education Act, 1995</i> ;	
Any school division whose boundaries include land within the municipality;	
Any municipality that may be affected by the policies if the consultation is determined to be necessary by the Minister responsible for administering <i>The Education Act, 1995</i> ; and	

Management of lands in proximity to existing or proposed railway operations (refer to <i>Guidelines for New Development in Proximity to Railway Operations</i>).	
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An official community plan may contain:

	Section
Policies addressing the coordination of municipal programs related to development, such as capital planning and asset management;	
Policies regarding the use of dedicated lands;	
Concept plans pursuant section 44 of the Act;	
Maps to denote current or future land use or policy areas;	
Policies respecting site plan control for specific commercial or industrial development (*If the municipality is an approving authority); and	
Policies relating to the physical, environmental, economic, social or cultural development of the municipality.	

The maps must be sufficient in size as to be legible.
More than one map sheet may be required.

Official community plan for municipalities in a district:

	Indicate yes or no
If an affiliated municipality has an official community plan, the official community plan must be consistent with the district plan.	
If all the statements of policy mentioned in subsection 32(2) of the Act are not addressed in a district plan, an affiliated municipality shall also have an official community plan and that official community plan must be consistent with the district plan.	

4. Zoning Bylaw

A zoning bylaw is the primary legal and administrative means of implementing a municipality’s official community plan. A zoning bylaw divides a municipality into zoning districts and allows council to set local standards to regulate the development and use of land in those districts. A zoning bylaw must be consistent with the Act, the Statements, policies contained within the municipality’s official community plan, and, if applicable, the district plan. This section of the checklist is intended to ensure that the zoning bylaw complies with legislative requirements.

In instances where a procedure is called for, simply referencing the Act section number(s) is not sufficient. The bylaw must include a procedure the reader can comprehend.

Zoning bylaws requiring Ministerial approval¹¹ should be submitted to the nearest Community Planning branch office for processing.

Required:

	Indicate yes or no
Council may authorize the preparation and adoption of a zoning bylaw for all or part of a municipality only in conjunction with an official community plan. Does the municipality have an official community plan?	
Two certified true copies of the zoning bylaw and the adopting bylaw(s)	
Statement repealing the existing zoning bylaw, if applicable; and	
The zoning bylaw regulations must be supported by specific official community plan policies.	

4.1 Zoning Bylaw Contents¹²

A zoning bylaw must:

	Section
Establish districts;	
Prescribe permitted uses in each district;	
Provide for the appointment of a development officer for the municipality to administer the zoning bylaw;	
Provide for a system of development permits;	
Prescribe types of development for which no development permit is required, if any;	

¹¹ All new zoning bylaws and zoning bylaw amendments for rural municipalities require Ministerial approval. These bylaws should be submitted to the nearest Community Planning branch office for processing. See Contact Us (page 15) for mailing address and phone numbers.

¹² Section 49 *The Planning and Development Act, 2007*

Prescribe the procedures for applications for development permits to be made, processed and issued;	
Define the period that a development permit remains in effect;	
Authorize and prescribe a procedure for making and processing applications for minor variances and, if that procedure is used, establish a record of such applications;	
Prescribe procedures for approval of a discretionary use pursuant to sections 54-58 of the Act (* if the zoning bylaw provides for discretionary uses);	
Establish a Local or District Development Appeals Board for the municipality pursuant to section 214 of the Act;	
Regulate development in proximity to existing or proposed railway operations (refer to <i>Guidelines for New Development in Proximity to Railway Operations</i>); and	
Provide for any matters that may be necessary to regulate or control the issuance of development permits.	

4.2 Development Standards and Optional Zoning Bylaw Content¹³

A zoning bylaw may:

	Section
Prescribe discretionary uses for each zoning district;	
Prescribe for each district - circumstances in which an application for development respecting an existing discretionary use shall require a new discretionary use approval by council;	
Prescribe for each district - circumstances in which, and length of time after which, an approval is no longer valid for a discretionary use that has not commenced development;	
Define a permitted use, a discretionary use or a prohibited use in a district according to the intensity of use;	
Prescribe permitted uses or discretionary uses that may be allowed in all districts;	
Prescribe permitted uses or discretionary uses in the district for any limited time that may be fixed by the bylaw, and terms and conditions respecting the reissuance of a development permit;	

¹³ Section 52 *The Planning and Development Act, 2007*

Prescribe development standards, performance standards and conditions applicable to:	
Any or all permitted uses;	
Any or all discretionary uses;	
Any specific intensity of use; and	
Any or all development or density of development in a district or class of districts.	
Designate certain uses that do not allow for buildings to be placed or constructed on a site;	
Prescribe the minimum or maximum area and dimensions of lots that may apply in any district for particular uses;	
Prescribe the percentage of area of a lot that a building may occupy and prescribing the size of yards, courts and other open spaces;	
Authorize the approval of minor variances to specific standards, subject to section 60 of the Act;	
Regulate the location, height, number of storeys, area, volume or dimensions of any building to be placed, constructed, reconstructed, altered or repaired;	
Require the establishment and maintenance of any loading and parking facilities on land that is not part of a public highway;	
Regulate the access to and egress from a public street of any parking, loading or drive-through service spaces;	
Regulate or prohibit development on land:	
That is subject to flooding or subsidence;	
That is low-lying, marshy or unstable;	
That has slopes exceeding specified standards;	
That is adjacent to or within a specified distance of the bank of any natural or artificial lake, river, stream or other body of water;	
Where the cost of providing public utilities would be prohibitive in the opinion of council;	
Within a specified distance of the limits of an airport; and	
On the basis of land or resource capability.	
Regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials and other items and requiring outdoor storage sites to be screened by landscaping or buildings;	

Require and regulate the landscaping of land or buildings;	
Regulate or prohibit the public display of signs and advertisements and regulating the nature, kind, size, location, colour and inscription of any sign or advertisement displayed;	
Regulate or prohibit the alteration of land levels for building or other purposes if the alteration may affect surface drainage or land stability;	
Prohibit or regulate all or any of the following:	
The excavation or filling in of land or the filling in of bodies of water;	
The removal of soil or other material from the land; and	
The cutting or removal of trees and vegetation.	
Regulate or prohibit the placement of exterior lighting on buildings or land, and regulating the amount and nature of light emitted from structures;	
Regulate the amount and nature of sound that may be emitted from a building or from within a parcel of land or any operation on a parcel of land and specifying the manner in which, and the equipment with which, the sound shall be measured for the purpose of the bylaw;	
Regulate or prohibit the location of trailers, modular homes, mobile homes, trailer parks, modular and mobile home parks, and modular home and mobile home subdivisions and regulating the internal layout and standard of services to be provided in trailer parks and mobile home parks;	
Require a letter of credit, performance bond or any other form of assurance the council considers necessary to ensure the development is constructed and completed in accordance with the time frames and development standards required in the approval;	
Prescribe the procedures for the release of letters of credit, performance bonds or any other form of assurance the council considers necessary once the development is completed;	
Impose conditions and performance standards for site plan control for specific industrial and commercial development (* if council has been declared as an approving authority); and	

Prescribe procedures for obtaining public input on land use and development matters in addition to the public participation requirements of Part X of the Act.	
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4.3 Zoning Bylaw Maps¹⁴

If a zoning bylaw prescribes more than one district, the bylaw must contain a map that:

	Indicate yes or no
Represents the zoning districts;	
Bears a statement that accompanies the zoning bylaw; and	
Includes the seal of the municipality and is signed by the mayor or reeve and the municipal administrator.	

The maps must be sufficient in size as to be legible.
More than one map sheet may be required.

If the map consists of more than one map sheet detailing the zoning districts, the maps must be:

	Indicate yes or no
Attached and referenced within the body of the zoning bylaw; and	
Denoted as forming part of the bylaw.	

4.4 Fees¹⁵

The Act allows a municipality to prescribe a schedule of fees to be charged related to development permits, discretionary uses, minor variances and bylaw amendments. The fees must not exceed the cost to the municipality of processing the application or of reviewing, advertising, approving, enforcing, regulating or issuing the permit or amendment.

	Indicate yes or no
Any schedule of fees must include a document that sets out the rationale for the fees.	

If council includes the schedule of fees within the zoning bylaw, the public notice requirements included within section 1.2 will suffice. If council adopts a separate fee bylaw, the following requirements apply:

¹⁴ Section 50 *The Planning and Development Act, 2007*

¹⁵ Section 51 *The Planning and Development Act, 2007*

	Indicate yes or no
Evidence of compliance with public notice requirements (see sections 1.1 and 1.2 of this checklist); and	
A copy of the fee bylaw must be provided.	

4.5 Discretionary Use Applications¹⁶

If a zoning bylaw provides for a discretionary use, the bylaw must contain policies that:

	Section
Prescribe the procedures for making and processing an application for a discretionary use; and	
Prescribe criteria that council will use in evaluating the suitability of a proposed discretionary use application.	

4.6 Public Notice of Discretionary Use Applications¹⁷

	Section
A zoning bylaw shall prescribe the procedures for providing notice to the public of a discretionary use application.	
Unless a longer period is specified in the zoning bylaw, public notice must be given at least seven days before the application is to be considered by council.	
Public notice must be given to assessed owners of property within a minimum of 75 meters of the boundary of the applicant's land.	
Public notice must be given to other owners of property required to be notified pursuant to the zoning bylaw.	

If council is declared an approving authority, public notice requirements noted above can be addressed in a public notice bylaw passed pursuant to section 24 of the Act.

¹⁶ Section 54 *The Planning and Development Act, 2007*

¹⁷ Section 55 *The Planning and Development Act, 2007*

5. Engagement

Describe the date, method, comments received and outcomes of engagement activities conducted within the municipality, and with neighbouring municipalities, First Nations and Métis communities, and other agencies.

Resources

For additional information, please visit www.saskatchewan.ca or download the following Government of Saskatchewan resources:

[*The Planning and Development Act, 2007*](#)

[*The Statements of Provincial Interest Regulations*](#)

[*Planning Handbook: Companion Document to The Statements of Provincial Interest Regulations*](#)

[*Official Community Plans*](#)

[*Zoning Bylaws*](#)

[*Amending Planning Bylaws*](#)

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