

Amending Planning Bylaws Under *The Planning and Development Act, 2007*

2020

Preamble

This guide is to assist municipalities with amending land use planning bylaws adopted using authority within *The Planning and Development Act, 2007* (the Act). Land use planning bylaws include district plans, official community plans, and zoning bylaws. This guide provides an interpretation of the Act's requirements. The Act should be referred to for additional details, as it supersedes this guide.

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

Under sections 248 and 257 of the Act, every existing development plan or basic planning statement established pursuant to a former version of the Act is deemed to be an official community plan approved pursuant to the Act. The provisions of the official community plan that are consistent with the Act and a provincial land use policy or statement of provincial interest remain in force. In the context of section 248, "provincial land use policy or statement of provincial interest" means *The Statements of Provincial Interest Regulations*. Any provisions of the official community plan that are not consistent with the Act and *The Statements of Provincial Interest Regulations* are null and void. In these instances, a municipality can refer to this guide to prepare amendments to their land use planning bylaws.

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Introduction

The Planning and Development Act, 2007 (the Act) enables a council to amend land use planning bylaws (planning bylaws) to accommodate development and subdivision. Planning bylaws include district plans, official community plans, and zoning bylaws. Planning bylaw amendments include adding or updating land uses and development standards. Part X of the Act outlines the public participation process for amending planning bylaws.

Approval from the Minister of Government Relations or their designate (ministerial approval) is required for district plan and official community plan amendments in urban, rural, and northern municipalities, and zoning bylaw amendments in rural municipalities. Urban and northern municipalities do not require ministerial approval for zoning bylaw amendments that comply with the official community plan and the district plan, if the municipality is a member of a planning district. Where the zoning bylaw amendment does not comply with the official community plan, the municipality must amend the official community plan before amending the zoning bylaw. Amendments to the district plan may also be necessary, if the municipality is a member of a planning district and the proposed zoning bylaw amendment is inconsistent with the district plan. In these instances, the order of amendments would be the district plan, followed by the official community plan, followed by the zoning bylaw. These amendments may be processed concurrently.

Separate bylaws are needed to amend a municipality's district plan, official community plan, and zoning bylaw. A joint public notice for multiple bylaw amendments may be considered to minimize costs.

Before amending a planning bylaw, the municipal administrator should advise council if the changes will:

- comply with all land use, staging, and servicing policies in the official community plan;
- comply with all land use, staging, and servicing policies in the district plan, if the municipality is a member of a planning district;
- require complementary bylaw amendments from other members of the planning district, if applicable;
- ensure nearby land uses are compatible in order to minimize land use conflicts;
- impose reasonable development standards; and
- conform to the Act and *The Statements of Provincial Interest Regulations*.

Planning Bylaw Amendment Process Flow Chart

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



- * Required for amendments to:
- Rural municipality district official community plan, official community plan, and zoning bylaw
 - Urban and northern municipality district official community plan and official community plan

Step 1: Decision to Amend

A council may consider amending a planning bylaw on the basis of a report from its administration or upon a request from a third party, such as a development permit applicant. If council decides to consider amending a planning bylaw, it must direct the administrator to prepare a draft bylaw and public notice. Once these materials are prepared and reviewed, council may give the bylaw first reading, authorize the date and time for a public hearing, and authorize publication of the required public notice by resolution.

If council does not agree to a request from a third party to amend a planning bylaw, it should authorize the administrator to notify the applicant in writing that the planning bylaw will not be amended. Council's decision to approve or refuse a planning bylaw amendment cannot be appealed, except where council refuses to remove an "H" holding symbol from a designated property.

Step 2: Prepare Bylaw to Amend the Planning Bylaw

Separate bylaws are required to amend a district plan, official community plan, and zoning bylaw. For text amendments, there must be specific reference to the planning bylaw sections being added, deleted, or edited. When attaching a map, add the following wording with an original signature and the municipal seal. Reductions of maps are acceptable.

This map forms part of Bylaw No. #___	
_____	S E A L
Administrator	

Use photocopies of the original signed bylaw and certify each copy using the following wording along with an original signature and the municipal seal.

Certified a true copy of Bylaw No. #___ passed by Council on DATE .	
_____	S E A L
Administrator	

Sample District Plan Amendment

MUNICIPALITY NAME

Bylaw No. #___

A bylaw to amend Bylaw No. #___ known as the District Plan under subsection 102(8) of *The Planning and Development Act, 2007*.

The Council of the **MUNICIPALITY NAME** in the Province of Saskatchewan enacts Bylaw No. #___ as follows:

1. Section 4 – Development Policies is amended by deleting clause 4.11.2.1 in its entirety and replacing it with the following text:
“4.11.2.1 No new development or additions to existing development shall be permitted in the floodway of the 1:500 year flood elevation of any watercourse or waterbody.”
2. Section 4 – Development Policies is amended by adding the following text immediately after clause 4.11.2.1:
“4.11.2.2 New development in the flood fringe of the 1:500 year flood elevation shall be flood proofed to an elevation of 0.5 metres above the 1:500 year flood elevation.”
3. That this Bylaw shall come into force and take effect upon the date it is approved by the Minister of Government Relations.

Mayor/Reeve

Administrator

S E A L

(leave space for certified true copy information and Minister of Government Relations approval)

Sample Official Community Plan Amendment

MUNICIPALITY NAME

Bylaw No. #___

A bylaw to amend Bylaw No. #___ known as the Official Community Plan under subsection 29(2) of *The Planning and Development Act, 2007*.

The Council of the **MUNICIPALITY NAME** in the Province of Saskatchewan enacts Bylaw No. #___ as follows:

1. Section 5 – Future Land Use Concept is amended by adding the following text immediately after sub-clause 5.2.4:
“5.2.5 New development shall comply with the *Guidelines for New Development in Proximity to Railway Operations* as prescribed by the Federation of Canadian Municipalities and the Railway Association of Canada.”
2. That this Bylaw shall come into force and take effect upon the date it is approved by the Minister of Government Relations.

Mayor/Reeve

Administrator

S E A L

(leave space for certified true copy information and Minister of Government Relations approval)

Sample Zoning Bylaw Amendment

MUNICIPALITY NAME

Bylaw No. #___

A bylaw to amend Bylaw No. #___ known as the Zoning Bylaw under subsection 46(3) of *The Planning and Development Act, 2007*.

The Council of the **MUNICIPALITY NAME** in the Province of Saskatchewan enacts Bylaw No. #___ as follows:

1. Section 7.5 M – Industrial District, subsection (1) Permitted Uses is amended by adding the following immediately after sub-subsection (viii):
“(ix) Steel manufacturing and fabricating.”
2. The Zoning District Map referred to in section 6 is amended by rezoning from A – Agricultural District to M – Industrial District all land shown within the bold dashed line on the attached plan of proposed subdivision dated **DATE** and signed by **SURVEYOR NAME**, S.L.S. (or **PLANNER NAME**, R.P.P.), which forms part of the bylaw.
3. That this Bylaw shall come into force and take effect upon the date it is **approved by the Minister of Government Relations**. [rural zoning bylaw amendments] OR **adopted by Council**. [urban and northern zoning bylaw amendments] OR **Bylaw No. # is approved by the Minister of Government Relations**. [where a district plan or official community plan amendment must precede a zoning bylaw amendment]

Mayor/Reeve

Administrator

S E A L

(leave space for certified true copy information and Minister of Government Relations approval, if required)

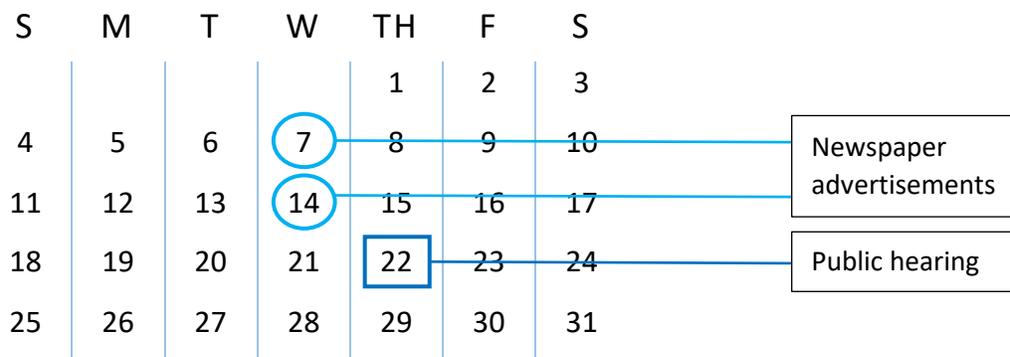
Step 3: Public Notice

A council must publish its intention to amend a planning bylaw and send a notice directly to each affected landowner. For the purpose of this section of the guide, affected landowners are those whose property is subject to rezoning. Municipalities are also encouraged to notify landowners of a proposed official community plan land use designation change.

According to subsection 207(6) of the Act, the public notice must describe the proposed bylaw and the reasons for it, describe the affected area, indicate where and when citizens may examine the proposed bylaw and relevant maps, set out the date, time, and place at which a public hearing will be held, and outline the public hearing procedure. Please save copies of the notices. If ministerial approval is required, copies of the notices must be included in the submission package.

For a text amendment of general application, describe the types of property and zoning districts that are affected. If a text amendment affects specific property, identify the legal land description, street address, and landmarks. For a map amendment, the notice must contain a map showing the affected land and surrounding area. The affected land can be shaded, outlined, or crosshatched. Newspaper advertisements are not required when removing an “H” holding symbol; however, council may require a developer to post notices on site.

The notice must be published once a week for two consecutive weeks in a local newspaper, and the first advertisement must be at least two clear weeks before the public hearing. This timing is demonstrated below.



Other advertising methods may be allowed with prior ministerial consent. Please contact Community Planning to discuss alternative advertising methods. Additional notice methods may also be prescribed in a zoning bylaw.

Copies of the notice and bylaw with first reading must be available at cost to any person, and municipalities are encouraged to share this information on their website. Municipalities may also consider engaging with nearby municipalities, regional and district planning bodies, and First Nations and Métis communities in land use decisions. First Nations and Métis communities that could have their Treaty or Aboriginal rights affected by land use decisions should also be engaged.

Sample Public Notice

NOTICE

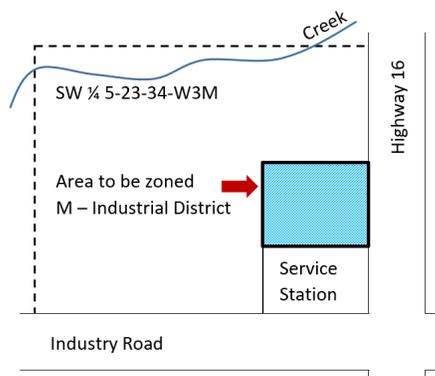
Public notice is hereby given that the Council of the **MUNICIPALITY NAME** intends to adopt a bylaw under *The Planning and Development Act, 2007* to amend Bylaw No. #____ known as the **Zoning Bylaw**.

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 SW ¼ Section 5-23-34-W3M shown on a plan of proposed subdivision dated **DATE** and signed by **SURVEYOR NAME** S.L.S. (or **PLANNER NAME**, R.P.P.). The land is immediately northwest of the intersection of Industry Road and Highway 16, about 2 kilometers north of Someplace 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)

Step 4: Public Hearing

A public hearing shall be held after the first reading of a bylaw and before the second reading.

At the hearing, council:

- shall ensure it hears all persons who wish to make representations relevant to the proposed bylaw and that all written submissions are accepted;
- shall ensure minutes of the public hearing are recorded; and
- may receive all representations on the same day or if deemed advisable, adjourn and reconvene the hearing at a later date until all representations are received.

If the public hearing is held during a council meeting, council must resolve to suspend the meeting and open the hearing, after which council closes the hearing and reconvenes the meeting.

If objections are received, council may:

- defeat the bylaw;
- proceed with the bylaw; or
- alter the bylaw to address objections.

If council decides to alter the bylaw with new text or maps, they must pass a resolution to do so. If the resolution is carried, the changes become part of the proposed bylaw. Council must advertise the proposed changes and hold another public hearing at which representations may be made about the alterations. If alterations are minor and do not change the intent of the bylaw, please contact Community Planning to request that the re-advertisement requirement be waived.

Step 5: Bylaw Adoption

Second and third reading of a bylaw occur after the public hearing.

A zoning bylaw amendment must conform to the provisions in the official community plan and district plan, if the municipality is a member of a planning district. If a district plan or official community plan amendment is required to accommodate a zoning bylaw amendment, the district plan or official community plan amendment must be processed and approved first. A council may delay passing the zoning bylaw amendment until the district plan or official community plan amendment receives ministerial approval, or indicate that the zoning bylaw amendment comes into force after the district plan or official community plan amendment receives ministerial approval.

Rural Municipalities

District plan, official community plan, and zoning bylaw amendments require ministerial approval. The amending bylaws may be combined under one statutory declaration submission.

Urban and Northern Municipalities

District plan and official community plan amendments require ministerial approval. Where a proposed zoning bylaw amendment complies with an existing district plan and official community plan, the

amendment takes effect when council gives the bylaw third reading. The administrator must send a certified true copy of a zoning bylaw amendment to Community Planning within 15 days of the date the bylaw was passed.

Where a proposed zoning bylaw amendment does not comply with an existing district plan and official community plan, amendments to the district plan and official community plan must receive ministerial approval before the zoning bylaw amendment takes effect. After third reading of the bylaw, the administrator must send a certified true copy of the zoning bylaw amendment to Community Planning within 15 days of the date the bylaw was passed.

Step 6: Ministerial Approval

To apply for ministerial approval of the bylaw, send Community Planning a statutory declaration along with the following:

- two certified true copies of the district plan, official community plan and/or zoning bylaw with accompanying maps;
- two certified true copies of the bylaw adopting the district plan, official community plan and/or zoning bylaw;
- copies of the newspaper ad or public notice used; and
- a copy of the public hearing minutes, all representations at the public hearing and all submissions received respecting the bylaw.

According to subsections 39(2) and 76(2) of the Act, the minister or their delegate have 30 days to render a decision regarding an official community plan or zoning bylaw amendment, unless an extended time is required.

Sample Statutory Declaration

A statutory declaration must be written to suit the circumstances. Clause 3 must be revised if another method of public notice was 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 **MUNICIPALITY NAME**.

I **FIRST AND LAST NAME**, of the **MUNICIPALITY NAME** in the Province of Saskatchewan, do solemnly declare:

1. That I am the Administrator for the **MUNICIPALITY NAME** 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 **MUNICIPALITY NAME** at an open meeting duly convened and held on **DATE**, 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 **DATE** and **DATE**.
4. That a copy of the notice was sent to each affected landowner by **PERSONAL DELIVERY/CERTIFIED MAIL/OTHER**.
5. That a public hearing was held on **DATE** for Council to hear and consider representations or submissions concerning the bylaw and the minutes are attached as Exhibit "C".
6. That ___ representations or submissions were received which are attached as Exhibit "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*.

(Administrator)

Declared before me at **MUNICIPALITY NAME** in the Province of Saskatchewan this **DATE**.

A Commissioner of Oaths in and for the Province of Saskatchewan.
My Commission expires **DATE**.

Resources

For additional information, please visit www.saskatchewan.ca where the following can also be downloaded from Saskatchewan Publications:

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

[Official Community Plans](#)

[Zoning Bylaws](#)

Contact Us

**Ministry of
Government Relations
Community Planning
Room 978, 122 Third Ave. N.
Saskatoon
S7K 2H6
306-933-6937**

**Ministry of
Government Relations
Community Planning
420 – 1855 Victoria Ave.
Regina
S4P 3T2
306-787-2725**