



Preamble

The procedures in this guide are for municipalities that have not been designated approving authorities under Section 13 of *The Planning and Development Act, 2007*. Under Section 24 of the Act an approving authority may adopt public notice policies that differ from those explained in this guide.

Under Section 248 of *The Planning and Development Act, 2007*, every existing development plan or basic planning statement established pursuant to a former Act is deemed to be an **official community plan** and is continued in force pursuant to Section 275 as if that plan of statement was approved pursuant to this Act, insofar as it is not inconsistent with this Act or a provincial land use policy or statement of provincial interest.

Introduction

The Planning and Development Act, 2007, (Act) enables a council to amend planning bylaws in order to add or update regulations, or to rezone land to allow for development and subdivision. Separate bylaws are needed to amend a municipality's *Official Community Plan* (OCP) and a zoning bylaw. Only a zoning bylaw amendment may be needed if the intent of the amending bylaw complies with existing OCP policies.

Ministerial approval is required for:

1. All bylaws to amend an OCP; and
2. All amendments to zoning bylaws in rural municipalities.

Urban and northern municipalities do not require ministerial approval for amendments to zoning bylaws if the amendment complies with the OCP. Where the zoning amendment does not comply with an OCP, the municipality must first process an amendment to the OCP.

Before amending a bylaw, the clerk or administrator should advise council to consider if the changes will:

- comply with all land use, staging, and servicing policies in any OCP;
- ensure adjoining land uses are compatible to minimize land use conflicts;
- impose reasonable regulations (e.g. lot sizes and building setbacks); and
- conform to provincial standards.

This document is meant only as a guide. Throughout, the numbers inside the brackets [#] refer to sections of the Act. The wording in the Act supersedes that in this guide.

Contact Information

For more information contact the Community Planning Branch of Saskatchewan Ministry of Municipal Affairs.

Southern Region

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Community Planning Branch
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Telephone: (306) 787-2725 Fax: (306) 798-0194

Central and Northern Regions

Saskatchewan Ministry of Municipal Affairs
Community Planning Branch
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For subdivision application forms and more detail about the subdivision approval process and the municipal reserve options visit:

www.municipal.gov.sk.ca

Step 3 - Public Notice

A council must publish its intention to amend a planning bylaw. The notice must be published once a week for two consecutive weeks in a local newspaper. The first advertisement must be at least two weeks before the hearing (i.e. the hearing must be on the 15th or later day). Save dated copies of the newspaper ads for Step 6.

Other advertising methods may be allowed with prior ministerial consent [207(3)]. Additional notice methods may be prescribed in a zoning bylaw [206(2)].

Newspaper ads are not required when removing an "H" designation; however, Council may require a developer to post notices at a site [71(4)].

The example to the right illustrates a zoning bylaw amendment. A notice may combine a related amendment to an OCP, and notice of a related street or road closure.

For a text amendment of general application, describe the types of property and zoning districts affected. If a text amendment affects specific property, identify the legal description of the land, street address, landmarks, or include a map.

If amending a Zoning District Map, the notice **must contain** a map showing the general area and affected land. This land can be shaded, outlined, or crosshatched. A copy of the notice and map must be sent to each affected landowner [209].

Copies of the notice and bylaw with first reading must be available, at cost, to any person [208].

NOTICE

Public notice is hereby given that the Council of the (name of municipality) intends to adopt a bylaw under *The Planning and Development Act, 2007* to amend Bylaw No. _____, known as the Zoning Bylaw.

INTENT Summarize as in the following example
The proposed bylaw will add steel manufacturing and fabricating as a permitted use in the M-Industrial District, and rezone from A-Agricultural District to M-Industrial District the land described below.

AFFECTED LAND Give legal & general descriptions
The affected land is legally described as part of the SW ¼ Section 5-23-34-3 shown on a plan of proposed subdivision dated (m/d/y) and signed by (name) S.L.S. The land is immediately northwest of the intersection of Industry Road and Highway 16 about 2 miles north of Someplace as shown on the following map.

5
Creek
SE ¼ 5-23-34-W3M
Area to be zoned M1-Industrial District
Service Station
Industry Road
Highway 16
Someplace 2 miles

REASON Always 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(s) at the (municipal) office between (times) on (days) excluding statutory holidays. Copies are available at cost.

PUBLIC HEARING
Council will hold a public hearing on (m/d/y) at (time) at (location of meeting) to hear any person or group that wants to comment on the proposed bylaw(s). Council will also consider written comments received at the hearing (or delivered to the undersigned at the municipal office before the hearing).

Issued at (name of municipality) this (mm/dd/yyyy).
Signed: (Administrator/Clerk)

Step 4 - Public Hearing

A public hearing shall be held after the first reading of a bylaw and before the second [207(2)].

Council:

- a) shall ensure it hears all persons who wish to make representations relevant to the proposed bylaw and that all written submissions are accepted;
- b) shall ensure minutes of the public hearing are recorded; and
- c) 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 [210].

A hearing may be held during a meeting if council resolves to suspend the meeting and open a hearing, after which council closes the hearing and reconvenes the meeting.

If objections are received, council may:

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

Altering a Bylaw: For alterations involving new text or map changes, council must publicize the proposed changes and hold another hearing at which representations may be made about the alterations only. For minor corrections (e.g. spelling errors) that do not change the bylaw's intent, consult the Community Planning Branch about whether the alterations need to be publicized. [211]

Step 5 - Bylaw Adoption

First reading of a bylaw must occur **before** the public hearing is held. Second and third readings take place only **after** the public hearing [207(2)].

A zoning amendment must conform to the provisions in an OCP. If an amendment to an OCP is required to allow a zoning bylaw amendment, the OCP amendment requires ministerial approval (Step 6) before the related zoning bylaw can come into force. A council may delay passing the zoning bylaw amendment until the OCP amendment receives ministerial approval, or word the effective date clause in the zoning bylaw amendment to indicate that the amendment takes effect upon ministerial approval of the bylaw amending the OCP (see possible wording on page 3).

In rural municipalities, OCP and zoning bylaw amendments require ministerial approval. The amending bylaws may be combined under one Statutory Declaration submission (Step 6).

In cities, towns, villages, and northern municipalities, ministerial approval is required for OCP and zoning amendments that do not comply with an OCP. Where a proposed zoning bylaw amendment complies with an existing OCP, the amendment takes effect when council gives the bylaw third reading. The administrator must send a certified copy of a zoning bylaw amendment to the Community Planning Branch **within 15 days of the date the bylaw was passed** [78(4)].

Step 6 - Ministerial Approval

To apply, send Community Planning Branch a statutory declaration (see below) with:

- two certified copies of each bylaw with accompanying maps;
- copies of the newspaper ad or notice used; and
- a copy of the hearing minutes and submissions.

A Statutory Declaration is worded to suit the situation. It may reference two bylaws (e.g. an OCP and a zoning bylaw). If not needed, delete Clause 4 and renumber the other clauses. 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 _____.

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) 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 ____ 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__ AD.

Signature

Signature
(Administrator/Clerk)

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