

# Zoning Bylaw Handbook

2024

## Preamble

This document is intended to provide information relating to zoning bylaws in Saskatchewan. Written for municipal elected and administration officials, planners, surveyors, developers, and residents, this handbook is a tool to interpret and implement *Part V – Implementation of Plans, Sections 45-93*, of [The Planning and Development Act, 2007](#) (PDA). The PDA is available from Publications Saskatchewan, should be referred to for details, and supersedes this handbook.

The procedures in this guide are mainly intended for municipalities not designated as approving authorities under section 13 of the PDA. Municipalities designated as approving authorities may find this guide useful if they have not adopted public notice policies in accordance with section 24 of the PDA.

Please contact the Ministry of Government Relations' Community Planning branch with questions about the PDA, the associated regulations or this handbook via email at [muninfo@gov.sk.ca](mailto:muninfo@gov.sk.ca), [community.planning@gov.sk.ca](mailto:community.planning@gov.sk.ca), or:

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## Introduction

The zoning bylaw is the legal and administrative document that allows a municipality to regulate the use and development of land within its corporate boundaries, excluding any First Nation reserve lands. It divides land into zoning districts with a list of permitted and discretionary land uses. Each district also contains regulations and development standards that guide development.

*The Planning and Development Act, 2007* (PDA) provides the legal basis for zoning. The PDA states the purpose of a zoning bylaw is to control the use of the land to provide for the amenity of the area within the council's jurisdiction and the health, safety, and general welfare of the municipality's inhabitants.

## Zoning Bylaws and Official Community Plans

An official community plan (OCP) is a statutory document establishing council's long-term goals, objectives and policies for the municipality's future development. The zoning bylaw is the primary implementation tool for the policies in the OCP. The OCP will often contain policies respecting when the zoning bylaw may be amended and establishes the framework for the different zoning districts in the bylaw.

The OCP may contain guidelines allowing for the use of special zoning tools within a zoning bylaw, such as direct control districts, contract zoning, provisions for the use of exceptions to development standards, demolition control districts, and architectural control districts as outlined in this handbook and provided by sections 63, 69, 70, 72 and 73 of the PDA respectively.

The zoning bylaw functions as a tool to accomplish the long-term goals prescribed within the OCP. For example, an OCP policy statement and future land use map may indicate whether an area zoned for "future urban development" would be most suitable for residential or commercial use in the future. When a landowner initiates a proposal requiring a zoning amendment and/or subdivision, the OCP provides policies for council to follow when considering the proposal aligned with the community's future growth plans.

Pursuant to subsection 34(2) of the PDA, regulations within a zoning bylaw must align with the policies within an OCP and provincial priorities identified with *The Statements of Provincial Interest Regulations* (SPI). All new zoning bylaws and official community plans must address the SPIs. This is also a requirement for existing zoning bylaws and any amendments made, regardless of the original adoption date of the zoning bylaw. New zoning bylaws can only be prepared in conjunction with an OCP, as described in section 46 of the PDA. For more information on the SPI, please refer to [The Statements of Provincial Interest Regulations](#) page on [saskatchewan.ca](http://saskatchewan.ca).

## Zoning Bylaws

The zoning bylaw is the primary legal and administrative means of implementing the OCP. It divides a municipality into zoning districts and regulates their development and use of land. A zoning bylaw permits council to set local standards and use of land and helps manage the delivery of municipal services and resources to new development.

Zoning is intended to be an integral part of the local government process, with the public playing a vital role in preparing and adopting a zoning bylaw. Zoning protects property investments and facilitates orderly development while providing certainty for investors to know the standards and regulations they are required to meet upfront. Zoning protects the public's health and safety and controls the municipality's land use.

A zoning bylaw should be tailored to the municipality's needs, as shown in the OCP's objectives and policies. The bylaw should maintain flexibility within its structure to accommodate changing conditions.

The PDA provides tools that can offer a municipality a flexible approach to zoning. The PDA also provides provisions for more complex tools, such as:

- direct control districts
- contract zoning
- exceptions to development standards
- holding provision

An OCP must contain guidelines for the first three tools above before they can be used in a municipality's zoning bylaw.

## Council's Decision to Adopt a Zoning Bylaw

Councils adopt a zoning bylaw to provide efficient and cost-effective land use to ensure orderly growth and development patterns, infrastructure, parks and recreational needs, and municipal service provision. The bylaw can be used to separate incompatible land uses and preserve established land uses.

Development in a municipality commonly takes two forms:

- The subdivision of land (creating new legal parcels or lots).
- The physical development of land (changing the use of any building or land or erecting new buildings).

A zoning bylaw permits the municipality to set standards for the use and development of land. Standards can be set for lot sizes, setbacks, building height, parking spaces, etc.

The following **checklist** is intended to help prepare land use planning bylaws, including district plans, official community plans, and zoning bylaws. This checklist can help expedite the review and approval process of new bylaws.

### [Land Use Planning Bylaw Checklist](#)

Suppose council is considering adoption of a new zoning bylaw and OCP. In that case, a municipality can contact the Ministry of Government Relations, Community Planning branch for information about the approval process and guidance on where to begin (contact information appears at the beginning of this handbook). A resolution of council to prepare a new OCP and zoning bylaw is the first step.

## Municipal Authority Under a Zoning Bylaw

To have legal authority over development within its borders, a municipality must adopt a zoning bylaw, which must then receive ministerial approval.

It is important to define “development” in the zoning bylaw. Part 1, Subsection 2(1)(j) of the PDA defines development as follows and should be included as a definition in the zoning bylaw:

*“**development**’ means, except in Section 194, the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use or intensity of the use of any building or land.”*

Once a zoning bylaw is in effect, most development\* in that municipality must receive a development permit before proceeding. The zoning bylaw outlines the process for obtaining a development permit (e.g., from council or the council-appointed development officer).

\* A municipality’s zoning bylaw may exempt certain forms of development from requiring a development permit. A municipality interested in doing this should discuss it with a land use planner.

Through permits, a municipality is made aware of all new development proposals. It can ensure that the provision of municipal services, facilities and infrastructure is expanded efficiently and cost-effectively. Through permits, a municipality should also review the suitability of a site for a proposed development (e.g., can it be adequately serviced, will traffic impact adjacent roadways, etc.).

Suppose a municipality does not have a zoning bylaw. In that case, it has no authority to regulate development nor stipulate what standards must be adhered to when development occurs in the community.

## Zoning and the Subdivision of Land

In Saskatchewan, 10 municipalities have been delegated authority to approve subdivisions within their boundaries. These include the cities of Estevan, Lloydminster, Moose Jaw, North Battleford, Prince Albert, Regina, Saskatoon, Swift Current, Weyburn, and Yorkton. The subdivision of land within all other municipalities requires approval from the Director of Community Planning (the director) within the Community Planning branch of the Ministry of Government Relations.

If a municipality has a zoning bylaw, it can play a much more significant role when subdivision occurs in their community. Per section 128(1)(b) of the PDA, the approving authority is not able to approve a subdivision that contravenes the requirements of a municipal zoning bylaw. Having zoning regulations in place provides greater transparency, consistency and control over development patterns, infrastructure planning, and cost-effective service provision in the municipality.

Without a zoning bylaw, municipal recommendations may not have the legal grounds necessary for the director to uphold council's recommendation.

## Contents of a Zoning Bylaw

Where the OCP sets out a municipality's vision, goals and overarching policy directions, the zoning bylaw provides the rules and regulations to carry out the goals and policies emphasizing development and building construction. The preparation of the zoning bylaw must meet the requirements of the PDA and the SPI and be consistent with the visions, goals, and policies of the OCP.

A zoning bylaw must contain the following provisions outlined in section 49 of the PDA:

- Prescribing or establishing the number and area of zoning districts that the council considers appropriate.
- Prescribing the permitted uses in each district.
- Providing for the appointment of a development officer for the municipality to administer the zoning bylaw.
- Providing for a system of development permits.
- Prescribing types of development for which no development permit is required, if any.
- Prescribing the procedures whereby applications for development permits shall be made, processed and issued.
- Defining the period that a development permit remains in effect.
- Authorizing and prescribing a procedure for making and processing applications for minor variances and, if that procedure is used, requiring a record of minor variance applications to be established.
- Prescribing procedures for approval of a discretionary use pursuant to sections 54 to 58.
- Establishing a board to be the Development Appeals Board for the municipality pursuant to section 214.
- Regulating development in proximity to existing or proposed railway operations.
- Providing for any other matter that may be necessary to regulate and control the issuance of development permits as the council considers necessary.

Please note that when a use is not listed as permitted or discretionary, it is deemed prohibited.

Section 52 of the PDA provides municipalities flexibility to adopt development standards and optional zoning bylaw content. Examples are listed below.

- Prescribe for each district:
  - Discretionary uses.
  - Discretionary use procedures and criteria for review.
  - The length of time that a discretionary use approval is valid.
- Distinguish between the intensity of a land use and classify each intensity as permitted, discretionary, or prohibited.
- Prescribe permitted or discretionary land uses that may be allowed in all districts.
- Provide for time limits and other terms and conditions to be assigned to a permitted or discretionary land use and the process for any re-issuance of a development permit.
- Prescribe development standards, performance standards, and conditions applicable to:
  - Any or all permitted uses.
  - Any or all discretionary uses.
  - Any specific intensity of use.
  - Any or all development or density of development in a district or class of districts.

- Designate certain uses that do not allow buildings to be placed or constructed on a site.
- Prescribe minimum or maximum area and dimensions of lots that apply in any district and may apply to particular land uses.
- Prescribe the percentage area of a lot that a building may occupy and prescribe the size of yards, courts and other open spaces.
- Authorize approval of minor variances subject to specific standards.
- 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 access to and egress from a public highway of any parking, loading or drive-through service spaces.
- Regulate or prohibit development (in alignment with The Statements of Provincial Interest Regulations):
  - On land that is subject to flooding or subsidence.
  - On land that is low-lying, marshy, or unstable.
  - On land that has slopes exceeding specified standards.
  - On land 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.
  - On land where the cost of providing public utilities would be cost-prohibitive in the opinion of council.
  - On land within a specified distance of the limits of an airport.
  - On the basis of land and resource capability.
- Regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste and other items and require 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 regulate the nature, kind, size, location, colour and inscription of any sign or advertisement.
- Regulating or prohibiting land level alteration for buildings or other purposes if it affects 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 land.
  - The cutting or removal of trees or vegetation.
- Regulate or prohibit exterior lighting on buildings or land and regulate the amount and nature of the 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 specify the way 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 regulate 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 that the development is constructed and completed in accordance with the time frames and development standards required in an approval.

- Prescribe the procedures for releasing letters of credit, performance bonds or any other form of assurance the council considers necessary once the development is completed.
- Prescribe procedures for obtaining public input on land use and development matters, in addition to the public notice requirements of the PDA.

## Special Zoning Districts

The PDA authorizes other optional zoning tools to address unique development situations. Special zoning districts in the PDA include:

### **Direct Control Districts (DCDs)**

DCDs are provided in sections 63 to 66 of the PDA. They may allow unique development proposals after the municipality and developer have concluded an agreement specifying the permitted land uses, buildings, structures, services, landscaping, and related matters. Under the provisions of the direct control district, municipalities can manage development by reviewing development proposals in specific areas on the merits of each proposal and designating those areas as direct control districts. An approved OCP with guidelines on direct control districts is necessary before designating a direct control district in the zoning bylaw.

### **Contract Zoning**

Contract Zoning under section 69 of the PDA allows council to reclassify land to a different zoning district through a contract/agreement for a specific project while excluding the other land uses normally allowed in the zoning district. The agreement may also specify additional development standards for the use.

Example: a developer wants to amend the zoning of a lot from the existing commercial district to an industrial district. However, council does not want all the potential uses within the industrial district allowed for this particular property. To accommodate the development, council zones the land to an industrial district via contract zoning that restricts some uses normally allowed in the industrial zone. The prerequisite for contract zoning is an approved OCP with guidelines.

Common terms and conditions of the contract zoning agreement may include:

- Use of land and buildings or the forms of development.
- Site layout, external design, parking areas, landscaping, entry and exit ways.
- Time limits in which terms or conditions must be completed.

Terms and conditions cannot include colour, material type, texture, or architectural detail. Architectural matters may be addressed by architectural control districts as described by section 73 of the PDA.

### **Exceptions to Development Standards**

An exception to development standard provisions outlined in section 70 of the PDA permits a municipality with an OCP to authorize specific relaxations to the development standards in the zoning bylaw in exchange for certain facilities or services set out in the zoning bylaw. For example, if an applicant wishes to build a four-storey structure in an area with a three-storey limit in its zoning bylaw,

they may enter into an agreement with the council to build the structure to four storeys and in return, provide a park nearby to address the proposed density increase.

### **The Holding Provision**

This tool, as outlined in section 71 of the PDA, allows council to pre-zone areas to a future zoning district. Zoning can be made official once the conditions are favourable for development to begin or move on to the next phase of development. For example:

- When development is ready to begin, an amending bylaw can remove the "H" (holding symbol) without notifying the public.
- Once a certain number of lots are developed within the first phase, council can remove the holding symbol.

If council refuses an application to amend the zoning bylaw to remove the holding symbol, the developer can appeal first to the development appeals board and then to the Saskatchewan Municipal Board, Planning Appeals Committee.

### **Demolition Control (DC) Districts**

Council can apply the symbol "DC" to an area where it wants to control the demolition of a residential building as outlined in section 72 of the PDA.

As outlined in section 72 of the PDA, council can apply the symbol of "DC" of an area as a demolition control district if:

- The council considered it desirable to exercise control over the demolition of residential buildings.
- The municipality:
  - Has an approved OCP containing guidelines respecting the application of demolition control areas.
  - Has passed a building bylaw and a maintenance bylaw.

If the DC symbol is applied to any part of the municipality, no person shall demolish any or all part of a residential building in the district unless they first obtain a development permit.

### **Architectural Control Districts**

Council can control the architectural details of buildings in a district as outlined in section 73 of the PDA. If a municipality wishes to designate an architectural control district, the council shall designate the district in the zoning bylaw by using the control symbol "AC" in conjunction with any other designation.

To use any special zoning conditions, the council must have governing guidelines and standards in its OCP.

## **Zoning Bylaw Maps**

Zoning maps are required to accompany the zoning bylaw when the zoning bylaw proposes more than one zoning district. Pursuant to section 50 of the PDA, the bylaw shall contain a map that:

1. Represents the various zoning districts proposed in the bylaw.
2. Includes a statement that it accompanies the zoning bylaw.
3. Is signed and sealed by the mayor or reeve and the municipal administrator.

If the zoning bylaw proposes multiple map sheets that detail the zoning districts, the maps shall:

1. Be attached and incorporated as a schedule to the zoning bylaw.
2. Be denoted as forming a part of the bylaw.

Zoning maps must be of a scale and clarity to ensure all details are legible. The smallest size accepted for zoning maps is 11 by 17 inches.

### **Hazard Mapping on the Zoning Bylaw Map**

Section 6.7 of *The Statements of Provincial Interest Regulations* requires available flood mapping to be included in land use planning documents through policy development and mapping. Maps can be created using historical knowledge, photos, evidence (high water marks/monuments), or specific mapping of flood events. The Water Security Agency should also be consulted for data or flood mapping for the area. Developing policies and regulations for development on flood hazard lands and providing a spatial and geographical representation assists the community, future investors, developers, landowners, and councils in reducing future disaster risks and costs to the community. It delineates specific lands within a municipality that require a specific procedure to ensure safe and sustainable development occurs.

## **Fees**

A zoning bylaw can include a schedule of prescribed fees that may be charged for the application, review, advertising, approval, enforcement, regulation and issuance of the following:

- a development permit
- a discretionary use
- a minor variance
- an amendment to an OCP or zoning bylaw

Fees may be based on the size, type and complexity of matters noted above but must not exceed the costs to a municipality for processing, reviewing, advertising, approving, enforcing, issuing, or regulating. The fees must be based on a study or rationale document that justifies them. Council is required to adopt its study or rationale document as a separate bylaw or as a schedule to the fee bylaw for it to have legal effect. Please note this is an exhaustive list, and any item not listed is excluded. Fees must be prescribed and reflect the amount charged to the applicant. Open-ended fees are not in alignment with the PDA.

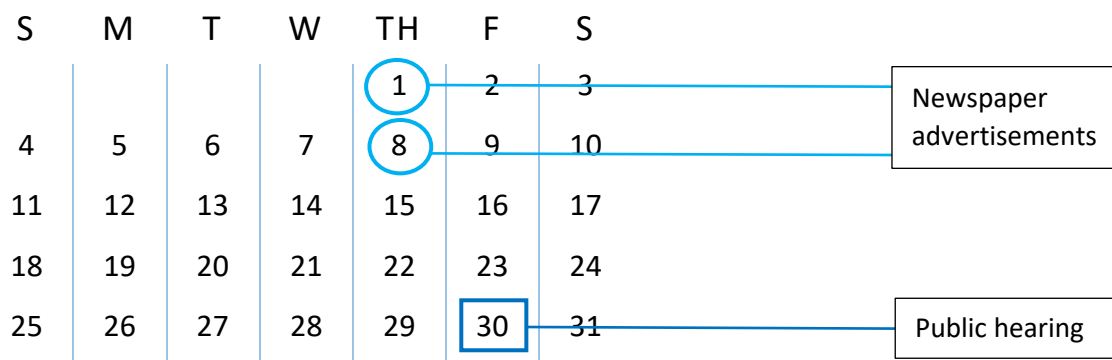
Only an approving authority can charge fees associated with subdivision applications. If you require clarification, please contact the Community Planning branch to discuss.

## Adoption Process

Once council is satisfied with the documents, it may give the first reading to a bylaw adopting the official community plan and the zoning bylaw. Council must also determine when to hold a formal public hearing about the plan and bylaw. The hearing must be concluded **after** the first reading and **before** the second and third readings.

Council must give notice of its intention to adopt the bylaws and to hold the hearing by placing an advertisement in a local newspaper once a week for two consecutive weeks. **The first notice must be published at least four clear weeks before the hearing.** When calculating time using “clear” weeks, the first and the last days are excluded. See Figure 2 below for more information.

Figure 2 – Adoption of a **new Zoning Bylaw**.



At the hearing, council must hear all who wish to make a representation about the proposed bylaw. Council must listen to all parties wishing to speak to a proposed bylaw and consider the comments made. If a hearing is to be held during council meeting, it must resolve to suspend the meeting and open a hearing. If objections are received, council may withdraw, adopt or alter the bylaw.

For significant alterations such as new text, council must publicize the proposed changes and hold another hearing at which representations can be made only about the alterations. For minor corrections such as typos that do not distort the bylaw's intent, council may consult the Ministry of Government Relations about the need to advertise the alterations.

Ministerial approval is required for all new OCPs and zoning bylaws. Municipalities must submit two certified copies of the new planning bylaws to the Ministry of Government Relations, as well as documents showing that the bylaw was advertised and the hearings were conducted, the minutes of representations or certified copies of all submissions. Per section 38 of the PDA, the timeframe for a ministerial decision on the OCP or zoning bylaw is 90 days. In some cases, additional time may be required to determine that all legislative requirements have been met. The bylaw is not in effect until the Minister approves it.

After a zoning bylaw becomes effective, council must appoint members to a Development Appeals Board.

## Administration of the Zoning Bylaw

Pursuant to section 49 of the PDA, council must appoint the development officer responsible for administering the zoning bylaw.

No development shall begin in the municipality until a permit is obtained unless exempted in the zoning bylaw. An application for a development permit should be submitted to the development officer, who may, at council's direction, review the application or present it to council for consideration. An application for a development permit should be reviewed for conformity with the zoning bylaw with respect to the following:

- Whether the land is geotechnically stable or flood-prone, as identified in any associated studies.
- The zoning district where the land is located.
- The proposed use and whether it is a permitted or discretionary use in that zoning district.
- The lot size and building setbacks required in that zoning district.
- It complies with other zoning district and general bylaw regulations (such as building height and bulk) and policies in the official community plan.

The decision is based on whether the application meets the zoning bylaw requirements. The council or development officer's decision on an application for a development permit must be given in writing to the applicant. If the application is refused, the written decision must state the reason for refusal.

Development exempt from obtaining a permit is still required to conform to zoning bylaw requirements.

## Permitted and Discretionary Uses

It is recommended a development permit application be submitted well in advance of the project start date, as the time frame for receiving a development decision will vary depending on the amount and complexity of technical information required to assess a development. The development permit must meet the zoning bylaw regulations. A proposal may be classified in the local zoning bylaw as they are described in the scenarios below.

### **Permitted Use**

Where a development proposal is identified by the municipal zoning bylaw as a permitted use, the municipality's development officer may issue the permit if all the information and relevant forms are completed and attached.

### **Discretionary Use**

Where a development proposal is identified by the municipal zoning bylaw as a discretionary use, the application must be advertised pursuant to section 55 of the PDA and presented to the council for review and decision. It is important to coordinate presentations with municipal council meetings, and developers should be invited to present information and answer questions on their applications.

### **Neither Permitted Nor Discretionary (Prohibited)**

Where a development proposal is not identified in the municipal zoning bylaw as a permitted or a discretionary use, the development is prohibited. In such a case, the proponent may apply to council for

a zoning bylaw amendment. The proposed development would be presented to council at its next meeting for review and decision after an approved amendment to the zoning bylaw. Refer to Appendix E for additional information on amendments to zoning bylaws.

## Municipal Development Permit Decision

### Permit Approval

Applications complying with a municipality's OCP, zoning bylaw and the SPI must be approved. In the case of a permitted use, the development officer approves the application and issues the permit. In a discretionary use, the council or delegated development officer will decide on the discretionary use permit based on the criteria established in the zoning bylaw. If the permit is approved, the development officer will issue it when all approval conditions are met. If refused, the development officer must provide written confirmation of the refusal and its reasons.

Once a development permit has been issued, it cannot be revoked. Occasionally, development does not comply with a development permit (e.g., a building is not built to the approved setbacks, the developer withheld information relevant to the approval of the permit, etc.). If this happens, a municipality can pursue enforcement provisions under section 242 of the Act.

In other cases, a development permit may be issued by mistake (e.g., an incorrect use was approved, the development officer did not correctly apply standards, etc.). If a development permit is mistakenly issued, the municipality should work with the developer to correct the situation. How the municipality proceeds should depend on why the development permit was issued by mistake. The developer may need to apply for a new development permit and/or submit new drawings to correct the issue. The municipality may also be liable if the developer has incurred costs following the issuance of the development permit, and it is recommended that the matter be discussed with a solicitor.

A municipality's zoning bylaw may include a specific time frame in which development authorized by a development permit must commence. If development is not commenced within this time, the permit may be considered invalid, and the developer will be required to apply for a new development permit. A zoning bylaw may also specify the length of time a use can be discontinued before a new development permit is required. If a use is discontinued for longer than this length of time, the permit may be considered invalid, and the developer may have to apply for a new development permit.

### Conditions

A development approval may be conditional and subject to development standards. In its zoning bylaws, a municipality can establish its authority to require development standards to ensure a project meets specific criteria (e.g., flood-proofing where the land may be subject to flooding or securing an appropriate water source to service the development).

### Permit Refusal

Where a permit application is refused, a municipality must provide reasons why it was refused and did not satisfy the criteria outlined in the zoning bylaw or SPI.

## Discretionary Uses

Discretionary uses are land uses or developments that may only be allowed at the council's discretion. To ensure the equity, fairness, and non-bias of applicants, section 54 of the PDA requires that if a zoning bylaw provides for a discretionary use, the bylaw shall contain the following provisions:

- Prescribing the **procedures** for making and processing an application for discretionary use.
- Prescribing **criteria** that council will use in evaluating the suitability of a proposed discretionary use application.

Establishing these discretionary use procedures and criteria in the zoning bylaw and ensuring a standardized and consistent approach to their implementation in council's decision-making can protect council from accusations of favouritism, bias, or prejudicial treatment.

For example, common discretionary uses such as home businesses, secondary suites, or gravel pits may prescribe specific development standards in the zoning bylaw unique to each use. These development standards help council address typical land use conflicts or constraints such as noise, glare, dust, and odour. As part of the approval, council may require a development agreement to secure the development standards in the zoning bylaw for the use.

It is imperative that discretionary uses are reviewed by council based on use, not people. For example, the legal consideration of a discretionary use for a group home or care facility must be based on the appropriateness of the use concerning the discretionary use procedures and criteria and any prescribed development standards for the use set out by the zoning bylaw – not based on the type of end-user.

### Public Notice of Discretionary Use

Zoning bylaws must prescribe procedures when notifying the public of a discretionary use application outlined in section 55 of the PDA. Unless a longer period is specified in the zoning bylaw, the minimum public notice period is seven days before council considers a discretionary use. However, council can extend this time period if it is in the community's best interest.

All assessed owners of property within at least 75 metres of the boundary of the applicant's land must be notified (or other owners of property are required to be notified in accordance with the zoning bylaw). However, this distance can be extended to a more appropriate one to suit the community's needs best. For example, in a rural municipality, council may determine that notice should be provided to property owners within one kilometre or more of the proposed discretionary use due to the low-density nature of the community.

Similar to the sample notice of a public hearing in Appendix F of this guide, public meetings for discretionary uses may be held virtually by a municipality when no alternative exists to avoid development delays and impacts on business and investment. For example, during the COVID-19 pandemic, municipalities quickly pivoted to conduct public hearings and public meetings virtually. Notices must provide enough public information to allow attendance.

### Approval Process

Section 56 of the PDA ensures that council shall exercise its discretion of an application for discretionary use by passing a resolution to:

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

To minimize the impact of a discretionary use or development, council, in its approval, can specify development standards or conditions concerning that **use** pursuant to subsection 56(3) of the PDA. These standards or conditions must be consistent with those contained in the zoning bylaw and council deems necessary to secure the objectives of the bylaw regarding:

- The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings.
- 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.
- The safeguards afforded to minimize noxious or offensive emissions, including noise, glare, dust and odour.
- 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.

Any development standard included in a notice of decision, pursuant to section 57 of the PDA, will be provided to the applicant. If the permit has been refused, the notice of decision must contain reasons for refusal.

Discretionary use approvals run with the land until such time as the use becomes non-conforming and discontinues for 12 months or more (section 89 of the PDA) or the landowner informs a municipality of the discontinuance of the use and requests to revoke the approval. Discretionary use approvals transfer to subsequent landowners unless otherwise specified in a development agreement.

## Minor Variances

Minor variances provide council or development officer with some flexibility when regulating development under the zoning bylaw as outlined in section 60 of the PDA. This degree of flexibility is limited to:

- Minimum distances from lot lines for buildings.
- Minimum distances of buildings to another building on the lot.

Please note that a minor variance cannot be used to vary the distance from a new lot line to an existing building as part of a subdivision.

The maximum allowable variance must be established in the zoning bylaw and:

- Must not exceed a 10 per cent variation of the bylaw requirements.
- Must conform to the zoning bylaw with respect to the use of land.
- The relaxation of the bylaw must not injuriously affect neighbouring properties.

- Cannot be granted in connection with a contract zoning in section 69 of the PDA or if the development would be inconsistent with a provincial land use policy or statement of provincial interest.

A municipality may approve a minor variance application, approve the application subject to terms and conditions, or refuse the application. Neighbouring property owners must be advised of the approval of a minor variance. If a neighbouring property owner objects to the approval the minor variance is deemed to be revoked.

The applicant may appeal the terms and conditions imposed on a minor variance approval, the refusal of an application, or the revocation of an approval to the Development Appeals Board.

## Development Appeals Board

When adopting a zoning bylaw, a municipality must appoint a Development Appeals Board within 90 days after a zoning bylaw comes into effect to hear and determine appeals made. Members of planning commissions and municipal employees are not eligible to be board members except in the case of a District Development Appeals board pursuant to subsection 215(3) of the PDA, which states:

*215(3) "A member who is a member of the District Development Appeals Board shall not hear an appeal respecting a decision made by the member's municipality."*

The Development Appeals Board can hear appeals on council decisions:

- If an applicant believes the development standards attached to an approved discretionary use are excessive.
- If an applicant believes the development officer has misapplied the zoning bylaw in issuing a development permit. (e.g., the municipality's process was not properly followed, or it illegally approved a non-compliant use).
- If an application is refused because it would contravene the zoning bylaw.
- If a refusal or conditional approval has been issued under an Interim Development Control Bylaw.
- If the municipality is an approving authority on subdivision applications.

In the refusal of a permitted use, applicants may appeal a decision to a local Development Appeals Board and, if necessary, to the provincial Planning Appeals Committee of the Saskatchewan Municipal Board. In refusing a discretionary use, an applicant may only appeal conditions of approval, not a refusal.

Applicants for development permits may appeal some decisions on their applications to the [Development Appeals Board](#). If a party is dissatisfied with a board's decision, a further appeal to the provincial [Planning Appeals Committee](#) may be possible. For guidance on the development appeals process, see [The Development Appeals Board Guide](#).

In certain instances, an appeal on an approved development permit may be filed with the Development Appeals Board. The development permit being appealed is valid until such time that the Development Appeals Board (or other appeal body) decides on the appeal. As the decision on the appeal may

determine that the development permit is no longer valid, it is recommended that all parties discuss implications with legal counsel.

## Provincial Government's Role in Zoning

Once a zoning bylaw is adopted by a municipality and approved by the Minister of Government Relations, a copy is maintained with the Community Planning branch. Community Planning staff can help municipalities with legislative requirements for zoning bylaws. The branch provides education and advice to municipalities on Saskatchewan's land use planning framework and the available tools.

## Seeking a Bylaw Amendment

Should a proposed development not comply with a zoning bylaw, the applicant may ask council to amend its zoning bylaw. The PDA allows council to amend its zoning bylaw to add or update regulations or change the zoning designation. In considering the policies of the OCP and any relevant SPIs, Council determines whether a zoning bylaw should be amended. See the [Amending Planning Bylaws](#) guide for more information and the steps to amending planning bylaws.

## Legal, Non-Conforming Uses or Buildings

As per sections 90 and 91 of the PDA, when a new zoning bylaw is enacted or an existing bylaw revised, any existing land uses or buildings which no longer comply are permitted to remain as legal, non-conforming. For example, if a residence is zoned industrial (which does not allow residential uses), the residential land use becomes a non-conforming land use. A non-conforming use can continue if the use is not increased in intensity, area or volume within a building or on the parcel it is on. This means a residence in an industrial district cannot expand or re-establish after the passing of the zoning bylaw.

Another example includes the changing of development standards within a zoning district. If the development standards in a district change and existing buildings in that district no longer meet the requirements, they remain as non-conforming buildings.

A non-conforming building or site may continue, but alterations, repairs, or additions must not increase it. For example, if a residence's front yard setback is non-conforming, the resident could put an addition on the back of their house if it meets the zoning bylaw setback for rear-yard requirements, as the addition meets the requirements within the zoning bylaw. There is an appeal mechanism for repair, alterations or addition refusals for non-conforming buildings and sites as per section 91 of the PDA.

However, per section 92, if the extent of damage to a non-conforming building is such that the cost to repair is more than 75 per cent of the construction cost to replace the building above its foundation, the building, if rebuilt, must meet the zoning bylaw requirements.

## Enforcement

Once a municipality has adopted a zoning bylaw, no development shall be done contrary to the bylaw, and it is the municipality's responsibility to follow and enforce that bylaw. Section 242 of the PDA outlines the procedure to enforce bylaw contraventions.

Step 1: If the development officer believes a development is taking place in contravention of the zoning bylaw, they may request permission from the landowner to inspect the property to confirm. It is recommended that pictures be taken during the inspection to document any potential contraventions.

Step 2 (if necessary): If the landowner does not provide permission to inspect the property, the development officer may obtain a warrant from the courts to inspect the property.

Step 3: Once a development officer has confirmed a bylaw contravention has occurred, the development officer may issue a written order to the landowner. A sample order may be found in Appendix B. The order must specify:

- The bylaw contravention, including reference to the section of the bylaw.
- The actions that the landowner must take to remedy the contravention, which may include ordering the person to do one or all of the following:
  - Discontinue the development or form of development.
  - Alter the development or form of development to remove the contravention.
  - Restore the land, building or premises to its condition immediately before the undertaking of the development or form of development.
  - Complete all work necessary to comply with the zoning bylaw.
- Set a time when the contravention must be remedied.
- Advise the right to appeal against the order to the local Development Appeals Board.

## Amending the Zoning Bylaw

Amending a zoning bylaw represents council policy change. Therefore, it requires the same steps as the original bylaw's adoption.

When council is considering an amendment to its zoning bylaw, it should consider the following:

- Is the proposed development desirable?
- Is the land suitable for the intended use?
- Is the change consistent with stated policies and objectives in the OCP?
- What are the proposed development's implications on the surrounding land?
- How will the proposed change affect future development in the municipality?
- Will the proposed change set a municipality precedent? If so, will this be good or bad?
- Does the proposed use for the area meet existing regulations? If not, will the regulations change too?
- What are the short-term, long-term and broader impacts on the municipality (e.g., servicing/infrastructure, parks and recreation, taxation, public benefit, health and well-being)?

The [Amending Planning Bylaws Fact Sheet](#) explains the procedures to amend a planning bylaw for municipalities not designated as an approving authority.

## Best Practices for Interacting with Citizens at a Public Hearing

Council can consider the following best practices for interacting with citizens at public hearings:

- If any objection is made due to a bylaw misunderstanding, council should explain it.
- If the person does not withdraw the objection and council overrules it and gives a third reading of the bylaw, a copy of that objection should be forwarded with the bylaw when submitted for approval. Council should, by way of a letter, indicate reasons why the objection was overruled,
- If council considers the objection valid, it may alter the proposed bylaw. However, to change the bylaw, the council must decide on the following before the third reading:
  - Readvertising: If the alteration is significant, council must advertise it. On council's request, the Minister may dispense with the required readvertising if the change is minor, such as a typo. This dispensation must be obtained before a third and final reading of the bylaw.
  - Alteration: Council may incorporate the necessary alteration directly into the bylaw or make it separately.

After third reading, the bylaw must be submitted to the Ministry of Government Relations, Community Planning branch for review and approval. The municipal administrator shall forward the following:

- Two copies of the zoning bylaw and zoning bylaw maps certified to be correct.
- A copy of all written and verbal submissions and a summary of all representations regarding the bylaw.
- A copy of the advertisement of the public notice from the newspaper (refer to appendices in this guide for the steps involved and samples).
- A statutory declaration by the municipal administrator stating the advertising procedure was done. (refer to Appendix D of this guide for a sample statutory declaration).

When the Minister approves the bylaw, one signed copy of the bylaw text and map will be returned to a municipality.

The following guide is designed for those who wish to be active members of their community and participate in public hearings and/or council meetings. Councils should also be aware of this guide that helps people who wish to participate in shaping council's decisions. [A Citizen's Guide to Shaping Council Decisions](#).

Please note that matters under the PDA are not subject to the results of referendums or plebiscites under *The Municipalities Act*.

## Interim Development Control

The purpose of the interim development control bylaw (IDC) under sections 80-87 of the PDA is to enable the council to regulate development in the municipality. At the same time, it prepares and adopts an OCP and a zoning bylaw. All IDC bylaws require ministerial approval.

If council adopts an IDC to exercise control of an area while preparing an OCP and/or zoning bylaw, it may choose to include policies that help guide its decisions. An IDC cannot designate lands for certain

development, but it can provide general standards for forms of development. An IDC must be consistent with provincial land use policies and the SPI.

Council may refuse development proposals, but any council decision under an IDC bylaw may be appealed to the Saskatchewan Municipal Board, Planning Appeals Committee. Appendix A of this guide shows a sample bylaw illustrating how council can pass an IDC bylaw. This guide's resources section contains hyperlinks to sample rural and urban IDC bylaws.

## Appendix A – Sample Bylaw for Passing an Interim Development Control (IDC) Bylaw

[RM, Village, Town or City] of \_\_\_\_\_ Bylaw No. \_\_\_\_\_

A bylaw of the [RM, village, town or city] of \_\_\_\_\_ to establish interim development control under the authority of Part V, Division 2, Sections 80-87 of *The Planning and Development Act, 2007*.

The Council of the (RM, village, town or city) of \_\_\_\_\_ in the Province of Saskatchewan in open meeting hereby enacts as follows:

1. No person shall carry out any development within the [RM, village, town or city] without the written permission of the council.
2. This bylaw shall remain in effect for a period of two years or until completion of a land use planning matter or until the official community plan and zoning bylaw for the [RM, village, town or city] comes into force.

This bylaw shall come into force and take effect upon third reading by council.

Read a first time this \_\_\_ day of \_\_\_\_\_.

Read a second time this \_\_\_ day of \_\_\_\_\_.

Read a third time this \_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Mayor/Reeve

SEAL

\_\_\_\_\_  
Administrator/CAO

## Appendix B – Sample Order to Remedy Contravention

### ORDER TO REMEDY CONTRAVENTION

(Name of Municipality)  
(Street Address)  
(Municipality, Postal Code)  
(Email Address)  
(Phone Number)

(Date)

**REGISTERED MAIL**

(Landowner Name)  
(Landowner Street Address)  
(Municipality, Postal Code)

Dear (Landowner Name),

Subject:           Contravention of Zoning Bylaw No. (Bylaw Number)  
                          (Legal Land Description)  
                          (Civic Address)

At an inspection of the subject property on (inspection date), the Development Officer observed (describe contravention) present on the property.

Pursuant to section (section number) of the (Municipal Zoning Bylaw Title), (describe contravening activity) is defined as:

*“(Quote Bylaw Definition of Activity)”*

Pursuant to section (section number) of the (Municipal Zoning Bylaw Title), the subject property is zoned (Zoning District). In the (Zoning) District, (contravening activity) is a prohibited land use. (Contravening activity) at this location is deemed to be a contravention of the Zoning Bylaw.

Therefore, pursuant to section 242(5)(b) of *The Planning and Development Act, 2007* you are hereby ordered to remedy the contravention by ceasing operation of the (contravening activity) at the subject property.

Compliance with this Order must be achieved within **30 days** of the date of issuance.

You have the right to appeal this Order to the Development Appeals Board within 30 days of the date of issuance. If you wish to file an appeal, please submit the enclosed Notice of Appeal form and (Appeal Fee) appeal fee to:

Secretary, Development Appeals Board  
c/o Village Clerks Office  
City Hall  
123 Canoe Street  
Canoe, X1X 1X1

Dated at City Hall, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

---

Development Officer

Enclosure

Bylaw Section – Definitions  
Bylaw Section – (Zoning District)  
Bylaw Section – Zoning Map  
Notice of Appeal Application Form

*Note: An Order must be sent by registered mail or delivered personally to be effective pursuant to Section 241 of the PDA. The compliance period can be less than 30 days, but since there is a max 30-day appeal period allowed by Section 219, we suggest strongly that the compliance period also be 30 days.*

## Appendix C – Zoning Bylaw Amendment Process Flow Chart

The flow chart below outlines steps to amend a zoning bylaw. These steps are explained in subsequent sections.



\* Not required for urban zoning amendments, or removal of the “H” holding symbol under section 71 of the PDA.

## Appendix D – Sample Statutory Declaration

A statutory declaration must be worded to suit the circumstances. Clause 3 must be revised if another public notice method is used. If Clause 4 does not apply, it may be deleted, and the remaining clauses should be renumbered. Clause 6 may state that no representations or submissions were received.

### Statutory Declaration

CANADA

Province of Saskatchewan

In the matter of *The Planning and Development Act, 2007* and a bylaw adopted by the [name of municipality] to amend Bylaw No. \_\_\_\_\_ known as the Zoning Bylaw

I, [use full legal names- no initials], of the [name of municipality] in the Province of Saskatchewan, do solemnly declare:

1. That I am the [Administrator/Clerk/CAO] for the [name of municipality] and as such have personal knowledge of the matters herein.
2. That attached hereto as Exhibit "A" are two certified copies of Bylaw No. \_\_\_ passed by the Council of the [name of municipality] at an open meeting duly convened and held on [mm/dd/yyyy], there having been a quorum present.
3. That attached hereto as Exhibit "B" is a copy of the newspaper ad that was used to give the public notice of the proposed bylaw which appeared in the [name of newspaper] that circulated in the municipality for two successive weeks on [mm/dd/yyyy] and [mm/dd/yyyy].
4. That a copy the notice was sent to each affected landowner by (personal delivery, certified mail or other).
5. That a public hearing was held on [m/d/y] for Council to hear and consider representations or submissions concerning the bylaw and the minutes are attached as Exhibit "C".
6. That [# of] representations or submissions were received which are attached as Exhibits "D", "E", "F" and so on.

And I make this solemn declaration conscientiously believing it to be true knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me at (municipality) in the Province of Saskatchewan

this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_

A Commissioner of Oaths in and for the  
Province of Saskatchewan

\_\_\_\_\_

(Administrator/Clerk/CAO)

My Commission expires \_\_\_\_\_

## Appendix E – Bylaw Amendment Package Checklist

To apply for ministerial approval of the bylaw, the following are required to be included in the package to send to the Community Planning branch of the Ministry of Government Relations:

- Statutory Declaration
- Two certified true copies of the district plan and/or official community plan and/or zoning bylaw with accompanying maps.
- Two certified true copies of the bylaw adopting the district plan and/or official community plan and/or zoning bylaw.
- Copies of the newspaper ad or public notice used.
- A copy of the public hearing minutes, all verbal representations at the public hearing, and all written submissions received respecting the bylaw.

## Appendix F: Sample Public Notice

### NOTICE

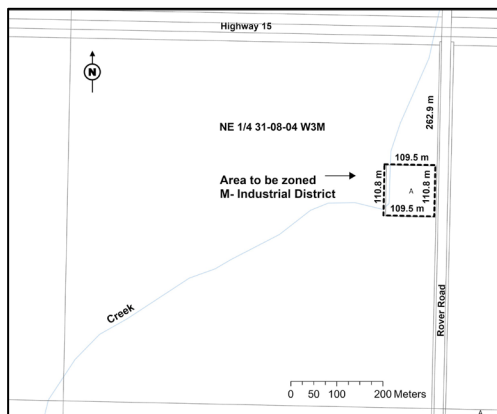
Public notice is hereby given that the Council of the **MUNICIPALITY NAME** intends to adopt a bylaw under *The Planning and Development Act, 2007* to amend Bylaw No. #\_\_\_ known as the **Zoning Bylaw**.

#### INTENT

The proposed bylaw will add steel manufacturing and fabricating as a permitted use in the M – Industrial District and rezone the land described below from A – Agricultural District to M – Industrial District.

#### AFFECTED LAND

The affected land is legally described as part of the NE ¼ Section 31-08-04-W3M shown on a plan of proposed subdivision dated **DATE** and signed by **SURVEYOR NAME** S.L.S. (or **PLANNER NAME**, R.P.P.) as shown on the following map.



#### REASON (be as specific as possible)

The reason for the amendment is to provide for the development of a manufacturing plant to make grain storage bins and grain boxes for trucks.

#### PUBLIC INSPECTION

Any person may inspect the bylaw at the municipal office at **ADDRESS** between **TIMES** on **DAYS**, excluding statutory holidays. Copies are available at cost.

#### PUBLIC HEARING

Council will hold a public hearing on **DATE** at **TIME** at **LOCATION** to hear any person or group that wants to comment on the proposed bylaw. Council will also consider written comments received at the hearing or delivered to the undersigned at the municipal office before the hearing.

Issued at **MUNICIPALITY NAME** this **DATE**

Signed: (Administrator)

## Resources

For additional information, please visit our website, [www.saskatchewan.ca](http://www.saskatchewan.ca), to learn more about the following:

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

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

[\*The Development Appeals Board Guide\*](#)

[Regional Planning Handbook](#)

[Official Community Plans](#)

[Zoning Bylaws](#)

[Amending Planning Bylaws Guide](#)

[Land Use Planning Bylaw Checklist](#)

[Condominium Development - Zoning and Subdivision](#)

[Preparation and Adoption of New Planning Bylaws Fact Sheet](#)

[Provincial Planning Appeals Committee \(PAC\) Information](#)

[A Citizen's Guide to Shaping Council Decisions](#)

[Zoning Bylaw Handbook](#)