

Land Use Planning Bylaw Checklist

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1. Introduction

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

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

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

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

Municipality:
Bylaw Type:
Bylaw Number:

2. New Planning Bylaw Submission

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

2.1. Submission for Ministerial Approval²

Municipalities must submit:

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

2.2. Public Notice of Proposed Bylaw³

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

The notice must:

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

¹ Bylaws should be submitted to the nearest Community Planning branch office for processing. See Contact Us (page 17) for mailing address and phone numbers.

² Sections 36 and 76 of *The Planning and Development Act, 2007*.

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

⁴ Requests for alternative methods of advertising should be submitted to the nearest Community Planning branch office for processing. See Contact Us (page 17) for mailing address and phone numbers.

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

2.3. Bylaw Readings, Public Notice and Public Hearing⁵

	Date
First bylaw reading	
First publication of public notice	
Four clear weeks (at least 29 days) required between first public notice and public hearing	
Second publication of public notice	
Public hearing	
Second bylaw reading	
Third bylaw reading and adoption	

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

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

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

3. District Plan

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

The Act requires a municipality to adopt a district plan if they are a member of a planning district.

3.1. District Plan Contents⁷

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

	Section
To be of intermunicipal or regional significance	
To be necessary to coordinate community and land use planning services in the district	
To be necessary to ensure that the district plan is consistent with any provincial land use policy or statement of provincial interest	

The Act allows a municipality to have a district plan serve as its official community plan, in which case it may be referred to as a district official community plan. If council chooses this option, then the requirements within section 32 of the Act must be incorporated into the district plan. In this instance, refer to and complete subsection 4.1. of this checklist.

A district plan may contain policies regarding:

	Section
Any matter mentioned in section 32 of the Act	
Sector-specific planning	
District public works	
District service delivery	

⁶ Bylaws should be submitted to the nearest Community Planning branch office for processing. See Contact Us (page 18) for mailing address and phone numbers.

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

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

3.2. Zoning Bylaw⁸

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

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

4. Official Community Plan

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

4.1. Official Community Plan Contents¹⁰

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

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

	Section
Agriculture and value-added agribusiness	
Biodiversity and natural ecosystems	
First Nations and Métis engagement	
Heritage and culture	
Inter-municipal cooperation	
Mineral resource exploration and development	
Public safety	
Public works	
Recreation and tourism	
Residential development	
Sand and gravel	
Shore lands and water bodies	
Source water protection	
Transportation	
Community health and well-being	
Economic growth	

⁹ Bylaws should be submitted to the nearest Community Planning branch office for processing. See Contact Us (page 18) for mailing address and phone numbers.

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

An official community plan must contain policies respecting:

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

An official community plan may contain:

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

Section 7. “Mapping Standards and Recommendations” includes requirements and recommendations for maps which form a part of a land use planning bylaw.

Official community plan for municipalities in a district:

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

5. Zoning Bylaw

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

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

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

In addition to those items listed in subsection 2.1., the following are required as a part of the adoption of a zoning bylaw:

	Indicate yes or no
Council may authorize the preparation and adoption of a zoning bylaw for all or part of a municipality only in conjunction with an official community plan. Does the municipality have an official community plan?	
The zoning bylaw regulations must be supported by specific official community plan policies.	

5.1. Zoning Bylaw Contents¹²

A zoning bylaw must:

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

¹¹ All new zoning bylaws and zoning bylaw amendments for rural municipalities require Ministerial approval. These bylaws should be submitted to the nearest Community Planning branch office for processing. See Contact Us (page 18) for mailing address and phone numbers.

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

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

5.2. Development Standards and Optional Zoning Bylaw Content¹³

A zoning bylaw may:

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

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

Prescribe development standards, performance standards and conditions applicable to:	
Any or all permitted uses	
Any or all discretionary uses	
Any specific intensity of use	
Any or all development or density of development in a district or class of districts	
Designate certain uses that do not allow for buildings to be placed or constructed on a site	
Prescribe the minimum or maximum area and dimensions of lots that may apply in any district for particular uses	
Prescribe the percentage of area of a lot that a building may occupy and prescribe the size of yards, courts and other open spaces	
Authorize the approval of minor variances to specific standards, subject to section 60 of the Act	
Regulate the location, height, number of storeys, area, volume or dimensions of any building to be placed, constructed, reconstructed, altered or repaired	
Require the establishment and maintenance of any loading and parking facilities on land that is not part of a public highway	
Regulate the access to and egress from a public street of any parking, loading or drive-through service spaces	
Regulate or prohibit development on land:	
That is subject to flooding or subsidence	
That is low-lying, marshy or unstable	
That has slopes exceeding specified standards	
That is adjacent to or within a specified distance of the bank of any natural or artificial lake, river, stream or other body of water	
Where the cost of providing public utilities would be prohibitive in the opinion of council	
Within a specified distance of the limits of an airport	
On the basis of land or resource capability	
Regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials and other items and 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 displayed	
Regulate or prohibit the alteration of land levels for building or other purposes if the alteration may affect surface drainage or land stability	
Prohibit or regulate all or any of the following:	
The excavation or filling in of land or the filling in of bodies of water	
The removal of soil or other material from the land	
The cutting or removal of trees and vegetation	
Regulate or prohibit the placement of exterior lighting on buildings or land, and regulate the amount and nature of light emitted from structures	
Regulate the amount and nature of sound that may be emitted from a building or from within a parcel of land or any operation on a parcel of land and specify the manner in which, and the equipment with which, the sound shall be measured for the purpose of the bylaw	
Regulate or prohibit the location of trailers, modular homes, mobile homes, trailer parks, modular and mobile home parks, and modular home and mobile home subdivisions and 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 the development is constructed and completed in accordance with the time frames and development standards required in the approval	
Prescribe the procedures for the release of letters of credit, performance bonds or any other form of assurance the council considers necessary once the development is completed	
Impose conditions and performance standards for site plan control for specific industrial and commercial development (if council has been declared as an approving authority)	
Prescribe procedures for obtaining public input on land use and development matters in addition to the public participation requirements of Part X of the Act	

5.3. Zoning Bylaw Maps¹⁴

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

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

Section 7 “Mapping Standards and Recommendations” includes requirements and recommendations for maps which form a part of a land use planning bylaw.

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

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

5.4. Fees¹⁵

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

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

If council includes the schedule of fees within the zoning bylaw, the public notice requirements included within subsection 2.2. will suffice. If council adopts a separate fee bylaw, the following requirements apply:

	Indicate yes or no
Evidence of compliance with public notice requirements (see subsections 2.1. and 2.2. of this checklist)	
A copy of the fee bylaw must be provided	

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

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

5.5. Discretionary Use Applications¹⁶

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

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

5.6. Public Notice of Discretionary Use Applications¹⁷

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

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

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

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

6. Engagement

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

7. Mapping Standards

A map attached to a land use planning bylaw must be legible to ensure those referring to the bylaw are interpreting it correctly. For example, if a zoning bylaw map is printed on too small of paper, it may be difficult to see where one zoning district ends and another begins. Below are requirements and recommendations that should be taken into consideration when creating a land use planning bylaw map:

7.1. Requirements

1. *The size of paper used for the map must be sufficiently sized for the information being shown.*

If a single map is being used to display an entire municipality, it is unlikely that a typical letter-size page (8.5" by 11") will be large enough to provide an adequate level of detail. Detail is important for land use planning bylaws to ensure users can determine where a district or future land use designation ends or the extent of flood hazard areas.

A letter-size page may be large enough if multiple map sheets are being used, though in most cases, a map should be drawn on a page tabloid-sized (11" by 17") or larger.

2. *If flood mapping is available, it must be included in planning documents.*

In accordance with subsection 6.7.5 of the Statements, available flood mapping must be incorporated into land use planning documents, including zoning bylaws.

7.2. Recommendations

1. *If colours are used to differentiate zoning districts or future land use designations, they should be distinguishable.*

Being able to distinguish between colours allows users of the map to accurately identify a property's zoning district or future land use designation.

2. *Township and range numbers should be placed on the border of the map.*

Due to the number of elements that may be included on a map (e.g. property lines, district boundaries, flood information, highway numbers, etc.), including this information on the border is a way to declutter the map. If these numbers are included on the borders, lines should be extended through the map to show where a range or township begins and ends.

8. Resources

The materials listed below provide additional information on land use planning bylaws, their content, and adoption:

The Planning and Development Act, 2007

The Statements of Provincial Interest Regulations

Official Community Plans

Zoning Bylaws

Amending Planning Bylaws

Questions on land use planning bylaws can be directed to the Ministry of Government Relations, Community Planning branch via email at communityplanning@gov.sk.ca or:

Ministry of
Government Relations
Community Planning
420 – 1855 Victoria Ave.
Regina
S4P 3T2
306-787-2649

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