

***Handbook for Municipal
Planning Processes:

Official Plan Reviews –
Process Background, Sample
Resolutions & Amendments***

Updated December 12, 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.*

REVIEW OF OFFICIAL PLANS AND BYLAWS – LEGISLATIVE REQUIREMENTS

Requirements of the *Planning Act*:

The *Planning Act* contains several provisions dealing with the requirement to periodically review the official plan and bylaws:

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. 1995, c.29, s.7 {eff.} Oct. 14/95.

EC640/97 Planning Act Minimum Requirements for Municipal Official Plans

Additional requirements for Plan Reviews have been established in **EC640/97 Planning Act Minimum Requirements for Municipal Official Plans**, which was 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.

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.

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TYPES OF REVIEWS

Process

Neither the *Planning Act* nor the *Minimum Requirements* provide detailed direction on the specifics of how reviews are to be undertaken. Generally speaking, though, municipalities must review their official plan and bylaw:

- every five years; or
- whenever there has been a significant boundary alteration; or
- when considering any major sewer and/or water servicing decision.

Municipalities would make a determination as to whether a minor or major review is appropriate.

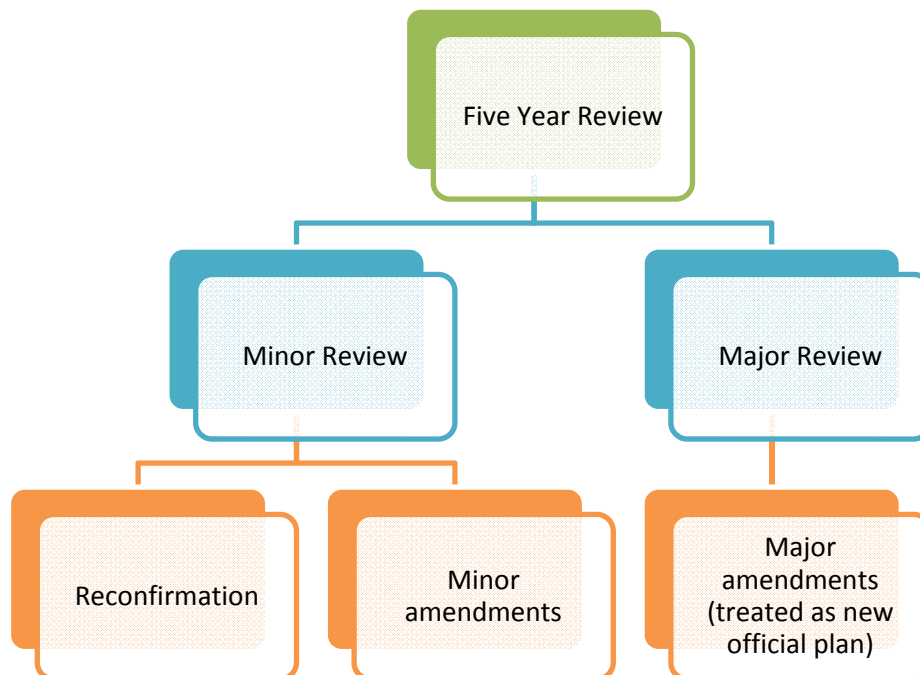
It will be up to Council, with the advice and guidance of Planning Board, staff, and the planning consultant (if applicable) to determine the exact details and nature of the review process. That being said, there are many components that should be taken into consideration when Council decides how to proceed.

Minor Review

- No major boundary alterations
- No major infrastructure changes
- Sufficient updates via amendments over the five years

Major Review

- Major boundary alterations
- Major infrastructure changes
- Significant developments, changing economic circumstances, new policy directions for municipality, etc.



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Minor Reviews

At minimum, the Minor Review would:

- Include a public participation process – ie at least one public meeting for discussion of plan and any proposed amendments
- Update statistics and other figures
- Ensure that the policy areas of the Plan continue to meet the needs of the municipality
- If appropriate, replace the existing future land use map with an updated land use map integrating all of the changes since the last review.
- If appropriate, involve a bylaw amendment process; if changes are required to reflect the updated plan.

A Reconfirmation:

- May be the result of a minor review only if:
 - No technical/statistical/housekeeping amendments are required (ie, no new census data is available, no changes in number of dwellings or lots, etc.)
 - No map amendments are required
 - Plan and planning bylaws are perfectly up to date
- May not be made without a minor review and at least one public meeting allowing for public consultation.

Keeping the plan current:

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

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

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.

The plan review allows the municipality to determine the following 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.

PROCESS REQUIREMENTS & CONSIDERATIONS

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 – current goals and policies of the Plan
- Survey mail out
- Focus Groups
- Comment box / website comment submission
- Public meetings – town hall

Content Review

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

EC 640/97: 4.0 TECHNICAL CONTENT

- 4.1 Official Plans must be demonstrably technically competent, and should be prepared by a Professional Planner.
- 4.2 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.
- 4.3 The Minister may require that supporting documents, studies or data be submitted with an application for approval.
- 4.4 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.

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Timing of Plan & Bylaw Reviews

The Municipality can choose to complete the plan review stage before tackling the bylaw. If Council chooses not to review the two documents concurrently, it is important to keep track of bylaw requirements arising from any plan amendments or additions.

The formal process for approving the amendments to the Plan and Bylaw will differ depending on whether the documents are being considered concurrently or separately. See the *Planning Amendments Handbook* for details.

- Concurrent review process** – allows the public (and Council) to see how proposed policies might be implemented – gives context and details
- Subsequent bylaw review process** – allows the public (and Council) to focus on the broad picture of the policies, goals, objectives

Regardless of how the reviews are timed, it should be noted that bylaws are subordinate to the official plan. If there are conflicts or inconsistencies between the amended official plan and the bylaw, permits or other approvals issued under the bylaw may be invalid. If there are amendments to the official plan that will impact on bylaw, the timing should be given careful consideration as:

- 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.

Plan Implementation 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

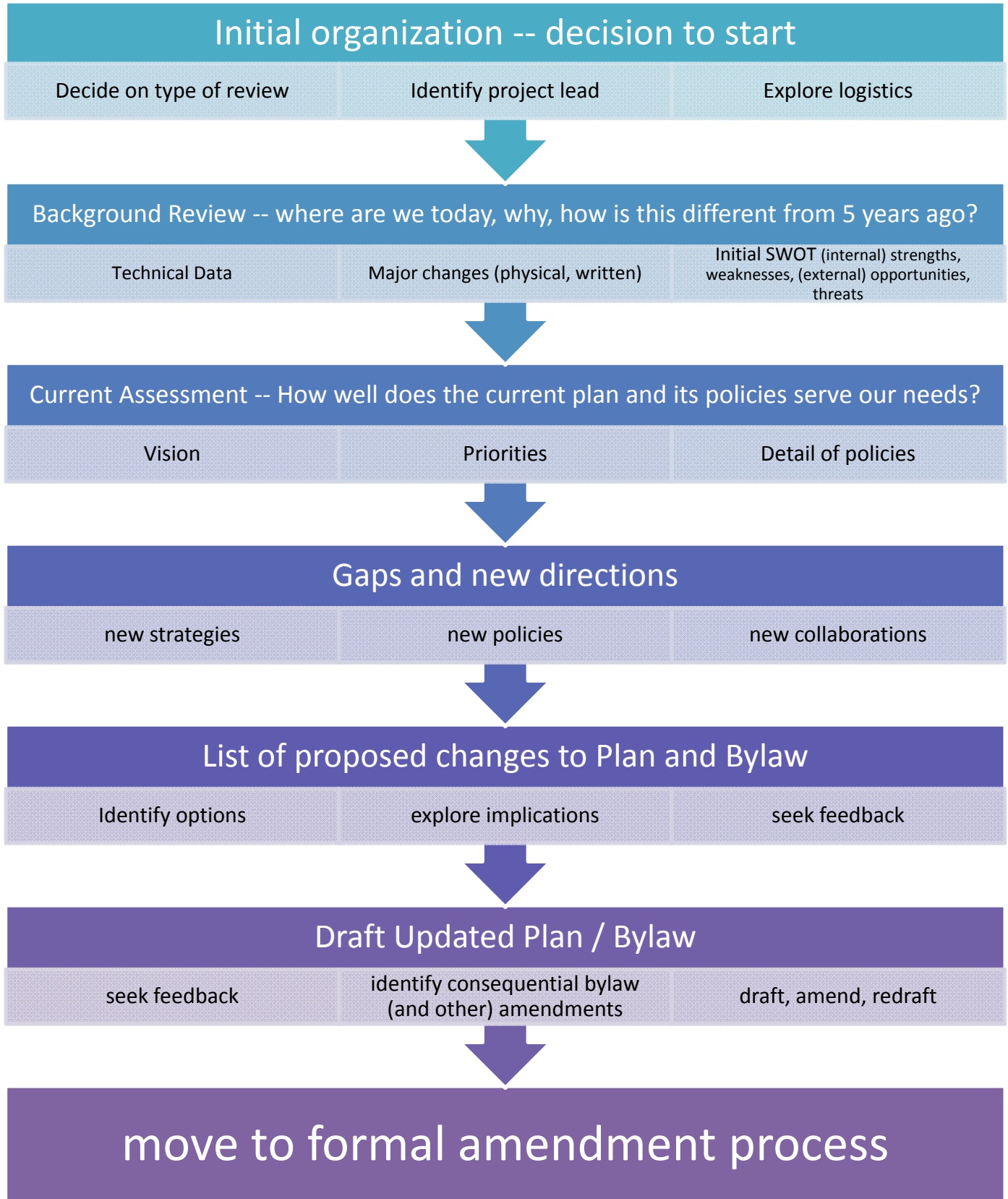
An important part of the review process involves checking these other pieces to keep track of the impacts of changes on existing documents and programs.

PROCESS COMPONENTS

The major goals of the review are to determine what changes there have been in the community since the last review, to identify emerging concerns and objectives, to develop new goals, and to anticipate coming changes

The follow process descriptions are intended as a sample of what might be contained in a plan review. The exact steps and stages may vary from community to community, depending on the context and events in the community since the last review. Council will want to give some consideration to logistics before getting started:

- 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



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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 Zoning Bylaw #123-A, a bylaw to</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 Zoning Bylaw #123-A, a bylaw to</i></p>

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<p><i>amend the [Municipality of XYZ Zoning & Subdivision Bylaw, Bylaw 123 be hereby formally adopted.</i></p>	<p><i>amend the Municipality of XYZ Zoning & Subdivision Bylaw, Bylaw 123 be hereby formally adopted.</i></p>
<p>NOT APPROPRIATE:</p>	
<p>Text of Minutes (and discussion at the meeting itself)</p>	<p>Text of Resolution Page submitted to Municipal Affairs</p>
<p><i>“Council approves the rezoning for the Doe property from Residential to Commercial.</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 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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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 the Planning Amendments Handbook for other essential structural components of a plan amendment or amendment bylaw/ bylaw amendment.

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Plan amendment components:

A) Signature Page

B) Resolution

C) Minor changes: copy of amendment (text or map changes) OR

C) Major changes: New Plan

IMPORTANT: Please see the *Planning Amendment Handbook* for checklists and the formal plan amendment process requirements, as well as bylaw amendment processes where amendments to the planning bylaw(s) are required as a result of the plan review.

OFFICIAL PLAN REVIEW – RECONFIRMATION OR AMENDMENT – Signature page

(Document Name)
(Municipal Name)

(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:

SELECT ONE OF THE THREE FOLLOWING

[IN THE CASE OF A MINOR REVIEW – NO AMENDMENTS REQUIRED]

Adoption and Approval by Council:

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

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

[IN THE CASE OF A MINOR REVIEW – MINOR AMENDMENTS]

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) – include amendment #] is declared to be passed on the _____ day of _____, _____.

[IN THE CASE OF A MAJOR REVIEW – TREATED AS NEW OFFICIAL PLAN]

Adoption and Approval by Council:

This Official Plan [NEW PLAN TITLE AND #/DATE] was adopted by a majority of Councillors present at the Council meeting held on the _____ day of _____, _____.

This Official Plan [NEW PLAN TITLE AND #/DATE] 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 _____

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An Official Plan amendment will require a single resolution.

This sample resolution would reflect the type of Review undertaken and would be modified with the specific titles and details pertinent to the situation.

Several options are listed over the following pages.

Official Plan Review Sample Resolution Option 1 – Minor Review & Reconfirmation

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas Section 15.1 of the Planning Act requires that the municipal official plan and implementing bylaw be reviewed every five years;

“And whereas Council has determined that a minor review will meet the requirements of section 15.1 of the *Planning Act* and *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans*;

“And whereas Council has complied with Section 19.2 of *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans* which requires that, in the case of a minor review, the minimum Planning Act standards for public participation shall be met;

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

- Conformity with the Official Plan [required];
- Significant boundary alterations;
- Water and sewer and other infrastructure plans;
- Changes in technical content; and
- Other matters as considered relevant. [etc.]

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

Official Plan Review Sample Resolution Option 2 – Minor Review & Amendment

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas Section 15.1 of the Planning Act requires that the municipal official plan and implementing bylaw be reviewed every five years;

“And whereas Council has determined that a minor review will meet the requirements of section 15.1 of the *Planning Act* and *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans*;

“And whereas Council has complied with Section 19.2 of *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans* which requires that, in the case of a minor review, the minimum Planning Act standards for public participation shall be met;

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

- Conformity with the Official Plan [required];
- Significant boundary alterations;
- Water and sewer and other infrastructure plans;
- Changes in technical content; and
- Other matters as considered relevant. [etc.]

“And whereas Council has identified minor amendments required to update the Official Plan as shown in Official Plan [official plan amendment title and #];

Be it resolved that the City/Town/Community of _____ Official Plan [official plan title and #] be hereby amended. Schedule A is attached [Schedule A would be the actual plan amendment]

Official Plan Review Resolution Sample Option 3 – Major Review

Date: _____

Moved by Councillor: _____

Seconded by Councillor: _____

“Whereas Section 15.1 of the Planning Act requires that the municipal official plan and implementing bylaw be reviewed every five years;

“And whereas Council has determined that a major review was required to meet the requirements of section 15.1 of the *Planning Act* and *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans*;

“And whereas Council has complied with Section 19.1 & 19.3 of *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans* which requires full public participation in the case of a major review;

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

- Conformity with the Official Plan [required];
- Significant boundary alterations;
- Water and sewer and other infrastructure plans;
- Changes in technical content; and
- Other matters as considered relevant. [etc.]

“And whereas Council has identified major amendments to the Official Plan;

“And whereas Section 20.1 of *EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans* states that major amendments will be treated as new official plans;

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

Schedule A is attached [Schedule A would be the new updated Official Plan with all changes, revisions and amendments incorporated]

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

**MINOR AMENDMENTS: 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.