

***Handbook for Municipal
Planning Processes:
Plan and Bylaw Amendments***

Updated December 30, 2011

*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.*

Enacting/Repealing/Amending 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A bylaw may only be repealed by a bylaw: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.

Consolidation of Bylaws:

A consolidation of bylaws is the process of taking an original bylaw and incorporating into it all the amendments that have been made to it, and taking out of it all deletions that resulted from the amendments. In the consolidation process no language can be changed; the consolidation must consolidate the flaws along with everything else.

Consolidated bylaws offer greater ease of use for office staff and the public; however, consolidated bylaws will have no legal effect as they have not been passed by the council, may contain errors from the consolidation process, and there may have been further changes since the consolidation process was carried out.

Thus a consolidated version of a bylaw must contain a disclaimer to the effect of; “This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is **not** the official version of the Bylaw. Where accuracy is critical, please consult official sources. If you find any errors or omissions in this consolidation, please contact _____”.

Amendments to Existing Bylaws:

An amending bylaw changes text or maps or other components of an existing bylaw but does not form part of the existing bylaw. **See note above on consolidation and disclaimers.**

As above, the power to amend a bylaw is not specifically enumerated in the current PEI legislation; but again the power to amend a bylaw is a necessary and incidental power to the ability to pass a bylaw.

And again, a bylaw may only be amended by an amending bylaw.

An amending bylaw will generally be titled in such a way as to explain its purpose; **A Bylaw to Amend Bylaw #99-002, Being The Town of X Subdivision and Development Bylaw**, for example.

Wording of changes (minor changes): Such a bylaw, if the changes are of a minor nature, will generally contain language to the effect that:

words “*a, b and c*” in section 3 (1) are replaced with the words “*x, y and z*”.

Wording of changes (major changes): If the amendment is of a more substantive nature, then it is likely easier to replace a section or part with language such as:

“*section 3 is replaced with a new section 3*” or multiple sections if that is the case, and the wording of the new section(s) would be listed.

If the changes are of an even more substantive nature, it may be better to consider passing a new bylaw and repeal the previous in total.

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:	
Text of Minutes (and discussion at the meeting itself)	Text of Resolution Page submitted to Municipal Affairs
<p><i>“Whereas Council has identified minor amendments required to update the Official Plan as shown in Schedule A – Official Plan Amendments #2011-a.</i></p> <p><i>Be it resolved that the Municipality of XYZ Official Plan be hereby amended.</i></p>	<p><i>“Whereas Council has identified minor amendments required to update the Official Plan as shown in Schedule A – Official Plan Amendments #2011-a.</i></p> <p><i>Be it resolved that the Municipality of XYZ Official Plan be hereby amended.</i></p>
NOT APPROPRIATE:	
Text of Minutes (and discussion at the meeting itself)	Text of Resolution Page submitted to Municipal Affairs
<p><i>“Council approves minor amendments to the Municipality of XYZ.</i></p>	<p><i>“Whereas Council has identified minor amendments required to update the Official Plan as shown in Schedule A – Official Plan Amendments #2011-a.</i></p> <p><i>Be it resolved that the Municipality of XYZ Official Plan be hereby amended.</i></p>

Example B

APPROPRIATE:	
Text of Minutes (and discussion at the meeting itself)	Text of Resolution Page submitted to Municipal Affairs
<p><i>“Whereas an application was received from John Doe for 111 Main Street, PID #12345 for a zoning amendment from the Residential zone to proposed Commercial zone under the Municipality of XYZ Zoning & Subdivision Bylaw, Bylaw 123, Appendix A Zoning Map;</i></p> <p><i>“And whereas Zoning Bylaw #123-A, a bylaw to amend Municipality of XYZ Zoning & Subdivision Bylaw, Bylaw 123, was read and approved at two separate meetings of Council held on different days;</i></p> <p><i>Be it resolved that Zoning Bylaw #123-A, a bylaw to amend the</i></p>	<p><i>“Whereas an application was received from John Doe for 111 Main Street, PID #12345 for a zoning amendment from the Residential zone to proposed Commercial zone under the Municipality of XYZ Zoning & Subdivision Bylaw, Bylaw 123, Appendix A Zoning Map;</i></p> <p><i>“And whereas Zoning Bylaw #123-A, a bylaw to amend Municipality of XYZ Zoning & Subdivision Bylaw, Bylaw 123, was read and approved at two separate meetings of Council held on different days;</i></p> <p><i>Be it resolved that Zoning Bylaw #123-A, a bylaw to amend the</i></p>

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<i>[Municipality of XYZ Zoning & Subdivision Bylaw, Bylaw 123 be hereby formally adopted.</i>	<i>Municipality of XYZ Zoning & Subdivision Bylaw, Bylaw 123 be hereby formally adopted.</i>
NOT APPROPRIATE:	
Text of Minutes (and discussion at the meeting itself)	Text of Resolution Page submitted to Municipal Affairs
<i>“Council approves the rezoning for the Doe property from Residential to Commercial.</i>	<p><i>“Whereas an application was received from John Doe for 111 Main Street, PID #12345 for a zoning amendment from the Residential zone to proposed Commercial zone under the Municipality of XYZ Zoning & Subdivision Bylaw, Bylaw 123, Appendix A Zoning Map;</i></p> <p><i>“And whereas Zoning Bylaw #123-A, a bylaw to amend Municipality of XYZ Zoning & Subdivision Bylaw, Bylaw 123, was read and approved at two separate meetings of Council held on different days;</i></p> <p><i>Be it resolved that Zoning Bylaw #123-A, a bylaw to amend the Municipality of XYZ Zoning & Subdivision Bylaw, Bylaw 123 be hereby formally adopted.</i></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 amendment. The wording must be exact, detailed, and specific, and cannot summarize the proposed changes.

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Factors to consider – Concurrent amendments to Plan and Bylaw

When to do a concurrent Official Plan and Bylaw amendment:

- **Map amendments:** an Official Plan sets out future land uses in a general fashion in its land use map. These land uses separate uses such as commercial, residential, industrial, agricultural, etc., but do not get into any further break-downs similar to what you would see in a zoning map:
 - Proposed bylaw change in zoning requiring a change to the land use map in the Plan, a concurrent amendment would be undertaken where the zoning change also requires a change in the OP land use designation (ie from Commercial to Residential). Where the change is within a broad use category (ie Low Density Residential R-1 to High Density Residential R-3), no plan amendment is required as both zones fall within the land use category Residential.
 - Proposed bylaw change in zoning requiring a change to the policies of the Plan: where a proposed bylaw change in zoning complies with the general land use map in the official plan but does not comply with policies contained in the plan, a textual amendment to the Plan would be required, should the change be deemed appropriate.
- **Textual amendments:** an Official Plan sets out policies for land uses and development. These policies highlight the priorities for the municipality and are binding on council and the public:
 - Proposed textual bylaw change requiring a change to the policies of the Plan, a concurrent amendment would be undertaken if changes to the text of the bylaw conflicts with the polices of the Plan (ie a proposed new permitted use within a particular zone is prohibited or restricted in the Plan).

How to do a concurrent amendment:

- Ad must specify that both the Plan and the Bylaw are being amended, with details on the nature of the amendments.
- Council must vote on the amendments to the documents separately – cannot be a single resolution dealing jointly with OP and Bylaw.
- Signature sheets must reference both amendments.

General considerations:

- OP or Bylaw Map amendments should include a map showing the area to be amended/rezoned/re-designated
- Multiple individual map or textual amendments can be included in a single amending bylaw or Plan amendment
- Council adopts:
 - a plan amendment by a single resolution; and
 - a bylaw or amendment bylaw through bylaw procedures (readings on 2 separate days, 5 resolutions)

What happens if a required concurrent amendment does not take place:

- The Official Plan is binding and overrides the bylaw. If there are conflicts or inconsistencies between the amended bylaw and the official plan, permits or other approvals issued under the bylaw may be invalid.

Drafting considerations

Plan and Bylaw amendment documents should have the following components:

- A very clear title, indicating
 - name of the Amendment Document (ie Official Plan Amendment 2011-A or Zoning Bylaw 123-2011a, a Bylaw to Amend XYZ)
 - name of the original document (2009 Official Plan or Zoning & Subdivision Bylaw 123)
 - name of the municipality
 - date

- It is highly recommended that formatting be used to differentiate between descriptive headers (ie **Textual Revision – Section 3**) from the actual text of the amendment (ie words “*a, b and c*” are replaced with the words “*x, y and z*”). Use bold, italics, etc.

- Clear descriptors should be included in all headers. It should be clear to anyone reading the amendment document whether you are adding new text to an existing section, removing some text and adding some text, or adding a whole new section.
 - If the amendment involves **adding new text to existing text**, the document would indicate something along the lines of "after the words “XYZ” in Section 3 (1)(a) the following text will be added:” “LMNOP”

 - If the amendment involves **replacing whole sections of text**, the text would indicate "the words “XYZ” in Section 3 (1)(a) will be removed and the words “ABC” will be added."

 - If the amendment involves **renaming or modifying tables**, the text would indicate "Table XYZ “ in Section 3 (1)(a) will be renamed as “Table ABC” ."

 - If the amendment involves **adding or replacing tables**, the text would indicate "Table XYZ “ in Section 3 (1)(a) will be removed and the following “Table ABC” will be added:” (see #4 below)

 - If the amendment involves **renaming or modifying maps**, the text would indicate "PID 12345 (123 Main St) on Appendix A, *Map XYZ* “ will be given the designation ‘Commercial’ and the existing designation of ‘Residential’ shall be removed."

 - If the amendment involves **adding or replacing maps**, the text would indicate "Appendix A, *Map XYZ* “will be removed and the following “Appendix A, *ABC*” will be added:."

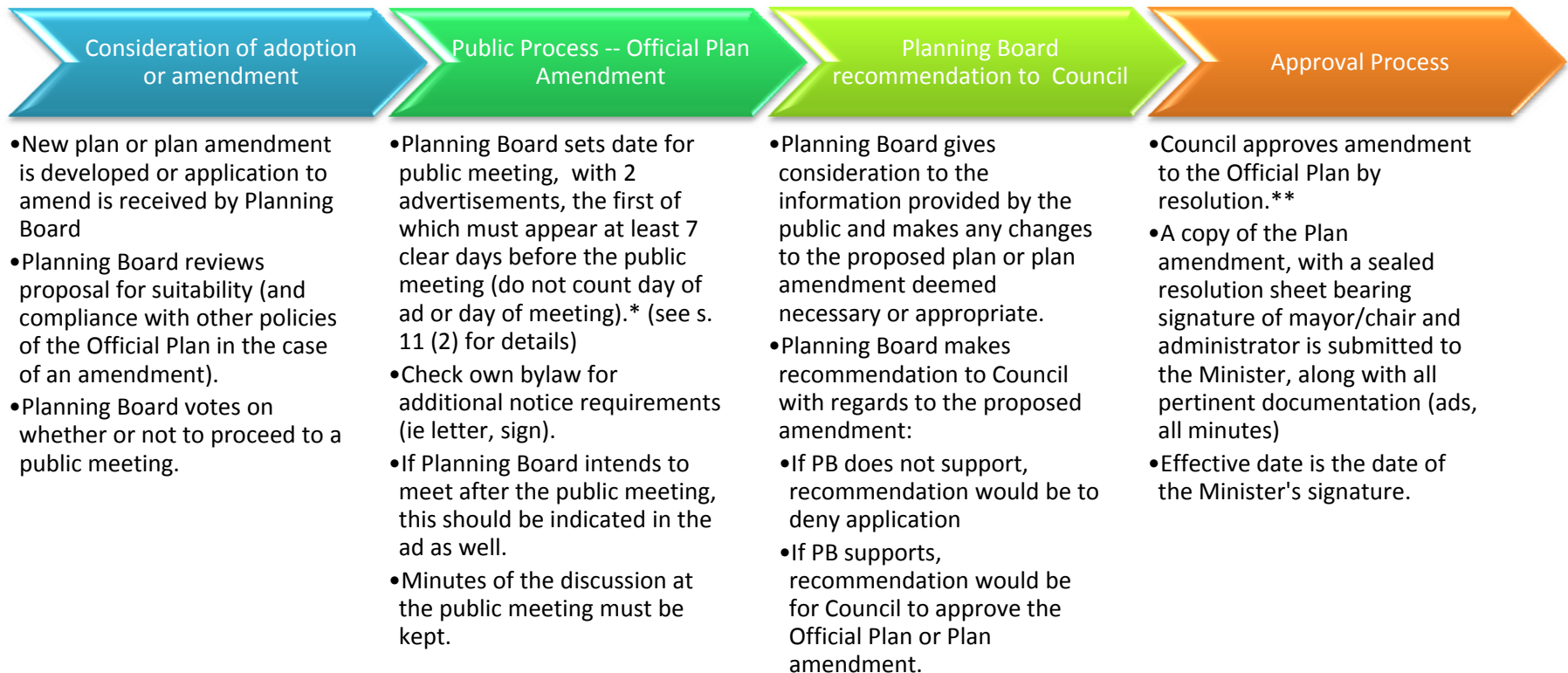
- **The actual new content (text, tables, maps) must be included in the amendment document.** This document is not a summary of changes; it is the actual content of the changes. Changes in land use or zoning designations should be accompanied by a clear map showing the parcel(s) or portion of a parcel(s) in question so that there is no question as to where the change applies. **Council must be clear on what it is giving approval to, and it must be clear to anyone reading the documentation what the actual and exact nature of the change will be.**

- Refer to other sections of this Handbook for other essential structural components of a plan amendment or amendment bylaw/ bylaw amendment.

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

An Official Plan is adopted or amended by resolution.

Amendment can take several forms: map amendment(s), text amendment(s), or several of both.



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

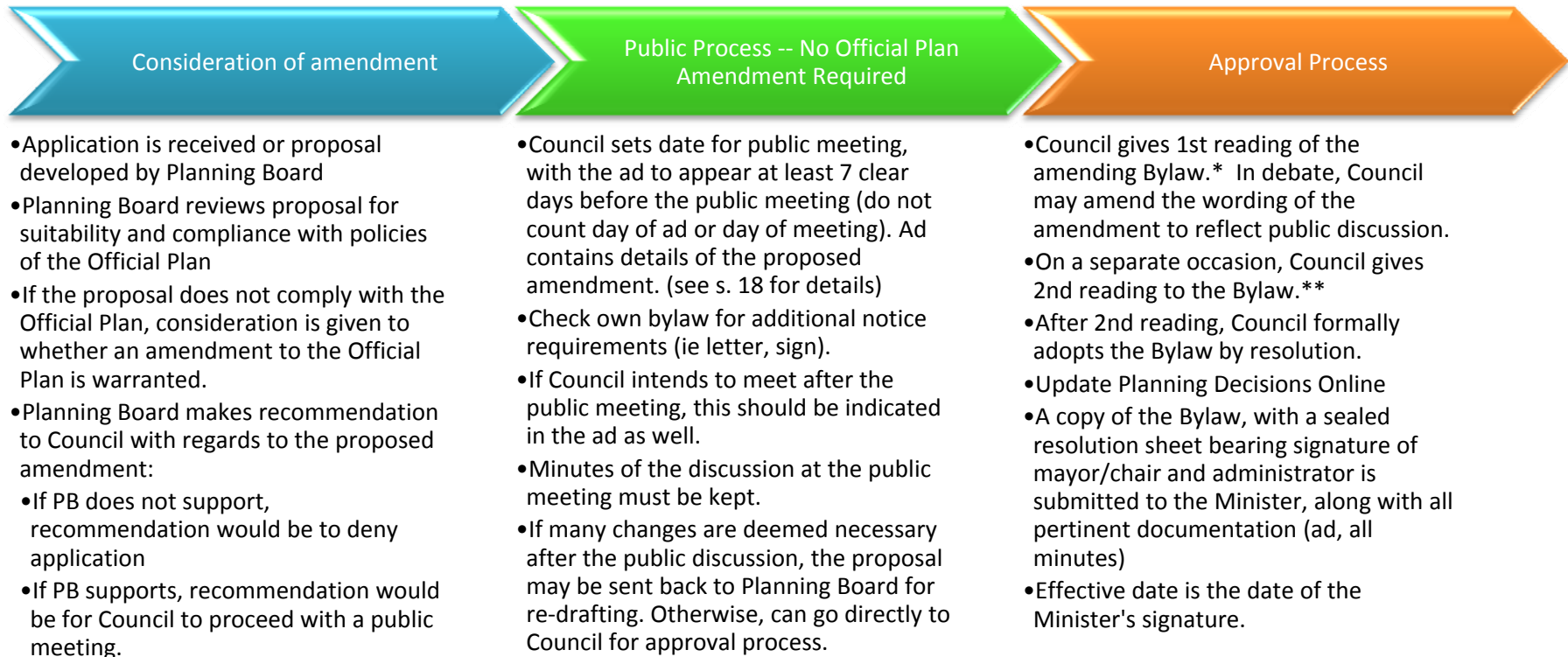
** If this is not a regularly-scheduled meeting of council, the public notice requirements for a special meeting of s. 56 & 55 (3) of the *Municipalities Act* apply.

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Amending a bylaw – Planning Act, Section 17-19

A planning bylaw is amended by bylaw: if Zoning Bylaw is Bylaw #101, the amendment to the Zoning Bylaw is Bylaw 101-A/B/C etc. Council is adopting a new bylaw that has the effect of modifying the main bylaw. The new bylaw should be referenced in all readings and resolutions.

A planning bylaw amendment can contain multiple types of amendments: map amendment(s) (rezoning), text amendment(s), or a several of both. A rezoning is a bylaw amendment.



*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 council, the public notice requirements for a special meeting of s. 55 (3) of the *Municipalities Act* apply.

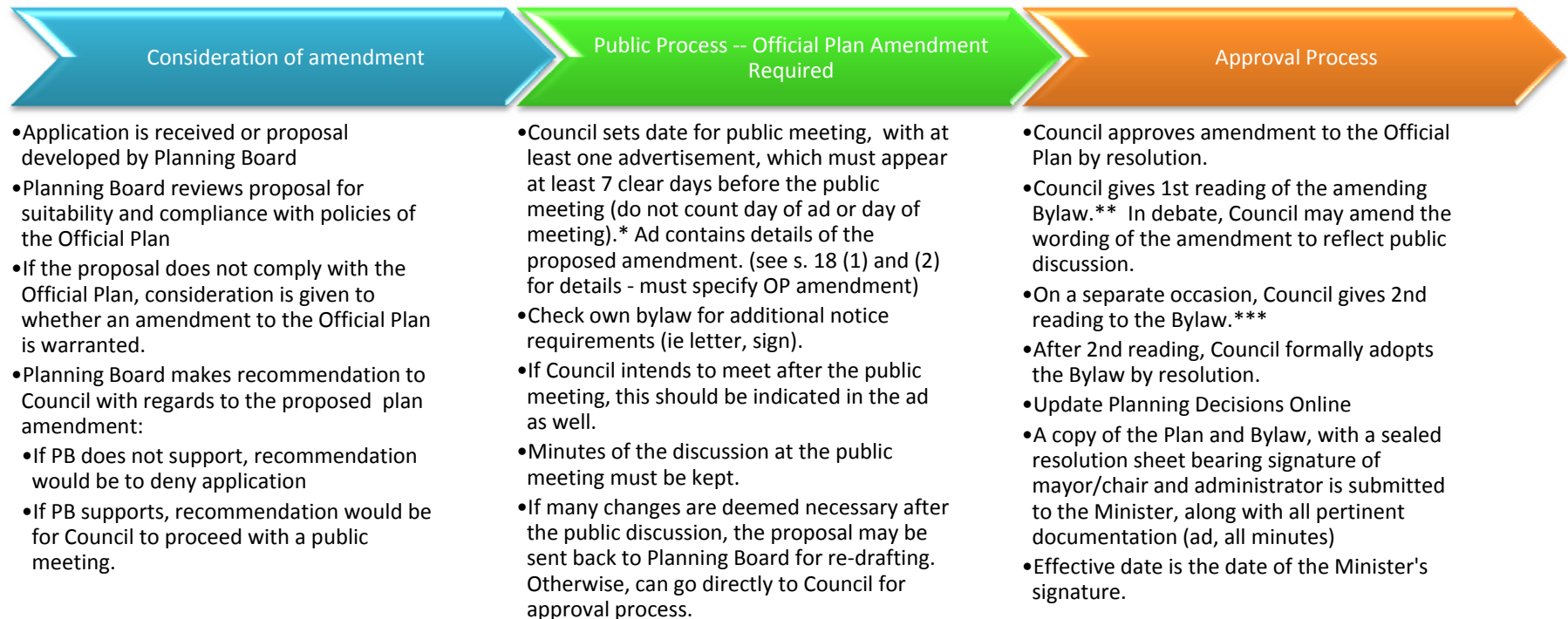
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Amending an Official Plan AND Bylaw – Planning Act, Section 11-15 & 17-19

An Official Plan is amended by resolution.

A planning bylaw is amended by bylaw: if Zoning Bylaw is Bylaw #101, the amendment to the Zoning Bylaw is Bylaw 101-A/B/C etc. Council is adopting a new bylaw that has the effect of modifying the main bylaw. The amendment bylaw should be referenced in all readings and resolutions.

A planning bylaw amendment can take several forms: map amendment(s), text amendment(s), or several of both. A rezoning is a bylaw amendment.



* With concurrent amendments, 2 ads are recommended. 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 council, the public notice requirements for a special meeting of s. 56 & 55 (3) of the *Municipalities Act* apply.

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Documentation Components

Signature Page

Plan Amendment

Amendment Text
(include map if
applicable)

1 Resolution

Bylaw Amendment

Bylaw Text
(including map if
applicable)

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 Amendment Bylaw

Plan and Bylaw Amendment - 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 Amendment 3. Schedule A – Text of Official Plan Amendment OPA-### 4. Resolutions for Bylaw Amendment <ol style="list-style-type: none"> a. 1st Reading of Bylaw <ol style="list-style-type: none"> i. Schedule A – Text of Bylaw Amendment ### (map showing parcels should be included) b. Approval of Bylaw c. 2nd Reading of Bylaw <ol style="list-style-type: none"> i. Schedule A – Text of Bylaw Amendment ### (should be same as (a)(i) above) 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 Amendment 3. Schedule A – Text of Official Plan Amendment OPA-### 	<ol style="list-style-type: none"> 1. Signature page (showing signatures and dates of all resolutions for Bylaw) 2. Resolutions for Bylaw Amendment <ol style="list-style-type: none"> a) 1st Reading of Bylaw <ol style="list-style-type: none"> i. Schedule A – Text of Bylaw Amendment ### (map showing parcels should be included) b) Approval of Bylaw c) 2nd Reading of Bylaw <ol style="list-style-type: none"> i. Schedule A – Text of Bylaw Amendment ### (should be same as (a)(i) above) 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
OFFICIAL PLAN AMENDMENT(S) / ADOPTION OF NEW OFFICIAL PLAN (no bylaw amendment) –
Signature page option 1

City/Town/Community of _____ Official Plan Amendment OPA- ###

(TITLE of AMENDMENT address of property)
To adopt/amend the (Municipal Name) Official Plan

Effective Date

The effective date of the Official Plan [amendment(s)] 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 [amendment(s)] was adopted by a majority of Councillors present at the Council meeting held on the _____ day of _____, _____.

This Official Plan [amendment(s)] is declared to be passed on the _____ day of _____, _____.

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

Ministerial Approval

This Official Plan [amendment (list amendment #)] is hereby approved.

Dated on this _____ day of _____, _____.

Minister's Name, Minister of _____

**CONCURRENT OFFICIAL PLAN &
ZONING, DEVELOPMENT, SUBDIVISION CONTROL BYLAW AMENDMENT(S) –
Signature page option 2**

City/Town/Community of _____ Official Plan Amendment OPA- ### &

City/Town/Community of _____ Zoning and Subdivision Control (Development) Bylaw Amendment [###]

(TITLE of AMENDMENT address of property)

To amend 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 amendment(s) is the date as signed below by the Minister of _____.

Authority – Plan & Bylaw Amendment

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 amendment(s) was **read a first time** at the Council meeting held on the _____ day of _____, _____.

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

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

This Official Plan amendment(s) is declared to be passed on the _____ day of _____, _____.

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

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

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

Ministerial Approval

This Official Plan amendment (list amendment #) is hereby approved.

This Zoning Bylaw amendment (list amendment #) is hereby approved.

Dated on this _____ day of _____, _____.

Minister's Name, Minister of _____

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ZONING, DEVELOPMENT, SUBDIVISION CONTROL BYLAW AMENDMENT(S) (no plan amendment) – Signature page option 3

City/Town/Community of _____ Zoning and Subdivision Control (Development) Bylaw Amendment [###]

(TITLE of AMENDMENT address of property)

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

Effective Date

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

Authority – Bylaw Amendment

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 amendment(s) was **read a first time** at the Council meeting held on the _____ day of _____, _____.

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

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

Adoption and Approval by Council:

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

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

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

Ministerial Approval

This Zoning Bylaw amendment (list amendment #) is hereby approved.

Dated on this _____ day of _____, _____.

Minister's Name, Minister of _____

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**An Official Plan amendment 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 Amendment Sample Resolution 1 – Adoption of Amendment

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas an application was received from _____ for _____ street, [portion of] PID # _____ to amend the [municipal name] [Plan title] (general land use plan) from _____ land use to proposed _____ land use;

“And whereas in accordance with _____, Council shall consider the following general criteria, as applicable [check own plan and bylaw for list of criteria to be considered]:

- Conformity with the Official Plan [required];
- Suitability of the site for the proposed development;
- Compatibility of the proposed development with surrounding land uses, including both existing and projected uses;
- Other matters as specified in the _____ Bylaw;
- Other matters as considered relevant. [etc.]

Be it resolved that official plan amendment [amendment #], to amend the [title of official plan] be hereby formally adopted.

Schedule A is attached [Schedule A would be the actual plan amendment]

**Sample Official Plan Amendment –
to be attached to Official Plan Amendment Resolution as Schedule A.**

**Official Plan Amendment [amendment #]
To Amend the [Municipal Name] [title of official plan]**

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

[Sample Content – types of amendments]

Amendment – minor text changes: ie: words “a, b and c” in section 3 (1) are replaced with the words “x, y and z”.

Amendment – major text changes: ie: “section 3 is replaced with a new section 3” or multiple sections if that is the case, and the wording of the new sections(s) would be listed.

Amendment – new content: ie: Addition of subsection 3 (1) as follows: [new text, figures, map, etc., using the appropriate numbering conventions]

Amendment – Future Land Use Map Change: ie:

1. The land use for _____ Street a portion of PID# _____ [insert the relevant details of the property] as shown on Schedule ____ [land use plan] of the [Municipal Name] [title of official plan], is designated as _____ [new land use designation], hereby excluding it from its former designation of _____ land use.

[Include a map showing the subject parcel]

Amendment – major map changes: ie: “Schedule ____ [Future Land Use Map] is replaced with a new ____ [Future Land Use Map]”.
Include new map.

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.

Council Meeting #1 - Bylaw or Bylaw Amendment Resolution #1 – FIRST READING

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas an application was received from _____ for _____ street, [portion of] PID # _____ for a zoning amendment from the _____ zone to proposed _____ zone under the [Municipal Name] [Bylaw name and number]; [describe the nature and details of the proposed text or map amendment]

Be it resolved that zoning bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw] be hereby read a first time.

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

Council Meeting #1 - Bylaw or Bylaw Amendment Resolution #2 –APPROVAL OF FIRST READING

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas an application was received from _____ for _____ street, portion of PID # _____ for a zoning amendment from the _____ zone to proposed _____ zone under the [Municipal Name] [Bylaw name and number]; [describe the nature and details of the proposed text or map amendment]

“And whereas zoning bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw] was read a first time at this Council meeting;

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

Council Meeting #2 - Bylaw or Bylaw Amendment Resolution #3 – SECOND READING

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas an application was received from _____ for _____ street, portion of PID # _____ for a zoning amendment from the _____ zone to proposed _____ zone under the [Municipal Name] [Bylaw name and number]; [describe the nature and details of the proposed text or map amendment]

“And whereas zoning bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw] was read and formally approved a first time at the Council meeting held on _____;

Be it resolved that zoning bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw] be hereby read a second time.

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

Council Meeting #2 - Bylaw or Bylaw Amendment Resolution #4 – APPROVAL OF SECOND READING

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas an application was received from _____ for _____ street, portion of PID # _____ for a zoning amendment from the _____ zone to proposed _____ zone under the [Municipal Name] [Bylaw name and number]; [describe the nature and details of the proposed text or map amendment]

“And whereas zoning bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw] was read and formally approved a first time at the Council meeting held on _____;

“And whereas zoning bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw] was read a second time at this Council meeting;

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

Council Meeting #2 - Bylaw or Bylaw Amendment Resolution #5 – ADOPTION OF BYLAW AMENDMENT

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas an application was received from _____ for _____ street, portion of PID # _____ for a zoning amendment from the _____ zone to proposed _____ zone under the [Municipal Name] [Bylaw name and number]; [describe the nature and details of the proposed text or map amendment]

“And whereas zoning bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw] was read and approved at two separate meetings of Council held on different days;

Be it resolved that zoning amendment [amending bylaw #], a bylaw to amend the [title of main bylaw] be hereby formally adopted.

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

NEW BYLAW: [Title & Bylaw Number]

Or

AMENDMENT BYLAW: Zoning Bylaw Amendment Title and amending bylaw #,
A Bylaw to Amend the [Municipal Name] [main bylaw name and 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:

[sample text s]

New bylaw: The content of the bylaw

Amendment – minor text changes: ie: words “a, b and c” in section 3 (1) are replaced with the words “x, y and z”.

Amendment – major text changes: ie: “section 3 is replaced with a new section 3” or multiple sections if that is the case, and the wording of the new sections(s) would be listed.

Amendment – new content: ie: Addition of subsection 3 (1) as follows: [new text, figures, map, etc.]

Amendment – zoning change: ie:

The zoning of _____ Street a portion of PID# _____ [insert the relevant details of the property] as shown on Schedule ____ [Zoning Map] of the [Municipal Name] [main bylaw name and number], is designated as _____ [new zoning designation], hereby excluding it from its former designation of _____ zone.

[Include a map showing the subject parcel]

Amendment – major map changes: ie: “Schedule ____ [Zoning Map] is replaced with a new ____ [Zoning Map]”. Include new map.

Repeal section (if necessary; if the bylaw is meant to repeal another or earlier bylaw, then language to that effect should be included)

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 and
Official Plan Amendments Not Accompanied by a Bylaw Amendment**

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 or Official Plan amendment;
- 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)

Date of meeting: _____ (DD/MM/YY)

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

3. **Planning Board** makes recommendation to Council regarding the adoption of the new plan or plan amendment
4. **Council adopts** the plan or plan amendment, 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 / amendment:

 - 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 or plan amendment
 - o Date of adoption resolution _____ (DD/MM/YY)
 - A copy of the new plan or plan amendment, including a map in the case of a map amendment (where applicable)

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, Bylaw Amendments (incl. Rezoning), and Concurrent Official Plan Amendments

1. Consistency with Official Plan: Is a plan amendment is required to ensure no conflicts / inconsistencies? (PA s. 15.)

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 amendment also requires an amendment to the official plan, **two ads** should 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, Zoning Bylaw amendment and Official Plan amendment; **note if there is no bylaw amendment and you are carrying out an amendment to the Official Plan, you must follow the procedures as set out in the Planning Act, s. 11-15.**

- 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 amendment and, where appropriate, the bylaw or amendment 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 amendment (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 amendment, including a map in the case of a map amendment

Bylaw amendment:

- 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)
 - 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) -
 - 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 or amendment bylaw
- A copy of the bylaw or amendment bylaw, including a map in the case of a map amendment

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

This document has been created by Municipal Affairs staff; it is general information only and not to be construed as legal advice for any specific factual situation. If you are unsure whether this information applies to your particular situation you should consult a lawyer. In case of any inconsistency between the information presented here and any Act or Regulation, the Act or Regulation prevails.