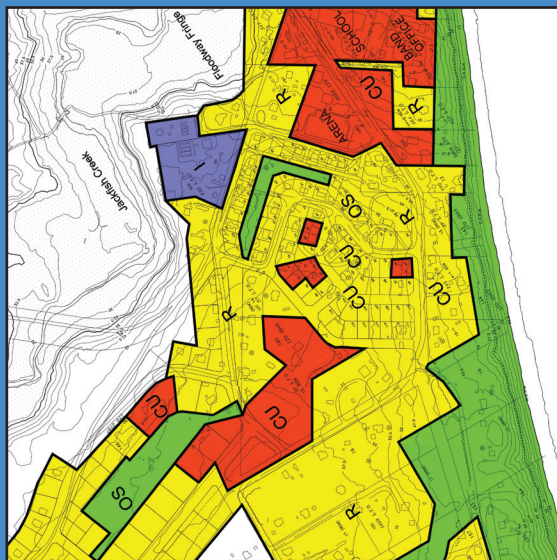


# Planning Bylaws Handbook



A Guide to Enacting  
Community Plan and Zoning Bylaw Amendments



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## Introduction

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Under the NWT's *Community Planning and Development Act*, municipalities have the authority to pass bylaws that control the use and development of land within their boundaries.

Community Plans and Zoning Bylaws, collectively known as Planning Bylaws, are the primary legal instruments used to regulate land use and development in communities.

Community Plans provide general principles and guidance with regards to where different types of land uses should be located in a municipality. The Zoning Bylaw provides the regulatory authority to implement the Community Plan and sets "rules" for development.

When an individual or Council proposes to change the land use that is permitted in the municipality's Planning Bylaws, they need to apply to amend the Community Plan and/or Zoning Bylaw.

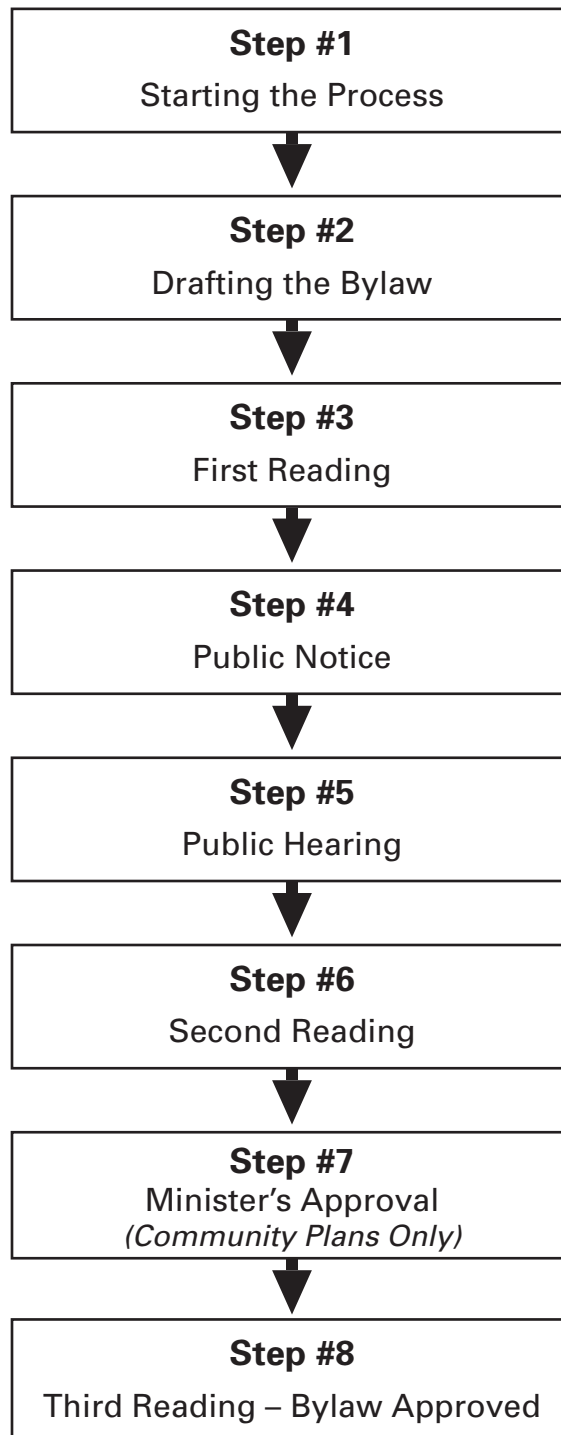
Depending on the nature and extent of the proposed land use changes, the proposed change in land use may either require an amendment to the Community Plan or the Zoning Bylaw or, in some cases, both of these documents.

This handbook is intended to provide municipal staff and Council with a step-by-step guide to the Community Plan and Zoning Bylaw Amendment process.



## Steps for Amending Community Plans and Zoning Bylaws

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## Step #1 – Starting the Process

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A Planning Bylaw Amendment may be initiated either by an individual or a municipal Council. The purpose of a Planning Bylaw Amendment is to change the land uses that are permitted on a lot to allow some other type of development.

In many cases, this may be a change to the type of permitted land use itself. An example would be a Zoning Bylaw Amendment to change the permitted use of a property from residential to commercial. Another type of amendment is where the primary land use remains the same, but certain development requirements may be changed, e.g. permitted building setbacks are reduced, building height increased, etc.

When an individual wishes to initiate a Planning Bylaw Amendment, they must submit a written request to the municipality informing them of the proposed change to the Community Plan and/or Zoning Bylaw. The request must, at a minimum, contain the following information:

- The property owner's name, address and contact information;
- The legal description of the proposed development;
- The existing Community Plan designation and Zoning;
- The proposed Community Plan designation and Zoning;
- The reasons for requesting the Community Plan and/or Zoning Bylaw Amendment;
- The submission of fees required under the Community Plan and/or Zoning Bylaw; and
- Any other relevant information.

Some municipalities require that applicants complete an application form when requesting a Planning Bylaw Amendment. The advantage to municipalities of using an application form is that it provides for greater clarity and consistency in the information submitted. A sample Community Plan and/or Zoning Bylaw Amendment application form is included in **Schedule A**.

In addition to receiving Planning Bylaw Amendment applications from individuals, municipal Councils may also initiate their own Community Plan or Zoning Bylaw Amendments. Councils will typically initiate these amendments to address specific land use issues or simply undertake "housekeeping" type changes to update or clarify their existing documents.

Once the Community Plan and/or Zoning Bylaw Amendment process has been initiated, either by a request from an individual or Council, municipal staff are then directed to draft the Bylaw Amendment. **Step #2 – Drafting the Bylaw** is the next step in the process.

## Step #2 – Drafting the Bylaw

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Now that the decision has been made to initiate a Community Plan or Zoning Bylaw Amendment, municipal staff need to decide upon its form and content. Generally speaking, there are two types of Community Plan and Zoning Bylaw Amendments.

The first type considers a site specific change to the Community Plan or Zoning Bylaw mapping. This is usually for the purpose of changing the types of land uses that are permitted in a certain area. For example, an individual may be requesting that the permitted use of their property be changed from residential to a commercial use.

The second type considers a change to the written text of a particular section of the Community Plan or Zoning Bylaw. The purpose of this type of amendment is to change the requirements associated with a particular land use.

For instance, Council may propose to change the text in the Zoning Bylaw to allow for reduced vehicle parking requirements. There are also cases where the proposed Bylaw Amendment may be a combination of changes to both the map and written text.

The Planning Bylaw must clearly describe the Bylaw changes and the legal description and municipal address, if available, of the

affected parcel of land. If there is no legal description available then it is advisable to attach a map schedule to the Bylaw identifying the location of the affected lands. Some municipalities may elect to always attach a map to the Bylaw to make it easier to identify the subject property.

Community Plan Bylaw Amendments must include a signing block for the Minister of Municipal and Community Affairs between the signing sections for Second and Third Reading of the Bylaw. The Minister's signing block is not required for amendments made to a community's Zoning Bylaw.

On the following pages are two examples of Planning Bylaw Amendments. The first is a Community Plan Amendment Bylaw proposing that Lot 16, Plan 137 in the Hamlet of Pickerel Lake be amended from a **Residential** designation to a **Commercial** one.

The second is a Zoning Bylaw Amendment proposing that the zoning of Lot 16, Plan 137 be changed from **R – Residential** to **C – Commercial** for the purpose of permitting the development of a convenience store. Note that the signing block for the Minister's Approval is only required in the Community Plan Amendment Bylaw and not the Zoning Bylaw Amendment.



## HAMLET OF PICKEREL LAKE COMMUNITY PLAN AMENDMENT BYLAW 455

THIS IS A BYLAW OF THE HAMLET OF PICKEREL LAKE IN THE NORTHWEST TERRITORIES TO AMEND PICKEREL LAKE COMMUNITY PLAN BYLAW NO.122, PURSUANT TO THE PROVISIONS OF THE COMMUNITY PLANNING AND DEVELOPMENT ACT, S.N.W.T. 2011, C.22 AND HAMLETS ACT, S.N.W.T. 2003, C.22.

**WHEREAS** the Council of the Hamlet of Pickerel Lake has enacted the Pickerel Lake Community Plan Bylaw No. 122,

**AND WHEREAS** it is now deemed desirable to amend Pickerel Lake Community Plan Bylaw 122, the duly assembled Council of the Hamlet of Pickerel Lake enacts that:

1. The land use designation of Lot 16, Plan 137 be changed from Residential to Commercial to allow for the development of a convenience store.
2. Schedule A is part of this Bylaw.
3. This Bylaw shall come into effect on the date of its Third Reading.

**READ** a first time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Senior Administrative Officer

And after due notice and a Public Hearing

**READ** a second time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Senior Administrative Officer

**APPROVED** by the Minister of Municipal and Community Affairs

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

\_\_\_\_\_  
Minister, Municipal and Community Affairs

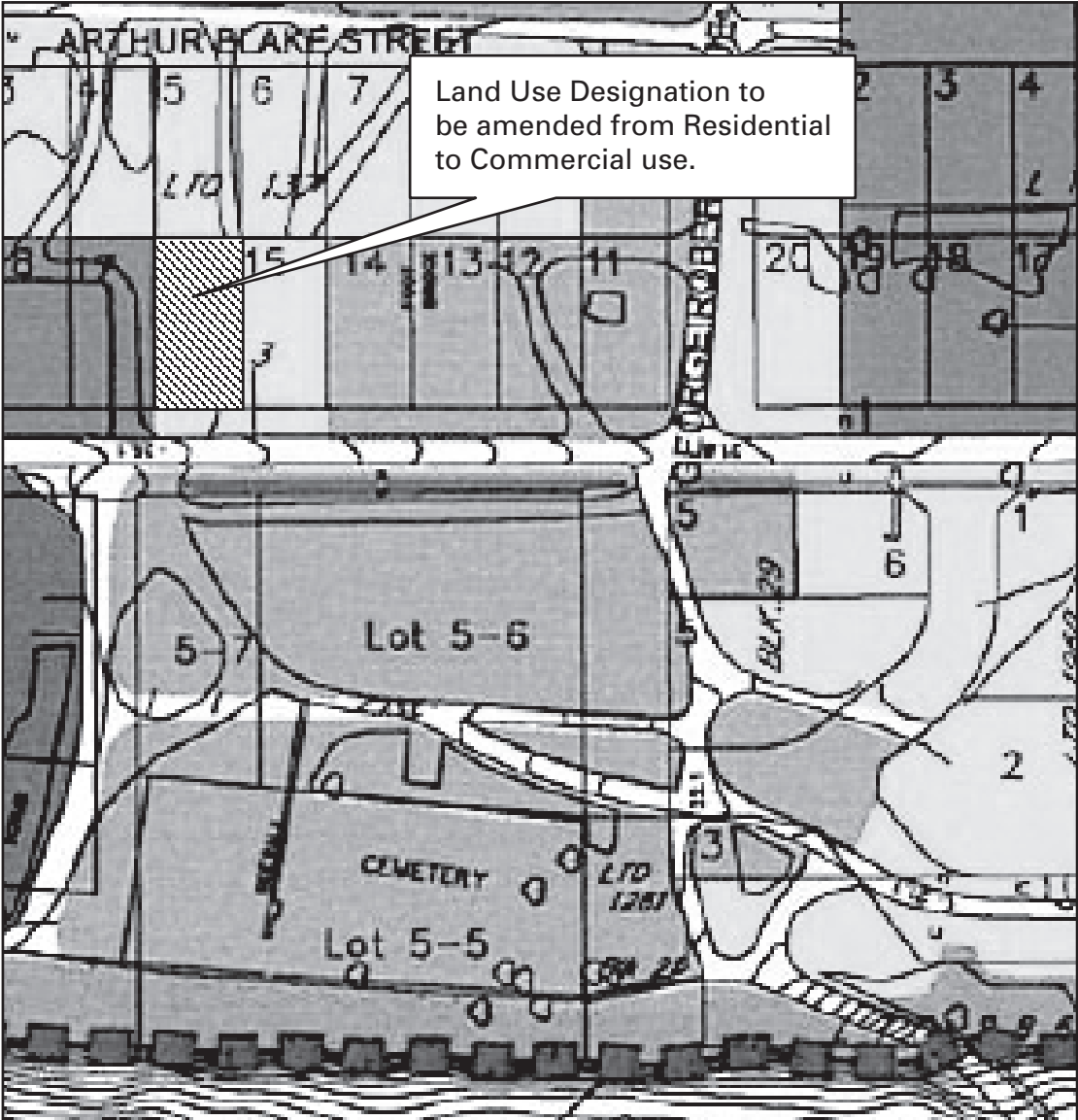
**READ** a third time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Senior Administrative Officer

## SCHEDULE A

# HAMLET OF PICKEREL LAKE COMMUNITY PLAN AMENDMENT BYLAW 455



## HAMLET OF PICKEREL LAKE ZONING BYLAW AMENDMENT 456

THIS IS A BYLAW OF THE HAMLET OF PICKEREL LAKE IN THE NORTHWEST TERRITORIES TO AMEND PICKEREL LAKE ZONING BYLAW NO.123, PURSUANT TO THE PROVISIONS OF THE COMMUNITY PLANNING AND DEVELOPMENT ACT, S.N.W.T. 2011, C.22 AND HAMLETS ACT, S.N.W.T. 2003, C.22.

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**WHEREAS** the Council of the Hamlet of Pickerel Lake enacted Pickerel Lake Zoning Bylaw No. 123,

**AND WHEREAS** it is now deemed desirable to amend Pickerel Lake Zoning Bylaw 123, the duly assembled Council of the Hamlet of Pickerel Lake enacts that:

1. The zoning of Lot 16, Plan 137 be changed from **R – Residential** to **C – Commercial** to allow for the development of a convenience store.
2. Schedule A is part of this Bylaw.
3. This Bylaw shall come into effect on the date of its Third Reading.

**READ** a first time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Senior Administrative Officer

And after due notice and a Public Hearing

**READ** a second time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Senior Administrative Officer

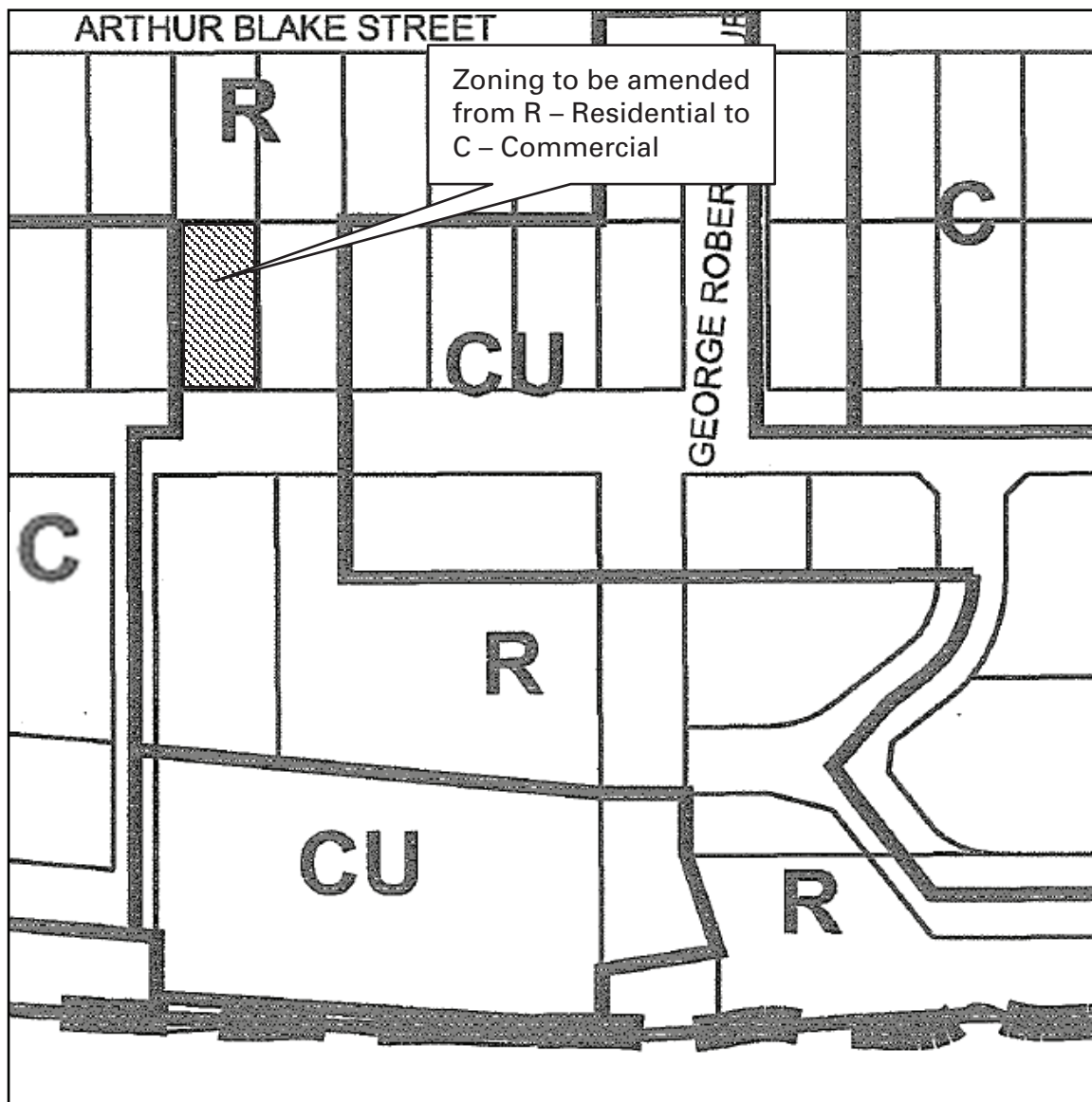
**READ** a third time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Senior Administrative Officer

## SCHEDULE A

### HAMLET OF PICKEREL LAKE ZONING BYLAW AMENDMENT 456



## Step #3 – First Reading

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A Bylaw to amend a Community Plan and/or Zoning Bylaw must receive three readings of Council before the amendment can be approved. The purpose of the First Reading of the Bylaw is to confirm whether Council wants to consider the Bylaw at all. Council's signing off at first reading is, therefore, not necessarily an indication of Council's support for the Bylaw. First Reading of the Bylaw only indicates that Council believes the Bylaw merits further consideration and should, therefore, proceed to Second Reading.

Before a draft Community Plan and/or Zoning Bylaw Amendment can receive Second Reading, it must be subject to a Public Hearing. The Public Hearing is the point in the process where the public has the opportunity to review the Bylaw and offer their comments and feedback. Before a Public Hearing can take place, a Public Notice must be posted by local government staff in order to notify community residents of the time and place of the Public Hearing. The requirements associated with the **Public Notice** are outlined in the next step in the process.



## Step #4 – Public Notice

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A Public Notice is required prior to a Public Hearing regarding either a Community Plan and/or a Zoning Bylaw Amendment. The Public Notice should include:

- a) The purpose of the proposed Bylaw Amendment;
- b) That the proposed Bylaw Amendment can be viewed at the municipal office during normal working hours;
- c) The time and place where the Public Hearing will be held; and
- d) Any procedural requirements for submissions from the public (written and/or oral).

A copy of the proposed Bylaw should be made available for public review during normal working hours in the municipal office. The procedural requirements noted above may include direction regarding how submissions should be presented (orally, in writing or both), the maximum time allowed for presentations from the public, etc. For consistency purposes, Council may wish to adopt these procedures by resolution, if such procedure is not in their Council Procedures Bylaw.

In addition to advising the public of the date of the Public Hearing, it is important that the Public Notice also clearly identify the date that it was posted. There is no legal requirement regarding the length of time between the posting of the Public Notice and the date when the Public Hearing is held, but

a typical time frame would be two to three weeks beforehand. The Public Notice must be posted using at least one or more of the following methods:

- At least one notice in a newspaper that is circulated in the municipality;
- Mailing or delivering a copy of the notice to the household of each adult resident in the community;
- Broadcasting announcements over a radio or television station received in the community on at least three separate days; and/or
- Posting a notice in at least five widely separated and conspicuous places in the community.

Smaller communities often elect to post notices in five or more locations around the community, whereas larger municipalities generally advertise in a local newspaper. If the community administration decides to post notices around the community, typical locations where they might post them could include:

- Municipal or Band Office;
- Post Office;
- Grocery Store/Retail Outlet;
- Community Hall/Recreation Building; and
- Any other locations which community residents frequent.

A sample of a **Public Notice** for a proposed Zoning Bylaw Amendment is shown on the following page.

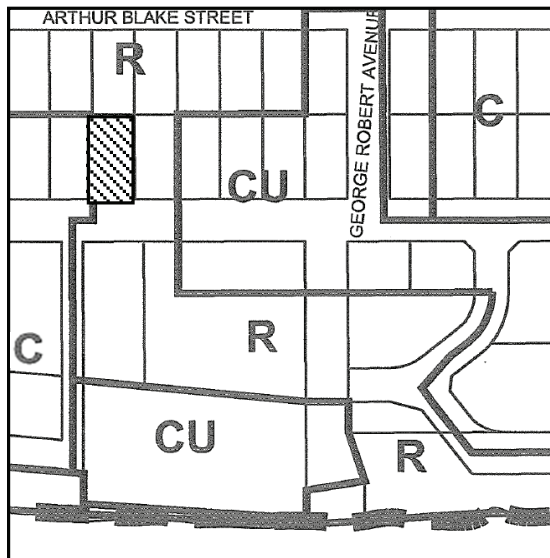



Sample

## PUBLIC NOTICE

The Hamlet of Pickerel Lake proposes to amend its Zoning Bylaw #123 in order to make the following change:

To amend the zoning of Lot 16, Plan 137 from the current **R – Residential** to **C – Commercial** to allow for the development of a convenience store.



 Zoning to be amended from  
R – Residential to C – Commercial

The Council of the Hamlet of Pickerel Lake will hold a PUBLIC HEARING at 7:00 p.m. on Monday, February 16, 2015, in the Hamlet Council chambers at the municipal office to hear any representations concerning the Bylaw.

If you are unable to attend, but wish to make a presentation, written submissions may be submitted to the Senior Administrative Officer prior to the Public Hearing.

Copies of the proposed Zoning Bylaw Amendment (No. 456) are available at the Hamlet Office and may be inspected by the public during normal working hours.

For further information, please contact:

Senior Administrative Officer  
Hamlet of Pickerel Lake, NT  
10 Main Street, Pickerel Lake, NT  
867-123-4567  
sao@pickerellake.ca

Posted: February 2, 2015

## Step #5 – Public Hearing

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A Public Hearing is held to give Council the opportunity to receive feedback on a proposed Planning Bylaw Amendment. It is not intended to be a debate of the issues, but is instead a forum for receiving public comments and opinions. The Public Hearing is open to any individuals that believe that they may be affected by the amendment.

A Public Hearing is typically opened by the Mayor, who explains why the hearing is being held and the purpose of the Planning Bylaw Amendment. The public in attendance is then asked to provide their submissions to Council.

Council can establish guidelines with regards to the manner in which those submissions should be presented (orally and/or written). For instance, Council can limit the maximum length of time an individual has for a verbal presentation.

Council may elect to hold more than one Public Hearing if they feel additional public review is warranted. In order to do so, Council must give prior notice of the time and place of each additional Public Hearing in the same manner as outlined in **Step #4**.

In the event that Council decides an additional meeting is needed during a Public Hearing, they can adjourn the meeting and advise those persons in attendance of the time and place of the new or recommenced Public Hearing.

Once all of the submissions have been presented or read to Council, the Mayor convenes the Public Hearing. Municipal staff should take minutes of the Public Hearing to record the key points raised by members of the public. The minutes should identify those persons making representations as well as the members of Council in attendance.

Before the Bylaw is submitted to Council for Second Reading, the Senior Administrative Officer must prepare a written Certification of Public Hearing confirming that:

- a) The Public Notice was properly given;
- b) The Public Hearing was held in accordance with the applicable municipal legislation (*Hamlets Act, Charter Communities Act, City, Towns and Villages Act* or *Tlcho Community Government Act*);
- c) The persons making the submissions were properly identified; and
- d) The nature of the submissions and the manner in which they were dealt with by Council has been adequately explained.

A copy of the Public Certification of Public Hearing form is available in **Schedule B** of this handbook. Once the Public Hearing has been held and the meeting minutes and Certification of Public Hearing has been completed, the Bylaw may proceed to **Step #6 – Second Reading**.

## Step #6 – Second Reading

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Second Reading is the step in the process where Council reviews the Planning Bylaw Amendment and gives consideration to the comments and concerns submitted at the Public Hearing. Council may give the Bylaw Second Reading on the same evening as the Public Hearing, but they should not do so at the Public Hearing. Instead, Second Reading should take place as part of a regular or special Council meeting.

Under NWT municipal legislation, Council has two duties to perform when giving a Planning Bylaw Second Reading. The first duty of Council is to consider the comments and concerns raised in the Public Hearing submissions. Council needs to consider whether or not the concerns expressed are relevant and, if so, how they can best be addressed.

The second duty of Council is to consider whether further amendments to the Bylaw are warranted. Council may determine that additional changes to the Bylaw are needed, either to address concerns raised during the Public Hearing process or to make other changes that Council deems appropriate.

The usual process that Council would follow when giving a Bylaw Second Reading would be to:

- a) Consider the comments and concerns submitted during the Public Hearing and decide whether or not to amend the Planning Bylaw;
- b) Introduce the Planning Bylaw for Second Reading;
- c) If required, amend the Planning Bylaw on Second Reading by resolution of Council; and
- d) Give the Planning Bylaw, as amended, Second Reading.

Once a Community Plan Amendment Bylaw has received Second Reading it can proceed to **Step #7 – Minister’s Approval**. Zoning Bylaw Amendments no longer require the approval of the Minister and can, therefore, skip the next step and proceed directly to **Step #8 – Third Reading**.

## Step #7 – Minister’s Approval

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In order to obtain Minister’s Approval, a Community Plan Amendment Bylaw must first be forwarded to the Director of Planning. The Director of Planning’s role is to review the Bylaw for compliance with the *Community Planning and Development Act* and any other relevant legislation, and to provide recommendations to the Minister

The following documentation should be submitted to the Director of Planning:

- a) The original Community Plan Amendment Bylaw, with signed and dated First and Second Readings, including all text, maps, forms, etc. that will form part of the Bylaw.
- b) An original copy of the adopted Council Meeting minutes at which the Community Plan Amendment received its First and Second Reading. The minutes must be certified as correct by the Senior Administrative Officer, signed by the Mayor, Chief or presiding Council member, and be adopted by Council.

- c) The original, completed and signed Certification of Public Hearing form (**Schedule B**). The Certification of Public Hearing form requires that the Senior Administrative Officer:
  - i) Confirm that Public Notice of the Public Hearing was properly given;
  - ii) Confirm that the Public Hearing was held in compliance with the applicable legislation;
  - iii) Identify the persons who made submissions, the key points or nature of the submissions, the manner in which the submissions were addressed by Council; and
  - iv) Specify whether the submissions were presented orally, written or both.
- d) The following documents should accompany the Certification of Public Hearing form:
  - i) A copy of the Public Notice that was posted or published, including the date of posting and/or publication;
  - ii) A copy of all written submissions; and
  - iii) The minutes of the Public Hearing (if these are included in the Council minutes then they don’t need to be included separately).

In certain cases, the Director of Planning may contact the Council to request further information or to discuss specific aspects of the Bylaw. Provided all of the information submitted is found to be in order, the Director of Planning then provides recommendations to the Minister as to whether or not to approve the Community Plan Amendment. Once Minister’s Approval has been granted, the Bylaw is then returned to the municipality for Third Reading.

## Step #8 – Third Reading

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After the Community Plan Amendment Bylaw has received the approval of the Minister and been returned to the municipality, it can proceed to Third Reading. As mentioned in **Step #6 – Second Reading**, Zoning Bylaw Amendments proceed directly from Second Reading to Third Reading, bypassing the requirement for Ministerial Approval.

Third Reading is the 8th and final step in the Planning Bylaw Amendment approval process. Once the Bylaw has been given Third Reading, it takes effect immediately. In certain cases, where time is of the essence, a Council may proceed with Third Reading

after receiving confirmation that the Minister has approved the Bylaw. The Bylaw's Third Reading signatures and dates can then be filled in when the hard copy original with the Minister's signature has been received by the municipality.

Once the Planning Bylaw has received Third Reading a copy should then be forwarded to the following for record keeping purposes:

Manager, Community Governance  
Community Governance Division  
Municipal and Community Affairs  
500 Northwest Tower, 5201-50th Avenue  
Yellowknife, NT X1A 3S9





*Sample*

**SCHEDULE A**  
**ZONING BYLAW AND/OR COMMUNITY PLAN**  
**AMENDMENT APPLICATION**

I/We hereby make application for an amendment to the Zoning Bylaw/Community Plan in accordance with the information submitted herewith and subject to all applicable provisions of the applicable municipal legislation.

<b>Property to be Amended/Property Owner Information</b>					
Property Owner Name					
Property Owner Telephone(s)	Daytime:		Evening:		
Property Owner Email					
Mailing Address of Property Owner					
Municipal Address of Proposed Development					
Legal Description of Proposed Development	Lot		Block		Plan
<b>Applicant Information (if different from Owner)</b>					
Applicant Name					
Applicant Telephone(s)	Daytime:		Evening:		
Applicant Email					
Mailing Address of Applicant					
Municipal Address of Applicant					
<b>Proposed Zoning Bylaw/Community Plan Amendment</b>					
Existing Zoning/Community Plan Designation					
Proposed Zoning/Community Plan Designation					
Signature			Date		
<b>Description of Proposed Zoning Bylaw/Community Plan Amendment</b>					

Sample

## SCHEDULE B

### CERTIFICATION OF PUBLIC HEARING

For proposed Bylaw No. \_\_\_\_\_, \_\_\_\_\_  
(Bylaw Number) (Title of Bylaw)

I, \_\_\_\_\_, Senior Administrative Officer of the \_\_\_\_\_  
(Name) (Type of Incorporated Municipality)  
of \_\_\_\_\_ in the Northwest Territories, hereby certify that:  
(Name of Community)

1. Public Notice of the Public Hearing has been properly given.
2. A Public Hearing has been held in accordance with one of sections 125, 129, 131, or 133 of the municipal legislation under which the municipality was incorporated.
3. Submissions \_\_\_\_\_ made at the Public Hearing.  
(Were/Were Not)

*If submissions were made at the Public Hearing, add the following information, including an indication whether the submissions were oral, written or both. Attach an extra sheet if necessary.*

The following persons made submissions at the public hearing:

- (a) (i) Name \_\_\_\_\_  
(ii) Nature of the submission \_\_\_\_\_  
(iii) Manner in which submission was dealt with by Council \_\_\_\_\_  
\_\_\_\_\_
- (b) (i) Name \_\_\_\_\_  
(ii) Nature of the submission \_\_\_\_\_  
(iii) Manner in which submission was dealt with by Council \_\_\_\_\_  
\_\_\_\_\_
- (c) (i) Name \_\_\_\_\_  
(ii) Nature of the submission \_\_\_\_\_  
(iii) Manner in which submission was dealt with by Council \_\_\_\_\_  
\_\_\_\_\_

Signed on \_\_\_\_\_, 20\_\_\_\_\_  
(Month, Day) (Year)

\_\_\_\_\_  
(Senior Administrative Officer)



