

# Plan and Bylaw Amendment Guide

This is a public guide for applicants seeking a:

- change in an Official Plan policy or change in designation on the General Land Use Plan (map);
- change in Zoning and Development Bylaw (Bylaw) standards; or
- change in zoning

It will walk you through:

- What to include in an application
- The process to request an amendment to the Official Plan or Bylaw.

All questions and clarifications with municipal staff are considered informal until a completed application is submitted.

For Development Permits, see Development Permit Application Guide

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## Before You Begin

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# Before You Begin

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- › Sometimes proposed developments are not permitted under the Official Plan or Bylaw:
  - The development doesn't meet a standard (such as setbacks)
  - The development is not a permitted use in the zone
  - A site-specific amendment is required for the specific property
- › A change in zoning involves amending the Zoning Map and the Land Use Map in the Bylaw and the General Land Use Plan map in the Official Plan.
  - Any application is evaluated by the Town against:
    - The goals and policies in the Official Plan
    - The criteria in the Bylaw
  - Section 3 of the Bylaw provides more details on the rules around the amendment process
- › Amendments to the Official Plan and/or the Bylaw require a public process and can take 4-6 months depending on the complexity.

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# Amendment Process

## Pre-application

- Discussion with the municipality about options and process, application requirements (optional but recommended)

## Application is submitted

- The application is considered for completeness and a report is prepared
- Planning makes presents and a recommendation of all applications at Planning Committee
- Planning Committee makes a recommendation to Council about whether to proceed to the public meeting stage.
- Council makes a decision about whether to proceed, date is set for the public meeting

## Public Meeting and Notice

- A notice is placed in the paper advising the public of the application and the meeting
- For property-specific applications, a letter is sent to adjoining property owners and a sign is placed on the property.

## Post Public Meeting

- Staff will assess any comments and or matters from the public and council that were raised in the public meeting. Staff will then return to the Planning Committee with the original or a revised application with a recommendation.
- Planning Committee and Council's consideration must include Official Plan policies, Bylaw requirements and any matters raised through the public process before a decision is made on the application.

# Application Form

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Your submission should include:

- Completed Amendment Application Form
- Supporting documents
- Fee, as per the Fee Schedule on the municipal website

Property information

- The applicant must have written permission from the property owner when they are not the same (contractor, family, etc.)
- Owner is responsible for ensuring proper title to the parcel

Complete information

- Including additional information on how your application complies with the Bylaw, particularly the matters raised in ss 3.2.2, is recommended

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# Public Meeting

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At the public meeting, the process generally includes:

- An overview of the request
- An opportunity for the applicant to provide information on the request and the reasons for it
- An opportunity for members of the public to provide comments on the proposed amendment, change in zoning, or site-specific amendment

There is usually a period of time after the public meeting for the public to submit written comments.

After the comment period has ended, the matter returns to Planning Committee for a recommendation to Council.

While important, comments from the public are only one of a range of matters Council considers in making its decision. The decision must be based on the Official Plan, the Bylaw, and sound planning principles.

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# Review

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During the review of the application, Council must consider:

- conformity with all requirements of this Bylaw;
- conformity with the Official Plan (and the General Land Use Plan map);
- conformity with provincial land use policies pursuant to the Planning Act;
- suitability of the site for the proposed Development including the preservation of existing site features and earthworks as proposed;
- compatibility of the proposed Development with surrounding land uses, including both existing and projected uses;
- any comments from residents or other interested Persons;
- adequacy of existing infrastructure such as water, sewer, road, stormwater, electrical services, and parkland;
- the economic and environmental viability of any proposed utility, road extensions or development and maintenance of public open spaces;
- impacts from the proposed Development on all modes of transportation, including access and safety;
- compatibility of the proposed Development with surrounding environmental, aesthetic, scenic and heritage features;
- impacts on Town finances and budgets;
- other matters as specified in this Bylaw; and other matters as considered relevant by Council.

These criteria are laid out in section 3.2 of the Zoning and Development Bylaw

# Final Approval Process

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If a request is determined to be appropriate, the Town's documents are amended as follows:

- Official Plan
  - › An amendment to the Official Plan is adopted by a resolution of Council.
- Bylaw
  - › An amending bylaw to the original bylaw is adopted by Council
  - › Adopting the amendment involves 2 readings by Council, which must take place on two different days.
- Ministerial Approval
  - › Amendments must be approved by the Minister responsible for the Planning Act, which involves the Province reviewing the process and amendments against the requirements of the Planning Act and any standards the Province has put in place for municipal plans and bylaws.

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# Appeals

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If a person is dissatisfied with a decision by the Council to amend a bylaw, the process to file an appeal is set out in the Planning Act and summarized in section 7.12 of the Bylaw. Amendments to the Act were made in 2023 that changes who may file an appeal – refer to the Act for full details.

- Deadline to appeal
  - › The appeal must be filed within 21 days of the final decision at the Council level, rather than once the Minister has approved the amendment.
- Appeals are generally launched when
  - › A person feels the required process was not followed
  - › A person feels the decision by Council did not properly take into account the policies of the Official Plan or factors which should be considered by Council when decisions are being made.





Official Plan & Bylaw  
Amendment Guide 2023