

***Handbook for Municipal
Planning Processes:
Adopting a new plan and
bylaw***

Note: *this document has been developed as a guide for municipalities.
In the case of any discrepancies with the PEI Planning Act, the
Planning Act prevails.*

Updated December 30, 2011

Getting Started

Municipalities decide to become planning authorities for a variety of reasons: Council may wish to have more control (on behalf of its residents) over land use changes within the municipality; the community may wish to use planning as a tool to achieve long term development goals; or planning may be seen as a great tool to respond to significant challenges facing the community. Regardless of the motivation, the process of developing an official plan and assuming responsibility for municipal planning is not to be entered into lightly.

Legislative Provisions

Section 9 of the *Planning Act (PA)* outlines the authority of a municipality to take on responsibility for land use planning. Sections 11 – 15 of the *Planning Act* set out the processes and requirements for developing an official plan. Sections 16 – 20 of the *Planning Act* set out the processes and requirements for developing a planning bylaw.

Other sections of the *Act* set out minimum standards, requirements for notice, provisions for appeals, and so on. Plans and bylaws must meet all minimum standards established by the Province (PA, s. 9).

In addition to the *Act*, municipalities are bound by the *Province-Wide Minimum Development Standards Regulations* and *EC640/97 Planning Act Minimum Requirements for Municipal Official Plans (EC640/97)*, which is a policy adopted on November 15, 1997 under section 7 of the *Planning Act*, which allows the Lieutenant Governor in council to establish minimum requirements applicable to official plans.

Municipal plans and bylaws must also comply with land use, development, and other applicable standards contained in other legislation, including (but not necessarily limited to):

Highway Signage Act

Highway Traffic Act

Fire Prevention Act

Environmental Protection Act

Provincial Building Code Act

Interpretation Act (guides how some terminology is interpreted)

Architects Act

Engineers Act

Implication of becoming a planning authority

Official plans are binding on the Council, the Minister, residents and property owners within the municipality. (EC640/97, s. 12)

Effective September 15, 1993, municipalities become solely responsible for the preparation, maintenance and administration of their Official Plans. (EC640/97, s. 15.1)

Official Plans must be demonstrably technically competent, and should be prepared by a Professional Planner. (EC640/97, s. 4.1)

Bylaws must be consistent with the Official Plan; where they are inconsistent or conflict, the Official Plan prevails. (PA. s. 15(2))

Municipalities developing official plans and bylaws and taking on the service of municipal planning must:

- Budget for planning administration and enforcement
- Be prepared to seek legal counsel where appropriate
- Be prepared to seek/engage qualified planning advice where appropriate
- Develop administrative procedures and support systems
- Submit annual statistics to the Province
- Complete the Planning Decisions Online form within a specified time frame after permits/approvals are issued
- Coordinate with various government departments and agencies regarding standards, enforcement and reporting, as appropriate.
- Notify the Minister regarding any appointments or changes to Planning Board

Important note:

This Handbook is intended to provide some of the background required to understand the process of developing an official plan and bylaw.

It is not intended to replace a complete reading of the *Planning Act* and its associated regulations, the *EC640/97 Planning Act Minimum Requirements for Municipal Official Plans*, or any other governing documents, nor is it intended to replace the guidance of a professional planner.

It is the responsibility of the municipality to ensure that all legislative standards have been complied with.

PROCESS REQUIREMENTS & CONTENT CONSIDERATIONS

Plan Content

In addition to developing the policies and other content contained in the plan, the municipality is required to meet the standards established regarding technical content.

Technical Content (EC640/97, s. 4.0)

The Act does not specify studies or data to be considered by Planning Board and council in developing an Official Plan.

However, a plan must be based on a sound technical foundation, including as appropriate:

- a) Regional and provincial context;
- b) Population and other reliable demographic data;
- c) Land use and settlement patterns
- d) Building activity, by type;
- e) Municipal services, their type, level and cost;
- f) Financial matters;
- g) Economic, social, physical;
- h) Environmental management problems and opportunities;
- i) Community facilities;
- j) Transportation; and other matters that Council considers to be pertinent.

The Minister may require that supporting documents, studies or data be submitted with an application for approval.

The Official Plan must be based on clear options where they exist. The Plan or supporting documents should reflect this or contain an adequate explanation where they do not.

Administrative Content

Plans and bylaws must clearly outline who will have approval authorities and the role/authority of a development officer. Council must be prepared to appoint all required officials at the time of adoption of the plan and bylaw.

Plans and bylaws should outline procedures for actions such as changes in zoning, other amendments, and subdivision processes.

[Please refer to other sections of this and other Handbooks for other essential structural components of plans, plan amendments, bylaws, and bylaw amendments.]

Timing of Plan & Bylaw drafting

The Municipality can choose to complete the plan drafting before developing the bylaw. If Council chooses not to develop the two documents concurrently, it is important to keep track of bylaw requirements arising from the plan. The formal process for approving the Plan and Bylaw will differ depending on whether the documents are being considered concurrently or separately.

- **Concurrent plan and bylaw process** – allows the public (and Council) to see how proposed policies might be implemented – gives context and details
- **Subsequent bylaw drafting process** – allows the public (and Council) to focus on the broader picture of the policies, goals, objectives
- Bylaws are subordinate to the official plan
 - Bylaw provisions must be consistent with the policies contained in the official plan.
 - Zoning Maps in the bylaw must be consistent with the Future Land Use Map in the official plan.

Implementation of the Plan (EC5640/97, s. 6.0)

An Official Plan must contain implementation and administrative proposals.

Preparation implementation and administration of an Official Plan and its supporting bylaws and strategies is a Council responsibility. The Council must ensure that practical implementation measures are contained in an Official Plan, and should satisfy itself that these measures are likely to be implemented.

Examples of implementation measures are as follows:

- 1) bylaw proposals and administration procedures;
- 2) fiscal proposals including making suitable arrangements for administrative and technical expertise to implement policies and capital works in the official plan;
- 3) Council activities such as meetings with other councils or governments.
- 4) using the time and services of other organizations, municipalities, and the provincial or federal governments.

Approaches such as these should be the subject of an implementation strategy with a timetable for the first for the first several years following approval.

The Official plan policy should commit the municipality to providing the necessary funds to ensure proper administration of the official plan through its annual budget.

Tools

Official Plans are implemented through a variety of tools:

- Zoning & Subdivision Bylaw
- Storm water Management Plan
- Infrastructure Plan / Capital Investment Budget
- Annual budget
- Programs – recreation, social, economic development
- Relationship building
- Municipal policies
- Municipal bylaws

An important part of the drafting process involves checking these other implementation tools to keep track of the impacts of the plan on existing documents and programs, or identifying which documents and programs should be developed to assist in the implementation of the plan.

PROCESS COMPONENTS

The major objectives of developing an official plan are to identify emerging concerns and objectives, to anticipate coming changes in the community, and to develop policies for land use, economic, social, and cultural development.

In developing a plan, the municipality is attempting to take advantage of opportunities, build on strengths, minimize threats, and bolster or respond to weaknesses in the community. The plan is a roadmap for development, initiatives, budgetary investments, and community programs to ensure that the municipality heads in a direction that reflects the goals, priorities, and values of the community.

The following process descriptions are intended to provide a sample of what might be contained in the development of a plan. The exact steps and stages may vary from community to community, depending on the community context.

Before getting started, Council will want to give some consideration to logistics:

- Data requirements
- Mapping – who does it, who pays, what type?
- Essential consultations – begin process early if certain information is critical (ie environmental, agricultural)
- Identify who organizes the meetings

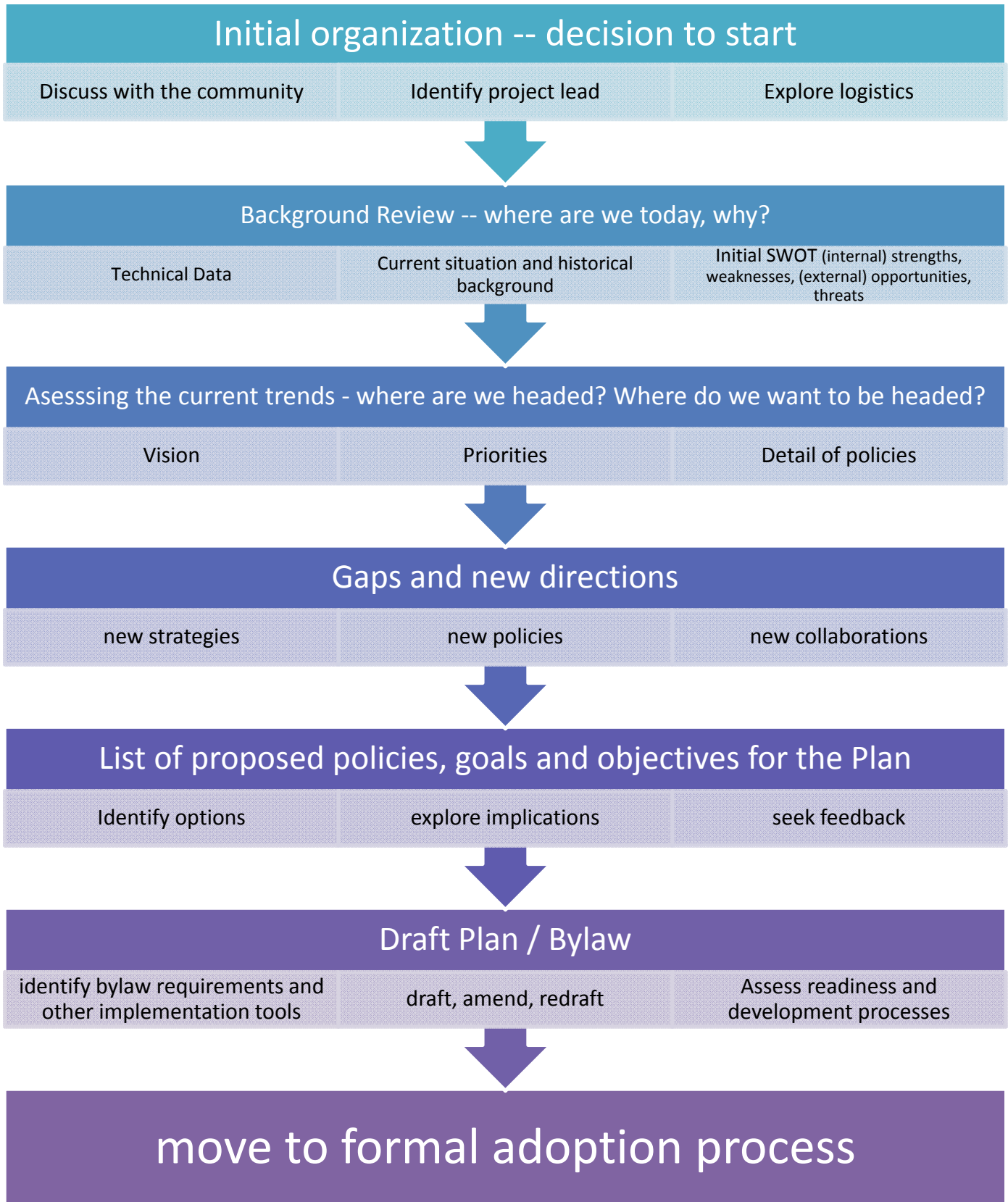
Public Consultation

Public consultation should be ongoing through-out the process:

- Ensure everyone has a way to participate in one form or another
- Various approaches – best to use a mix
- Seek feedback throughout and integrate the feedback into the product
- Can be thematic or changed depending on the process stage
- Excellent opportunity to engage the public

Examples

- Open House – especially when getting started or assessing the current state of the community
- Survey mail out
- Focus Groups
- Comment box / website comment submission
- Public meetings – town hall



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Down the road – keeping the plan current:

According to Section 12 of the *Planning Act*, the Official Plan shall include:

(b) A statement of policies for future land use, management and development, expressed with reference to a specified period not exceeding fifteen years;

From time to time, as circumstances change or property owners bring proposals to Council, it may be necessary to amend the Official Plan and planning bylaws. Council may also determine that additional policies are required or that processes or standards established in the plan or bylaw are not working as intended. At that time, there are specific amendment processes to be followed. Consult the *Planning Amendments Handbook* for more details.

In addition to periodic and ‘housekeeping’ amendments, there are requirements under the *Planning Act* for the municipality to conduct reviews of the plan and bylaw:

15.1 (1) The council of a municipality shall review its official plan and bylaws at intervals of not more than five years and shall by resolution confirm or amend them and where the official plan and by laws were made or last reviewed more than three years before the date on which this section comes into force the council shall review them within three years of that date.

(2) Where a council fails to comply with subsection (1), the Lieutenant Governor in council may, by order, declare that the official plan and bylaws, or parts thereof, are null and void.

(3) Where an order is made under subsection (2),

(a) the regulations made under clause 7(1)(c) or section 8, or such parts of them as are specified in the order, apply in the municipality in which the council has jurisdiction;

(b) to the extent that the official plan or bylaws are declared null and void, the Minister has exclusive jurisdiction with respect to subdivision approvals, development permits and building permits in the municipality, but any such approval or permit issued before the date of the order is valid if it complied with the official plan and bylaws in force at the time of issue.

Additional requirements for Plan Reviews have are contained in *EC640/97 Planning Act Minimum Requirements for Municipal Official Plans*:

13.0 Plan reviews

13.1 Under subsection 15.1(1) of the *Planning Act* a Council must review its Official Plan and bylaws at intervals of not more than five years, and shall by resolution confirm or amend them. Where the official plan and bylaws were made or last reviewed more than three years before the date on which subsection 15.1(1) came into force (October 14, 1995), the Council must review the plan and bylaws within three years of that date.

13.2 Where a minor review is carried out, public participation need not be elaborate, but must meet the minimum requirements of the Act.

13.3 Municipalities should review their plans following any significant boundary alteration or when considering any major sewer and/or water servicing decision which is not contained within an existing Official Plan. Full public participation should be considered to be part of such a review.

14.0 Plan amendments

- 14.1 Amendments to Official Plans must follow the procedure outlined in section 11-15 of the Act. The Minister, will, in general, treat major amendments as if they were new Official Plans. Minor amendments are not required to address all of the parameters under the Technical Content (section 4) of the policy.

The plan review is the opportunity to expand the plan's time horizon out another five years, maintaining the fifteen year 'big picture' of the plan policies, objectives, and programs on a continuous basis. As such, plans do not expire but rather are modified, expanded, or redirected over time.

The plan review allows the municipality to determine on an on-going basis that:

- Enough land has been designated for development (and preservation) for another fifteen years
- Policies continue to be relevant
- Gaps in policies, objectives, and programs are identified and dealt with
- Dots are connected between various programs, policies, goals
- Council, staff, and residents continue to be aware of the policies and priorities contained in the plan.

[See the *Official Plan Review Handbook* for more details.]

Readiness Checklist

Determining Readiness to Proceed to Formal Adoption Stage

Does the Municipality have:

- Application forms
- A filing system (digital and physical)
- A permit and approval number system
- A physical location for making application and regular office hours
- Communication system – website, phone number, email, fax
- Access to Planning Decisions Online (password, training)
- Processes established for:
 - Applications (receiving, processing)
 - Decision-making (who evaluates, who makes recommendations, time frames)
 - Tracking
 - Creating physical permits / stamps for approving subdivisions
 - Creating development agreements for subdivisions
 - Consultations (Environment, Fire Marshal's Office, planning, legal)
 - Reporting system (Registry Office, 911, Provincial taxation, Statistic Canada, CMHC, public, etc.)
 - Enforcing infringements of the Plan.
- Roll-out strategy – educating residents and property owners
- Staff assigned to the administration and enforcement of the Plan and bylaw
- Budget allocated to the administration and enforcement of the Plan and bylaw

Planning Decisions Online

Before a municipality finalizes the adoption of a plan and bylaw, the administrator or other official should arrange to set up a password for Planning Decisions Online. All planning decisions, such as permits, rezonings, subdivision approvals etc must be entered into the system within 7 days. (PA, s. 23.1)

Enacting/Repealing a Planning Bylaw under the PEI *Planning Act* – Background

Types of Bylaw Procedures:

New Bylaw:

Creating a brand new bylaw, to begin a new initiative

Replacing or Repealing a Bylaw:

Repeals the former bylaw and introduces an entirely new bylaw that includes words of repeal for the former bylaw. The current PEI municipal legislation does not contain an express provision for the repeal of bylaws. However the power to repeal a bylaw is a necessary and incidental power to the ability to pass a bylaw.

A bylaw may only be repealed by a bylaw:

If a bylaw is replacing another bylaw, then language to that effect would be included in the new bylaw.

Repealing a bylaw but not replacing it: a repeal bylaw would still have to be duly passed. If this is not done, a bylaw would remain in full force and effect indefinitely.

For further information on Bylaw amendments, see the *Planning Amendments Handbook*.

Remember, it is the responsibility of any municipality passing a bylaw to:

- Ensure that the bylaw has been adopted in accordance with the procedures set out in legislation; and
- Ensure that the municipality has the legislative authority to enact the bylaw; that it has the authority to do what it is setting out to do and that the contents of the bylaw comply with all applicable legislation.

It is highly recommended that all municipalities consult with their legal counsel regarding the passage, repeal, amendment or consolidation of any bylaw or bylaws.

Preparing Documents and Administrative Processes

Minutes and Resolutions – Wording on Documentation

The discussion at, and minutes from, the public meetings and meetings of Council must reflect the same wording as the resolution & signature sheets submitted with the documentation for Ministerial approval. The wording must be exact, detailed, and specific.

Example A

APPROPRIATE:	
Wording of Resolution and Text of Minutes	Text of Resolution Page submitted to Municipal Affairs
<p>“Whereas Section 14 of the Planning Act allows municipalities to adopt an official plan by resolution; “And whereas Council has determined that the municipality has followed the processes established in sections 11-14 of the <i>Planning Act</i> and has complied with <i>EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans</i>; “Be it resolved that the City/Town/Community of _____ Official Plan [official plan title and #] be hereby formally adopted.”</p>	<p>“Whereas Section 14 of the Planning Act allows municipalities to adopt an official plan by resolution; “And whereas Council has determined that the municipality has followed the processes established in sections 11-14 of the <i>Planning Act</i> and has complied with <i>EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans</i>; “Be it resolved that the City/Town/Community of _____ Official Plan [official plan title and #] be hereby formally adopted.”</p>
NOT APPROPRIATE:	
Wording of Resolution and Text of Minutes	Text of Resolution Page submitted to Municipal Affairs
<p>“<i>Council approves the plan</i>”</p>	<p>“Whereas Section 14 of the Planning Act allows municipalities to adopt an official plan by resolution; “And whereas Council has determined that the municipality has followed the processes established in sections 11-14 of the <i>Planning Act</i> and has complied with <i>EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans</i>; “Be it resolved that the City/Town/Community of _____ Official Plan [official plan title and #] be hereby formally adopted.”</p>

Example B

APPROPRIATE:	
Wording of Resolution and Text of Minutes	Text of Resolution Page submitted to Municipal Affairs
<p>“Whereas Section 16 of the Planning Act allows municipalities to adopt bylaws to implement their official plan; “And whereas Council has complied with the processes established in section 18 of the <i>Planning Act</i> and with <i>EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans</i>; “And whereas zoning bylaw [bylaw #] was read and approved at two separate meetings of Council held on different days; Be it resolved that zoning bylaw [bylaw #] be hereby formally adopted.</p>	<p>“Whereas Section 16 of the Planning Act allows municipalities to adopt bylaws to implement their official plan; “And whereas Council has complied with the processes established in section 18 of the <i>Planning Act</i> and with <i>EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans</i>; “And whereas zoning bylaw [bylaw #] was read and approved at two separate meetings of Council held on different days; Be it resolved that zoning bylaw [bylaw #] be hereby formally adopted.</p>

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NOT APPROPRIATE:	
Wording of Resolution and Text of Minutes	Text of Resolution Page submitted to Municipal Affairs
<p><i>“Council approves the bylaw.”</i></p>	<p>“Whereas Section 16 of the Planning Act allows municipalities to adopt bylaws to implement their official plan; “And whereas Council has complied with the processes established in section 18 of the <i>Planning Act</i> and with <i>EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans</i>; “And whereas zoning bylaw [bylaw #] was read and approved at two separate meetings of Council held on different days; Be it resolved that zoning bylaw [bylaw #] be hereby formally adopted.</p>

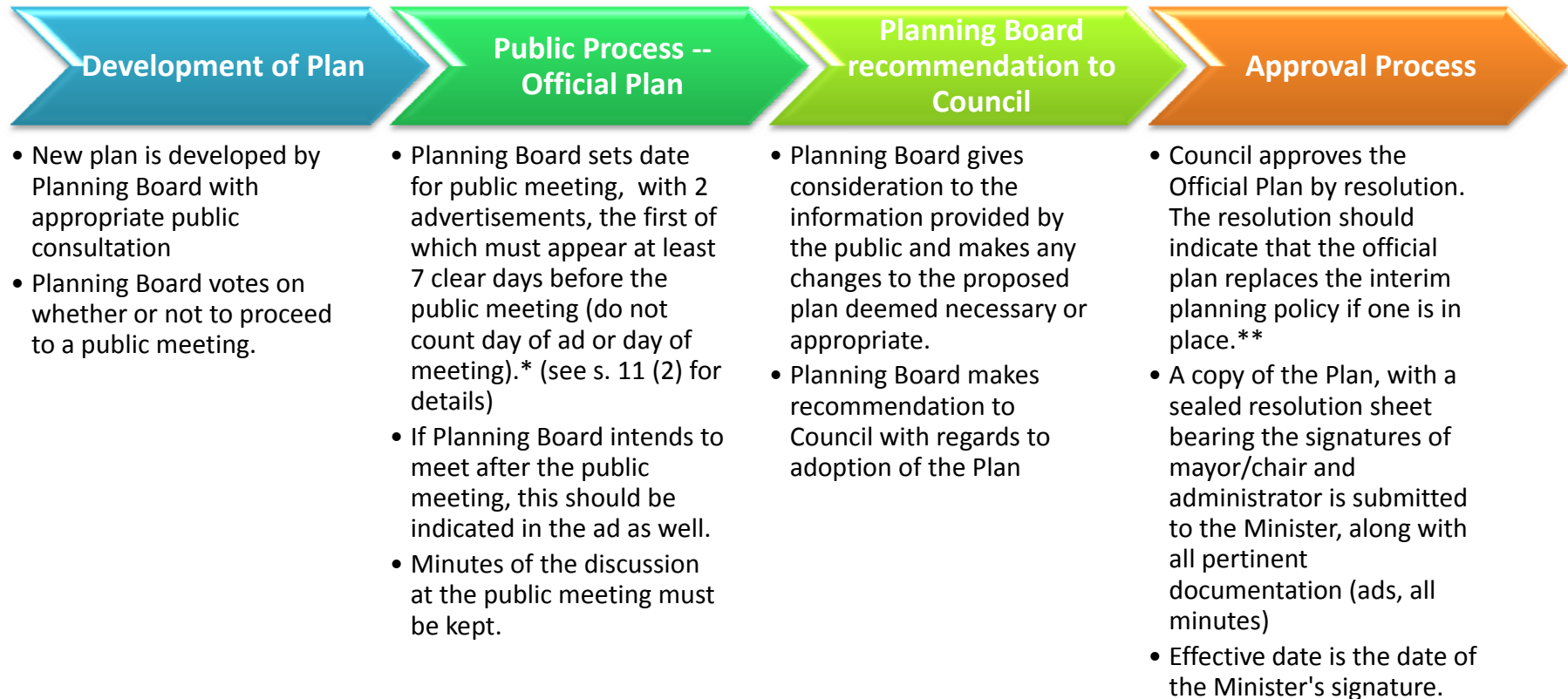
Minutes and Resolutions – Supplemental Documentation and Schedules

Resolutions being voted upon by Council & signature sheets must be accompanied by the actual proposed plan or bylaw. The wording must be exact, detailed, and specific.

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Adopting an Official Plan – Planning Act, Section 11-15

An Official Plan is adopted by resolution.

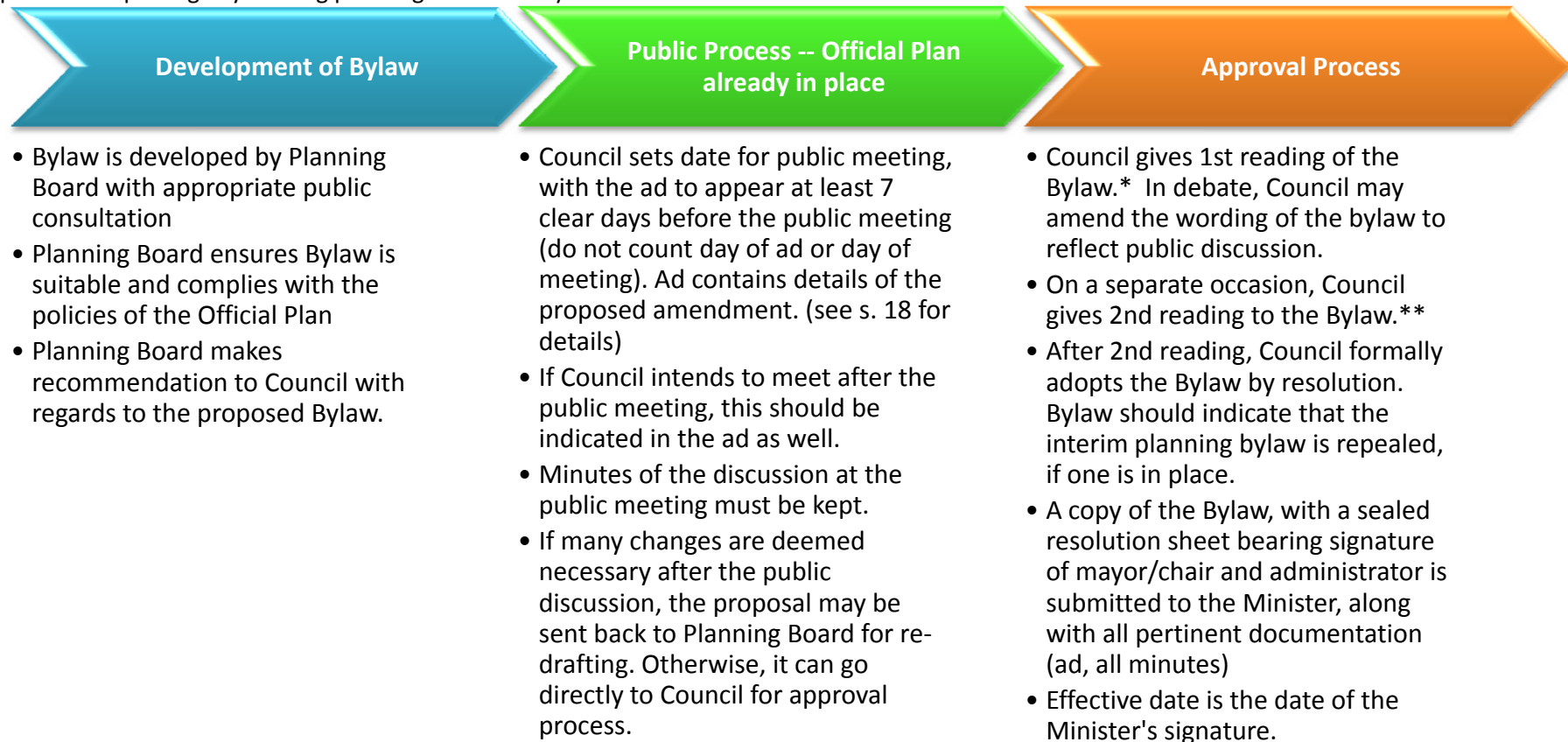


*Best practice is place two ads in the same newspaper, on different occasions, even if also choosing to advertise in a second paper.

** If this is not a regularly-scheduled meeting of a community council, the public notice requirements for a special meeting of s. 56 and 55 (3) of the *Municipalities Act* apply.

Adopting a bylaw – Planning Act, Section 17-19

A planning bylaw is adopted after 2 readings and a formal adoption resolution: Zoning Bylaw should have a clear name and title. Bylaw should include a provision repealing any existing planning or interim bylaws.



*In practice, some municipalities will give 1st reading before proceeding to the public meeting; however, in reading the *Planning Act*, s. 19, the process of “making a bylaw” includes 1st and 2nd reading; section 18 requires the public meeting to be held before the bylaw is “made;” best practice would be to wait until after the public meeting to give reading to the amending bylaw.

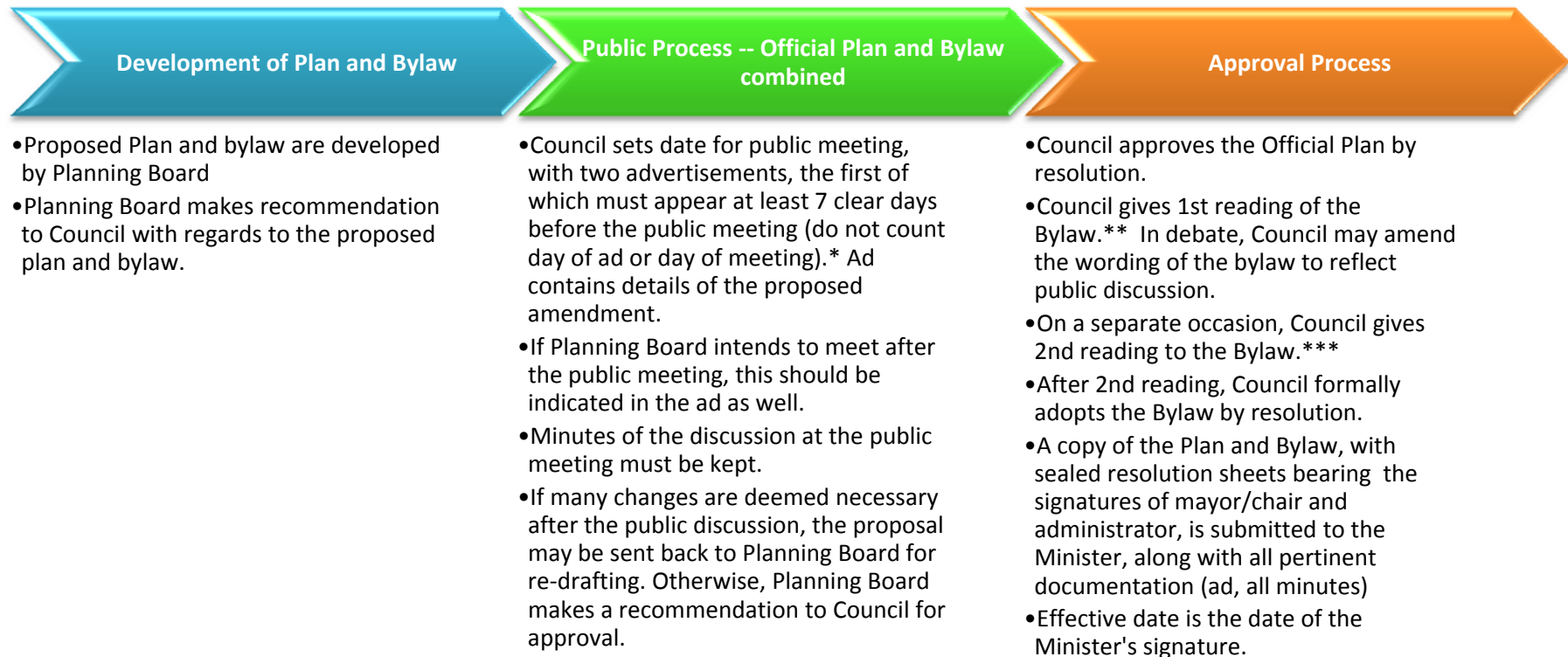
** If the second occasion is not a regularly-scheduled meeting of a community council, the public notice requirements for a special meeting of s. 56 and 55 (3) of the *Municipalities Act* apply.

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Adopting a new Official Plan AND new Bylaw – Planning Act, Section 11-15 & 17-19

An Official Plan is adopted by resolution.

A planning bylaw is adopted after 2 readings and a formal adoption resolution: A Zoning Bylaw should have a clear name and title. The Bylaw should include a provision repealing any existing planning or interim bylaws.



* Best practice is place two ads in the same newspaper, on different occasions, even if also choosing to advertise in a 2nd paper.

**In practice, some municipalities will give 1st reading before proceeding to the public meeting; however, in reading the *Planning Act*, s. 19, the process of “making a bylaw” includes 1st and 2nd reading; section 18 requires the public meeting to be held before the bylaw is “made;” best practice would be to wait until after the public meeting to give reading to the amending bylaw.

*** If the second occasion is not a regularly-scheduled meeting of a community council, the public notice requirements for a special meeting of s. 56 and 55 (3) of the *Municipalities Act* apply.

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Documentation Components

Signature Page (s)

Plan

Bylaw

New Plan

1 Resolution

New Bylaw

5
Resolutions:

Meeting 1 - a) 1st reading and
b) approval of 1st reading
Meeting 2 - a) 2nd reading, b)
approval of 2nd reading, and c)
adoption of Bylaw

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Plan and Bylaw – Required Documents

Process Components – Concurrent	Split or stand-alone process: Plan	Split or stand-alone process: Bylaw
<ol style="list-style-type: none"> 1. Signature page (showing signatures and dates of all resolutions for both Plan and Bylaw) 2. Resolution for Official Plan 3. Schedule A –Official Plan 4. 5 Resolutions for Bylaw <ol style="list-style-type: none"> a. 1st Reading of Bylaw <ol style="list-style-type: none"> i. Schedule A – Bylaw b. Approval of Bylaw c. 2nd Reading of Bylaw <ol style="list-style-type: none"> i. Schedule A – Bylaw d. Approval of Bylaw e. Formal Adoption of Bylaw 	<ol style="list-style-type: none"> 1. Signature page (showing signatures and date of resolution for Plan) 2. Resolution for Official Plan 3. Schedule A – Official Plan 	<ol style="list-style-type: none"> 1. Signature page (showing signatures and dates of all resolutions for Bylaw) 2. 5 Resolutions for Bylaw <ol style="list-style-type: none"> a) 1st Reading of Bylaw <ol style="list-style-type: none"> i. Schedule A –Bylaw b) Approval of Bylaw c) 2nd Reading of Bylaw <ol style="list-style-type: none"> i. Schedule A –Bylaw d) Approval of Bylaw e) Formal Adoption of Bylaw

Reminder:

- All documents listed above should be included in the package submitted to the Province
- It is recommended that the resolutions and schedules be provided to Council members prior to the meeting so that all understand exactly what they are voting on.
- Wording of resolutions as voted on by Council should match the wording of resolutions on the resolution sheets.
- Wording of resolutions as reflected in the minutes of the meetings should match the wording of resolutions on the resolution sheets.

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Pick one of the three Signature Page options as appropriate – Recommendation is to do separate signature pages for each new planning document
ADOPTION OF NEW OFFICIAL PLAN (no bylaw) – Signature page option 1

(Document Name)
(Municipal Name)

(Plan Title)
To adopt the (Municipal Name) Official Plan

Effective Date

The effective date of the Official Plan is the date as signed below by the Minister of _____.

Authority

The Council for the (Municipal Name), under authority vested in it by sections 11-15 of the Planning Act R.S.P.E.I. 1988 Cap P-8 hereby enacts as follows:

Adoption and Approval by Council:

This Official Plan [Plan Title] was adopted by a majority of Councillors present at the Council meeting held on the _____ day of _____, _____.

This Official Plan [Plan Title] is declared to be passed on the _____ day of _____, _____.

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

Ministerial Approval

This Official Plan [Plan Title] is hereby approved.

Dated on this _____ day of _____, _____.

Minister's Name, Minister of _____

**CONCURRENT OFFICIAL PLAN &
ZONING, DEVELOPMENT, SUBDIVISION CONTROL BYLAW ADOPTION –
Signature page option 2**

**(Document Name)
(Municipal Name)**

**To adopt the (Municipal Name) Official Plan &
the (Municipal Name) Official Plan and Zoning, Development, Subdivision Control Bylaw**

Effective Date

The effective date of the Official Plan and Zoning, Development, Subdivision Control Bylaw is the date as signed below by the Minister of

_____.

Authority – Bylaw

The Council for the (Municipal Name), under authority vested in it by sections 11, 15, 18 and 19 of the Planning Act R.S.P.E.I. 1988 Cap P-8 hereby enacts as follows:

First Reading:

The Zoning, Development, Subdivision Control Bylaw was **read a first time** at the Council meeting held on the _____ day of _____, _____.

This Zoning, Development, Subdivision Control Bylaw was **approved** by a majority of Councillors present at the Council meeting held on the _____ day of _____, _____.

Second Reading:

This Zoning, Development, Subdivision Control Bylaw was **read a second time** at the Council meeting held on _____ day of _____, _____.

This Zoning, Development, Subdivision Control Bylaw was **approved** by a majority of Councillors present at the Council meeting held on the _____ day of _____, _____.

Adoption and Approval by Council:

This Official Plan was adopted by a majority of Councillors present at the Council meeting held on the ____ day of _____, _____.

This Official Plan is declared to be passed on the _____ day of _____, _____.

This Zoning, Development, Subdivision Control Bylaw was adopted by a majority of Councillors present at the Council meeting held on the _____ day of _____, _____.

This Zoning, Development, Subdivision Control Bylaw is declared to be passed on the _____ day of _____, _____.

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

Ministerial Approval

This Official Plan [title] is hereby approved.

This Zoning Bylaw [title] is hereby approved.

Dated on this _____ day of _____, _____.

Minister's Name, Minister of _____

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ZONING, DEVELOPMENT, SUBDIVISION CONTROL BYLAW (after plan adoption) – Signature page option 3

**(Document Name & Number)
(Municipal Name)**

To adopt the (Municipal Name) [Zoning, Development, Subdivision Control] Bylaw

Effective Date

The effective date of the Zoning, Development, Subdivision Control Bylaw is the date as signed below by the Minister of _____.

Authority – Bylaw

The Council for the (Municipal Name), under authority vested in it by sections 11, 15, 18 and 19 of the Planning Act R.S.P.E.I. 1988 Cap P-8 hereby enacts as follows:

First Reading:

The Zoning, Development, Subdivision Control Bylaw was **read a first time** at the Council meeting held on the _____ day of _____, _____.

The Zoning, Development, Subdivision Control Bylaw was **approved** by a majority of Councillors present at the Council meeting held on the _____ day of _____, _____.

Second Reading:

The Zoning, Development, Subdivision Control Bylaw was **read a second time** at the Council meeting held on _____ day of _____, _____.

The Zoning, Development, Subdivision Control Bylaw was **approved** by a majority of Councillors present at the Council meeting held on the _____ day of _____, _____.

Adoption and Approval by Council:

The Zoning, Development, Subdivision Control Bylaw was adopted by a majority of Councillors present at the Council meeting held on the _____ day of _____, _____.

The Zoning, Development, Subdivision Control Bylaw is declared to be passed on the _____ day of _____, _____.

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

Ministerial Approval

The Zoning Bylaw [title] is hereby approved.

Dated on this _____ day of _____, _____.

Minister's Name, Minister of _____

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**An Official Plan adoption will require a single resolution. This sample resolution would be modified with the specific titles and details pertinent to the situation.
This resolution is presented to Council and is voted on by Council.**

Official Plan Adoption Sample Resolution 1

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas Section 14 of the Planning Act allows municipalities to adopt an official plan by resolution;

“And whereas Council has followed the processes established in sections 11-14 of the *Planning Act*;

“And whereas Council has complied with *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans*;

“Be it resolved that the City/Town/Community of _____ Official Plan [official plan title and #] be hereby formally adopted.”

Schedule A is attached [Schedule A would be the actual Plan]

Resolutions of Council and the Bylaw Adoption Process:

A new bylaw or amendment bylaw will require a total of 5 resolutions over 2 meetings held on different days:

1. **Resolution to give first reading**
2. **Approval of first reading**
3. **Resolution to give second reading**
4. **Approval of second reading**
5. **Adoption of the Amendment Bylaw**

These sample resolutions would be modified with the specific titles and details pertinent to the situation. These resolutions are prepared before the Council meeting and are provided to each member of Council prior to the discussion at the meeting.

The text of the resolutions is the text to be read at the meeting; it should appear in the minutes and it is the text to be voted on by Council.

Council Meeting #1 – open to the public

- Resolution to give 1st reading to the bylaw
- Resolution to approve the bylaw (1st instance)

Council Meeting #2 – open to the public

- Resolution to give 2nd reading to the bylaw
 - Resolution to approve the bylaw (2nd instance)
- Resolution to adopt the bylaw

All resolutions to give reading to the bylaw or bylaw amendment should be accompanied by the actual text of the amendment as a schedule; all members of council should be able to clearly see what they are voting on.

Bylaw Adoption Sample Resolution 1 – First Reading – Meeting 1

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas Section 16 of the Planning Act allows municipalities to adopt bylaws to implement their official plan;

“And whereas Council has complied with the processes established in section 18 of the *Planning Act* and with *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans*;

Be it resolved that zoning bylaw [bylaw #] be hereby read a first time.

Schedule A is attached [Schedule A would be the actual bylaw]

Bylaw Adoption Sample Resolution 2 – Approval of first reading – Meeting 1

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas Section 16 of the Planning Act allows municipalities to adopt bylaws to implement their official plan;

“And whereas Council has complied with the processes established in section 18 of the *Planning Act* and with *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans*;

“And whereas the zoning bylaw [bylaw #] was read a first time at this Council meeting;

Be it resolved that the zoning bylaw [bylaw #], be hereby approved.

Bylaw Adoption Sample Resolution 3 – Second Reading – Meeting 2

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas Section 16 of the Planning Act allows municipalities to adopt bylaws to implement their official plan;

“And whereas Council has complied with the processes established in section 18 of the *Planning Act* and with *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans*;

“And whereas the zoning bylaw [bylaw #] was read and formally approved a first time at the Council meeting held on _____;

Be it resolved that the zoning bylaw [bylaw #] be hereby read a second time.

Schedule A is attached [Schedule A would be the actual bylaw]

Bylaw Adoption Sample Resolution 4 – Approval of Second Reading – Meeting 2

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas Section 16 of the Planning Act allows municipalities to adopt bylaws to implement their official plan;

“And whereas Council has complied with the processes established in section 18 of the *Planning Act* and with *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans*;

“And whereas the zoning bylaw [bylaw #] was read and formally approved a first time at the Council meeting held on _____;

“And whereas the zoning bylaw [bylaw #] was read a second time at this Council meeting;

Be it resolved that zoning bylaw [bylaw #] be hereby approved.

Bylaw Amendment Sample Resolution 5 – Adoption of Bylaw Amendment – Meeting 2

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas Section 16 of the Planning Act allows municipalities to adopt bylaws to implement their official plan;

“And whereas Council has complied with the processes established in section 18 of the *Planning Act* and with *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans*;

“And whereas zoning bylaw [bylaw #] was read and approved at two separate meetings of Council held on different days;

Be it resolved that zoning bylaw [bylaw #] be hereby formally adopted.

**Sample Bylaw Structure –
Full bylaw must be attached as Schedule A to 1st and 2nd Bylaw Reading
Resolutions**

NEW BYLAW: [Title & Bylaw Number]

Authority

The council of the [Municipal Name] under authority vested in it by Section 18 and Section 19 of the *Planning Act R.S.P.E.I 1988 Cap. P-8* hereby enacts as follows:

[MAIN BODY OF BYLAW, WITH ALL APPENDICES, MAPS, SCHEDULES, ETC.]

Repeal section (if necessary; to repeal the interim planning bylaw)

Effective Date

The effective date of this Bylaw is the date as signed by the Minister of _____.

Municipal Affairs Review Checklist for New Official Plans

1. **Planning Board sets a date for the public meeting** (PA, section 11(2))
2. **Place two (2) ads in the local newspaper concerning the public meeting**
 - First ad to appear 7 'clear days' before the public meeting (Planning Act section 18(1))

Newspaper ad must indicate:

- In general terms, the nature of the Official Plan;
- the date, place and time of meeting;
- location where the information may be inspected; and
- an invitation to the public to make representation.

"clear days" - in the calculation of time expressed as clear days, the first day the ad appears in the paper and the day of the meeting shall not be counted.

1st Ad placed on: _____ (DD/MM/YY)

2nd Ad placed on: _____ (DD/MM/YY) (if applicable)

Date of Meeting: _____ Number of days between 1st ad and meeting: _____ (# days)

3. **Planning Board** makes recommendation to Council regarding the adoption of the new plan
4. **Council adopts** the plan by resolution,
5. **Submission requirements:**

General:

- A copy of the newspaper ad notifying the public about the public meeting and any ads regarding notice of a special meeting of Council. {Planning Act, s. 18(1)(a), Municipalities Act, s. 56(1)}
- A copy of the minutes of the public hearing {s.14(2)(b)}

Official Plan adoption:

- A copy of Planning Board minutes showing recommendation to Council
- A copy of the minutes showing the Council's resolution was passed by a majority of Council. {s.13(1)}
- A signed & sealed signature sheet for Council's resolution adopting the Official Plan
 - o Date of adoption resolution _____ (DD/MM/YY)
- A copy of the new plan, including all attachments

Resolution signature sheets must:

- Bear the signature of the Mayor/Chairman and the Administrator
- Include a signature and date line for the Minister's signature with a space for the Minister's signature
- Be sealed with the Municipal Seal

Municipal Affairs Review Checklist for New Bylaws, and Concurrent Plan and Bylaw Adoptions

1. Will the Plan and Bylaw be adopted concurrently?

2. Council sets a date for the public meeting (PA, section 18(1))

3. Place one (1) ad in the local newspaper concerning the public meeting (see * for revised best practice)

- Ad to appear 7 'clear days' before the public meeting (Planning Act section 18(1))
- * If bylaw is considered concurrently with the official plan, **two ads** must be placed.
- If bylaw amendment also requires an amendment to the official plan, ad(s) must clearly indicate that both documents will be amended (Planning Act section 18(2))

Newspaper ad must indicate:

- In general terms, the nature of the Zoning Bylaw, and Official Plan;
- the date, place and time of meeting;
- location where the information may be inspected; and
- an invitation to the public to make representation.

"clear days" - in the calculation of time expressed as clear days, the first day the ad appears in the paper and the day of the meeting shall not be counted.

1st Ad placed on: _____ (DD/MM/YY) 2nd Ad placed on: _____ (DD/MM/YY) (if applicable)

Date of Meeting: _____ Number of days between 1st ad and meeting: _____ (# days)

4. Planning Board makes recommendation to Council regarding the plan and, where appropriate, the bylaw

5. Council adopts:

- a) a plan amendment by resolution and b) a bylaw or amendment bylaw through bylaw procedures (see below)

6. Submission requirements:

General:

- A copy of the newspaper ad notifying the public about the public meeting and any ads providing notice of a special meeting of Council (if the meeting is not a regularly scheduled meeting of a community council). {Planning Act, s. 18(1)(a), Municipalities Act, s. 56(1)}
- A copy of the minutes of the public hearing {s.14(2)(b)}

Official Plan (where applicable):

- A copy of Planning Board minutes showing recommendation to Council
- A copy of the minutes showing the Council's resolution was passed by a majority of Council. {s.13(1)}
- A signed & sealed signature sheet for Council's resolution adopting the Official Plan amendment
 - o Date of adoption resolution _____ (DD/MM/YY)
- A copy of the Plan, including all attachments

Bylaw:

- A copy of the minutes showing the Council's readings and resolutions were passed by a majority of Council. {s.13(1)}
- A copy of the minutes showing the Council's five (5) resolution regarding the Bylaw or Amendment Bylaw from two meetings on two separate days.
 - o First reading of bylaw or amendment bylaw Date: _____ (DD/MM/YY)
 - o Approval of first reading of bylaw or amendment bylaw Date: _____ (DD/MM/YY) (if applicable)
 - o Second reading of bylaw or amendment bylaw Date: _____ (DD/MM/YY)
 - o Approval of second reading of bylaw or amendment bylaw Date: _____ (DD/MM/YY) (if applicable)
 - o Adoption of bylaw or amendment bylaw Date: _____ (DD/MM/YY)
- A signed & sealed signature sheet for Council's 5 resolutions giving 1st and 2nd reading and adopting the bylaw
- A copy of the bylaw, including all attachments

Resolution signature sheets must:

- Bear the signature of the Mayor/Chairman and the Administrator/CAO
- Include a signature and date line for the Minister's signature with a space for the Minister's signature
- Be sealed with the Municipal Seal

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