

Amending Planning Bylaws

Under *The Planning and Development Act, 2007*

2023

Introduction

This guide is intended to help municipalities amend land use planning bylaws adopted using the authority in *The Planning and Development Act, 2007* (PDA). Land use planning bylaws include district plans, official community plans and zoning bylaws. This guide provides an interpretation of the PDA's requirements for amending land use planning bylaws. Refer to the PDA for details because the wording of the PDA supersedes the wording in this guide.

This guide's procedures are mainly 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.

Provisions within this guide apply to all planning bylaws in Saskatchewan – including basic development plans and basic planning statements adopted under a former version of the PDA*.

*Note: planning bylaws adopted under a former version of the Act continue in force. Provisions of any bylaw that are inconsistent with the PDA and *The Statements of Provincial Interest Regulations* are considered null and void insofar as it is inconsistent. If you have any questions about the applicability of your bylaws, contact the Ministry of Government Relations.

For more information on amending your planning bylaws, please contact the Ministry of Government Relations' Community Planning branch via email at muninfo@gov.sk.ca, communityplanning@gov.sk.ca, or:

Community Planning Branch
Saskatoon
Room 978, 122 Third Ave. N.
Saskatoon, S7K 2H6
306-933-6937

Community Planning Branch
Regina
Room 420, 1855 Victoria Ave.
Regina, S4P 3T2
306-787-2725

Table of Contents

Amending Planning Bylaws	i
Introduction.....	i
Planning Bylaw Amendment Process Flow Chart.....	1
Step 1: Decision to Amend	2
Step 2: Prepare Bylaw to Amend the Planning Bylaw.....	2
Sample District Plan Amendment	3
Sample Official Community Plan Amendment.....	4
Sample Zoning Bylaw Amendment	5
Sample Zoning Bylaw Amendment- Map Change.....	6
Step 3: Public Notice	7
Sample Public Notice.....	9
Step 4: Public Hearing.....	10
Step 5: Bylaw Adoption	10
Rural Municipalities.....	10
Urban and Northern Municipalities	10
Step 6: Ministerial Approval.....	11
Sample Statutory Declaration	12
Resources	13

Planning Bylaw Amendment Process Flow Chart

The flow chart below outlines steps to amend a planning 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.

Step 1: Decision to Amend

A council may consider amending a planning bylaw based on a report from its administration or a third party request, such as an applicant for a development permit. If council considers 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 third party's request to amend a planning bylaw, it should authorize the administrator to notify the applicant in writing that it 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

If amendments are proposed to multiple planning bylaws, such as an official community plan and zoning bylaw, separate amending bylaws must be passed. 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

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.

Read a First time this ____ day of ____.

Read a Second time this ____ day of ____.

Read a Third time this ____ day of ____.

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.

Read a First time this ____ day of ____.

Read a Second time this ____ day of ____.

Read a Third time this ____ day of ____.

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 zoning from A – Agricultural District to M- Industrial District all land within the bold dashed line as shown on the map which attached hereto (or the attached plan of proposed subdivision dated **DATE** and signed by **SURVEYOR NAME, S.L.S.** (or **PLANNER NAME, R.P.P.**)), and 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]

Read a First time this ____ day of _____.

Read a Second time this ____ day of _____.

Read a Third time this ____ day of _____.

Mayor/Reeve

Administrator

S E A L

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

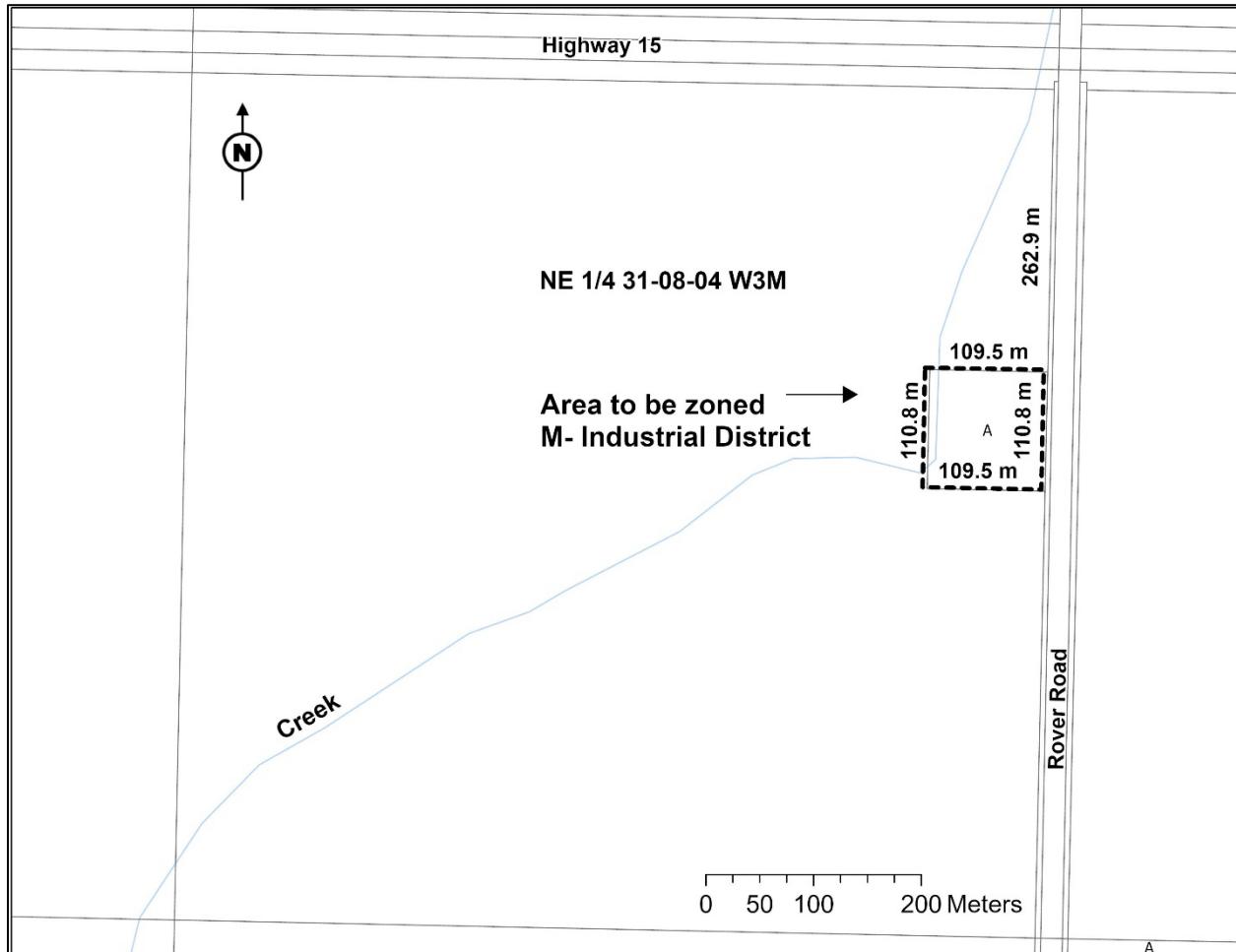
Sample Zoning Bylaw Amendment- Map Change

Map- Bylaw No. _____

This map forms part of Bylaw No. #____

S E A L

Administrator



Note: If a parcel is proposed, the plan of the proposed subdivision should be used. If not using the plan of proposed subdivision for the bylaw map, the map requires the basic map elements such as site dimensions, scale bar, north arrow, legal land location information and, if needed, a legend.

Step 3: Public Notice

A council must publish its intention to amend a planning bylaw and send a notice to each affected landowner. Notice must be given via newspaper circulating within the municipality. This process may differ in a municipality designated an approving authority and have adopted their own public notice bylaw. For the purposes of this section, 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 PDA, the public notice must describe:

- the proposed bylaw and the reasons for it;
- 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 public notices. If ministerial approval is required, copies of the public notices must be included in the submission package.

For a general text amendment, describe the types of property and zoning districts affected. If a text amendment affects specific property, identify the legal land description, street address and landmarks. For a map amendment, the notice may contain a map showing the affected land and surrounding area, or direct interested parties to where the map may be found (ex: municipal website).

If the map is located on a municipal website, it is recommended to include a screen capture of the map in its online location and include it within the municipal submission when applying for ministerial approval as evidence that the notice has met the requirements of Part X of the PDA. 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. The first advertisement must be at least two clear weeks before the public hearing, as shown below:

S	M	T	W	TH	F	S	
				1	2	3	
4	5	6	7	8	9	10	Newspaper advertisements
11	12	13	14	15	16	17	
18	19	20	21	22	23	24	Public hearing
25	26	27	28	29	30	31	

If newspaper advertising is not an option to meet these requirements, other advertising methods may be allowed with prior ministerial consent. Contact the Ministry of Government Relations' Community Planning Branch to discuss whether an alternative advertising method is applicable. The zoning bylaw may also prescribe additional notice requirements above what is required in the PDA.

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

Sample Public Notice

NOTICE

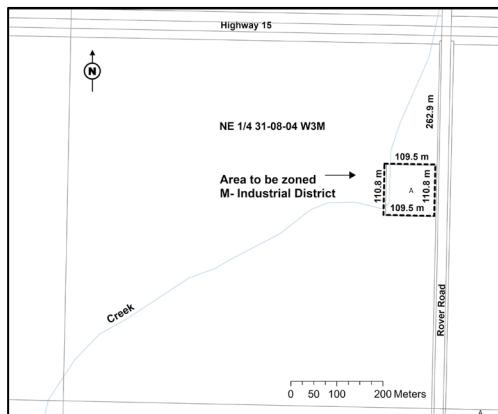
Public notice is hereby given that the Council of the **MUNICIPALITY NAME** intends to adopt a bylaw under *The Planning and Development Act, 2007* to amend Bylaw No. #____ known as the **Zoning Bylaw**.

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 NE $\frac{1}{4}$ 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)

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 alters the bylaw with new text or maps, they must pass a resolution. 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 bylaw's intent, 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, it 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, it 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 it 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 a 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;
- 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**.

Administrator

S E A L

- 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 PDA, the minister or their delegate have 30 days to decide on an official community plan or zoning bylaw amendment, unless extended time is required.

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
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 our website <https://www.saskatchewan.ca/> or download the following Government of Saskatchewan resources:

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

[Official Community Plans](#)

[Zoning Bylaws](#)