AMENDMENT NO. 25

to the

OFFICIAL PLAN

of the

CORPORATION OF THE CITY OF WELLAND

SEPTEMBER X, 2020
A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. 25

WHEREAS the Official Plan of the Corporation of the City of Welland was adopted by the City of Welland on May 4, 2010.

AND WHEREAS the Regional Municipality of Niagara gave partial approval to the Official Plan on October 21, 2011.

AND WHEREAS the Ontario Municipal Board gave partial approval to the Official Plan on June 24, 2014.

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend the Official Plan.

AND WHEREAS the Regional Municipality of Niagara is the approval authority for Amendments to the Official Plan of the Corporation of the City of Welland.

AND WHEREAS the Regional Municipality of Niagara has exempted Official Plan Amendment No. 25 to the Official Plan of the Corporation of the City of Welland from approval in accordance with the Memorandum of Understanding between the Regional Municipality of Niagara and the Corporation of the City of Welland.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the Corporation of the City of Welland hereby adopts and approves Official Plan Amendment No. 25 for the Corporation of the City of Welland.

2. That Staff is hereby authorized and directed to give Notice of Council’s adoption of Amendment No. 25 to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS xTH DAY OF SEPTEMBER, 2020.

__________________________________ MAYOR
__________________________________ CLERK
Amendment No. 25
to the
Official Plan
of the
Corporation of the City of Welland

This Amendment to the Official Plan for the City of Welland, which was adopted by the Council of the Corporation of the City of Welland on MONTH DAY, 2020 and to which no appeal was filed, came into effect on pursuant to Section 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Date: .....................  ______________________________________

GRANT MUNDAY, B.A.A.
MANAGER OF DEVELOPMENT APPROVALS
INFRASTRUCTURE AND DEVELOPMENT SERVICES
THE CORPORATION OF THE CITY OF WELLAND
PART A - THE PREAMBLE  (This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 25 to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consists of the map and text changes.

Part "C", the Appendices, which does not constitute part of this Amendment, contains the background data, planning considerations and public involvement associated with this Amendment.

PURPOSE OF THE AMENDMENT

The purpose of Official Plan Amendment No. 25 is to redesignate the lands shown on attached Schedule “A” from Low Density Residential and Parks, Open Space, and Recreation to Special Policy Area Residential and Parks, Open Space, and Recreation. The purpose of the amendment is to redesignate a portion of the lands currently designated as Parks, Open Space and Recreation to LOW Density Residential as a 300 metre setback to the former industrial uses to the west is no longer required. The Special Policy Low Density Residential will permit a minimum density of 29 units per net hectare and a maximum density of 58 units per net hectare. The uses permitted in the Low Density Residential designation shall be those permitted in the Special Policy Area.

LOCATION

The lands are located on the north side of Forks Road, west of the Welland Shipping Canal, south of Highway 58A, and east of the Welland Recreational Canal (south). The lands are approximately 72 hectares in size.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Low Density Residential and Parks, Open Space, and Recreation. The lands were previously redesignated by Official Plan Amendment 119 to permit a minimum density of 23 units per hectare and a maximum density of 31 units per hectare. This amendment was replaced when the new City of Welland Official Plan was approved in 2010. The closure of the industrial uses to the west has also eliminated the need for a 300 metre setback to the property line, and the lands designated as Parks, Open Space, and Recreation in this location are now proposed to be developed with residential uses. The lands also have Draft
Plan of Subdivision approval for the residential development of these lands. An application for Redline Revision has been submitted in conjunction with the application for Official Plan Amendment which will allow a maximum of 1405 new residential lots, parkland blocks, stormwater management facilities, and a possible elementary school site.
PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the map referred to as Schedule “A” - Land Use Plan and Policies, constitutes Amendment No. 25 to the Official Plan of the Corporation of the City of Welland.

MAP CHANGES

1. Schedule B, Land Use Map is hereby amended by identifying the special exception on the property.
2. Schedule B1, Residential Hierarchy Land Use Map is hereby amended by identifying the special exemption on the property.
3. Schedule C1, Components of the Natural Heritage System Map is hereby amended by removing the watercourses from the site.
4. Schedule C2, Flood Hazards is hereby amended by removing the watercourses from the site.

TEXT CHANGES

1. The Official Plan of the City of Welland is hereby amended by adding the following:

4.2.3.20 Exceptions

4.2.3.20 F Notwithstanding the density provisions of Section 4.2.2.2, the lands will be permitted to have a minimum density of 29 units per net hectare and a maximum density of 58 units per net hectare.
SCHEDULE "A" LAND USE PLAN
PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 25 to the Official Plan of the Corporation of the City of Welland, but are included only as information supporting the amendment.

APPENDIX I  - Affidavit
APPENDIX II  - Notice of Adoption
APPENDIX III - Minutes of Public Meeting
APPENDIX IV - Staff Report
APPENDIX V  - Council Resolution (Certified)
APPENDIX I - AFFIDAVIT

IN THE MATTER OF SECTION 7, ONTARIO REGULATION 543/06

AND


I, Grant Munday of the City of Welland in the Regional Municipality of Niagara, make oath and say as follows:

1. I am the Manager of Development Approvals, Infrastructure and Development Services of the Corporation of the City of Welland.

2. That in accordance with Section 17(15) of The Planning Act, as amended and Section 3 of Ontario Regulation 543/06, Notice of the Public Meeting was published in the Niagara This Week Newspaper on Thursday, August 13, 2020. I hereby certify that the required Public Meeting was held virtually on Tuesday, September 15, 2020 by the Council of the Corporation of the City of Welland.

3. A list of all persons or public bodies which made oral submissions at the Public Meeting is attached as Schedule “A” to this Affidavit.

4. That in accordance with Section 17(23) of The Planning Act, as amended, and Ontario Regulation 543/06, the requirements for the giving of Notice of Adoption of the Amendment have been complied with.

5. That in accordance with Section 7(7) of Ontario Regulation 543/06, the decision of Council is consistent with the Policy Statements issued under sub-Section 3(1) of the Act and conforms to any applicable Provincial Plan or Plans.

Sworn before me at the City of Welland in the Regional Municipality of Niagara, this DATE day of MONTH, 2020.
SCHEDULE “A” TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission at the Statutory Public Meeting conducted September 15, 2020 concerning Amendment No. 25 to the Official Plan of the Corporation of the City of Welland.
APPENDIX II - NOTICE OF ADOPTION

CITY OF WELLAND
NOTICE OF ADOPTION OF
AMENDMENT NO. 25 TO THE
OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND

Take notice that the Council of the Corporation of the City of Welland passed By-law 2020-, being a By-law to adopt Amendment No. 25 to the Official Plan on DATE, 2020 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. 25 is to redesignate a portion of the property from Parks, Open Space, and Recreation to Low Density Residential and to identify the Low Density Residential areas on the property as a Special Policy Area. The Special Policy Area will allow for a minimum density of 29 units per net hectare and a maximum of 58 units per net hectare.

The Effect of the redesignation is to allow for the development of the property with a residential subdivision with a mix of single detached and townhouse dwellings, as well as parks, stormwater management facilities, and potentially an elementary school.

Pursuant to Section 17(23.1)(a) of the Planning Act, as amended, City Council took into consideration all written and oral presentations made to it before rendering a decision.

Any person or agency may appeal, to the Local Planning Appeal Tribunal, in respect to the Amendment to the Official Plan by filing with the Clerk of the City of Welland, no later than DATE MONTH, 2020, a notice of appeal setting out the specific part of the proposed Amendment to the Official Plan to which the appeal applies, set out the reasons for the appeal and be accompanied by the fee prescribed under the Local Planning Appeal Tribunal Act in the amount of $1,100.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

The proposed Amendment to the Official Plan is exempt from approval by the Regional Municipality of Niagara and the Decision of Council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

Only individuals, Corporations or public bodies may appeal a Decision of the
municipality to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated Association or Group. However, a notice of appeal may be filed in the name of an individual who is a member of the Association or the Group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the Plan was adopted, the person or public body made oral submissions at a Public Meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

The land to which this proposed Amendment to the Official Plan applies is also the subject of a Zoning By-law Amendment (File No. 2020-01) and Draft Plan of Subdivision (26T-14-06002).

A copy of the Amendment and Staff Report are available for inspection by the public as of August 13, 2020 on the City of Welland website www.welland.ca/council/AgendasMinutes.asp.

Dated at the City of Welland this DATE day of MONTH, 2020.

GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS
INFRASTRUCTURE AND DEVELOPMENT SERVICES
OF THE CORPORATION OF THE CITY OF WELLAND