

**New Comprehensive Zoning By-law Public Comment Summary**

**Current up to September 19, 2017**

LEGEND	
COLOUR	STATUS
	Concern/Comment Resolved/Comment In Support
	Referred to 2019 Official Plan Review
	Concern/Comment Unresolved
	Concern/Comment Not Related to Zoning

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
<b>Agency Comments Received</b>			
Louis Bitonti, RPP Senior Planner Ministry of Municipal Affairs Municipal Services Office - Central Ontario		<ul style="list-style-type: none"> <li>• <b>Table 12.2.1: Permitted uses in the GEC Zone:</b> <ul style="list-style-type: none"> <li>○ Bulk Storage is permitted but as per the MZO it is “the bulk storage of petroleum, petroleum products, chemicals, gases or similar substances used in conjunction with the other uses on the site”. This should be revised to clarify as there is no definition for bulk storage.</li> <li>○ Commercial Greenhouse is permitted but this is usually regarded as an “agricultural use” and not an industrial use and is not listed in the MZO as a permitted use. Therefore, this use should be removed.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• A Site Specific GEC-72 Zone based on the MZO has now been proposed as per telephone conference with Ministry of Municipal Affairs Staff.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<ul style="list-style-type: none"> <li>○ Generating Plant is listed as a permitted use but the MZO identifies this use as an accessory use. This should be revised to clarify this is an accessory use.</li> <li>○ Heavy Equipment, Sales, Rental and Service is listed as a permitted use but the MZO identifies this as an accessory use. This should be revised to clarify this is an accessory use.</li> <li>○ Hotel/Motel is listed as a permitted use but this is not permitted by the MZO. Therefore, this use should be removed.</li> <li>○ Light Equipment/Machinery Sales, Rental and Service Establishment is listed as a permitted use but the MZO identifies this as an accessory use. This should be revised to clarify this is an accessory use.</li> <li>○ Offices are listed as a permitted use but the MZO identifies offices as an accessory use. This should be revised to clarify this is an accessory use.</li> <li>○ Manufacturing/Showroom is listed as a permitted use but the MZO identifies a showroom and area for sales and display including the outdoor display of equipment and machinery as an accessory use. This should be revised to clarify this is an accessory use.</li> <li>○ Parking Lot is listed as a permitted use but the MZO identifies this as an accessory use. This</li> </ul>	

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>should be revised to clarify this is an accessory use.</p> <ul style="list-style-type: none"> <li>○ Sleeping Facilities for Occasional Use is listed as a permitted use but the MZO identifies this as an accessory use. This should be revised to clarify this is an accessory use.</li> <li>○ Training Facilities is listed as a permitted use but the MZO identifies facilities for training employees and vendors as an accessory use. This should be revised to clarify this is an accessory use.</li> <li>○ Warehouse/Public Storage is listed as a permitted use but the MZO does not permit public storage. The MZO permits bulk storage of petroleum, petroleum products, chemicals, gases or similar substances used in conjunction with the uses on the site and accessory uses of indoor and outdoor storage and distribution of products, parts, equipment, machinery, goods, materials, substances and containers. This should be revised to a 'warehouse and distribution' type of permitted use and remove the 'Public Storage' use.</li> </ul> <ul style="list-style-type: none"> <li>● <b>Table 12.3.1: Regulations for Industrial Zones in the GEC Zone:</b> <ul style="list-style-type: none"> <li>○ The Side Yard (minimum) is 0 metres. The MZO identifies minimum side yard setbacks, in particular 14 metres on the east side abutting</li> </ul> </li> </ul>	

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>the Hwy 140. The ZBL needs to include the side yard setbacks identified in the MZO. <u>Note</u>: as clarified on the May 5 telephone call, the 14 metres side yard setback is included in section 5.37 (setbacks requirements adjacent to provincial highway). The other side yard setbacks need to be included: 4.5 metres on the west side and 8.7 metres on the north-west side.</p> <ul style="list-style-type: none"> <li>○ The Rear Yard (minimum) is 3.0 metres. The MZO identifies a minimum rear side yard setback is 4.5 metres. This needs to be corrected.</li> <li>○ The Building Height (maximum) says in the ZBL there is no maximum. The MZO identifies a maximum height of all buildings and structures is 30 metres. This needs to be corrected.</li> <li>○ The ZBL also states there is no maximum lot coverage and no maximum total floor area for any building or structure so these provisions should be included in the ZBL.</li> </ul> <ul style="list-style-type: none"> <li>● <b>Parking Standards:</b> <ul style="list-style-type: none"> <li>○ For parking, the MZO includes a provision that the minimum number of parking spaces is 1 space for each 180 square metres of gross floor area of all buildings. <u>Note</u>: See <b>Table 6.4.6 Industrial Uses – Required Parking Spaces</b> where the MZO has been incorporated into the</li> </ul> </li> </ul>	

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>industrial uses parking requirements. For where the specific uses are not listed the last line says for “other industrial uses not listed above” it is 1 space for each 180 square metres of gross floor area.</p> <ul style="list-style-type: none"> <li>•</li> </ul>	
<p><b>Craig Rohe Development Planner Niagara Region</b></p>	<p>1815 Sir Issac Brock Way, P.O. Box 1042, Thorold, ON L2V 4T7</p>	<ul style="list-style-type: none"> <li>• Group homes are to be permitted in all residences and residential zones within communities.</li> <li>• No reference in proposed By-law to Rural land use designation in Official Plan.</li> <li>• The proposed Agricultural Zoning on the Froude Lands is not consistent with the Official Plan designation.</li> <li>• The Regional Plan directs that local planning documents are to provide direction on the type, form and function of farm diversification uses. The draft zoning by-law is silent on matters of scale and types of permitted uses. Further, additional content should be required to more clearly indicate that these uses are to be secondary to the farm operation.</li> <li>• The New Zoning By-law should include direction of where wayside pits and quarries are permitted.</li> <li>• Recommend prohibition of a Farm Labour Residence and Garden Suites on the same lot.</li> <li>• The Niagara Peninsula Conservation Authority is responsible for commenting on behalf of the Region for matters involving Natural Heritage and Natural Hazards. This approach has been consistently employed when reviewing comprehensive zoning by-laws. Please see detailed comments from the NPCA regarding natural heritage and natural hazards. Regional staff will review</li> </ul>	<ul style="list-style-type: none"> <li>• Definition of Group Home amended to be permitted within any dwelling unit. Section 5.16 was amended accordingly. Group home added to all zoned allowing dwelling units (not necessary but does makes it clear.</li> <li>• Reference to Rural land-use designation has been made in Section 13.</li> <li>• City Staff are of the opinion that the A1 &amp; RR zoned can be used interchangeably with Agricultural and Rural designations. Province indicates that lands meet criteria for Prime Agricultural Lands. A1 zone is appropriate.</li> <li>• Amendments to Agricultural Zones include the addition of farm diversification, agricultural related use, and agri-tourism, size limitations added consistent with Township of Wainfleet provisions.</li> <li>• Section 5.45 was added which permits wayside pits and quarries except in RL1, RL2, RM or RH or in an EP Zones.</li> <li>• Staff are not recommending any changes to prohibit a farm labour residence and garden suite on the same lot. Staff are of the opinion that proposed regulations promote farm stability and help to promote farming.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>the provided NPCA comments and provide any additional commentary or clarification, as needed.</p> <ul style="list-style-type: none"> <li>• Regional staff defers to the municipality to ensure that zones align with the designation outlined in the City’s Official Plan.</li> <li>• No objection to the proposed Comprehensive Zoning by-law being adopted and implemented subject to satisfaction of the comments and request provided and any NPCA Comments.</li> <li>• No principal commercial or industrial uses are permitted within the Agricultural Area (eg Market Garden, Veterinary Service, Kennels,).</li> <li>• “Farm Diversification” is defined but not permitted anywhere in By-law.</li> <li>• Performance criteria regarding the scale of agri-tourism uses should be included in the By-law.</li> <li>• Direction should be provided in Section 13, or specifically in Table 13.3.1 that notes the maximum lot size of residential development in the agricultural area is 0.4 hectares, and may only be larger only if additional land is required for private services.</li> <li>• The draft zoning by-law may benefit from the inclusion of Creative Cultural Industry uses. The City could consider appropriate definitions and provisions regarding size and scale.</li> <li>• The Greater Niagara Circle Route, and the unfinished portions of the Welland Canals Trail system do not appear to have been identified within the draft by-law text. Trails should be identified as Open Space. The</li> </ul>	<ul style="list-style-type: none"> <li>• Staff are not recommending any change, permissions are similar to those in the approved Wainfleet and Port Colborne Zoning By-laws.</li> <li>• “Farm Diversification” definition removed and agricultural related use and agri-tourism.</li> <li>• Size restriction of 500 square metres added for agri-tourism and agricultural related uses.</li> <li>• Staff do not recommend adding this restriction as there will be situations that a larger lot size will be required due hydrogeological conditions. Official Plan policies will be used in evaluation any Application for Consent.</li> <li>• Staff have reviewed this but are of the opinion that these types of uses are covered on different definitions within the Zoning by-law.</li> <li>• The area in question is proposed to be Zoned WRW which permits trails.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>GNCR appears to be mapped with Green, however no Zone name has been applied.</p> <ul style="list-style-type: none"> <li>The draft by-law does not appear to explain where building setbacks are calculated from (i.e. lot line/ centre line of roadway). To ensure consistent setbacks for development, the centreline of the roadway is the preferred base for calculating the preferred building setbacks along Regional Road.</li> <li>Some direction on encroachments within Regional right-of-ways would help to ensure that lands to be taken through widening are not developed.</li> </ul>	<ul style="list-style-type: none"> <li>Setbacks are measured from respective property line. Definitions of Front, Side, Rear Setbacks clarify this. This is consistent with the majority of Municipalities.</li> <li>No need to include a provision as one is only permitted to construct on their own property.</li> </ul>
<p><b>David Deluce</b>  <b>Supervisor Development</b>  <b>Reviews</b>  <b>Niagara Peninsula</b>  <b>Conservation Authority</b></p>	<p>250 Thorold Road West, 3<sup>rd</sup> Floor, Welland ON L3C 3W2</p>	<ul style="list-style-type: none"> <li>HA Overlay requires submission of EIS, however, this may not be the appropriate study in the case of a floodplain.</li> <li>NPCA have no objection to Section 10.4.</li> <li>NPCA Staff have concerns with the use of EP Overlay. Since EP overlay includes Provincially Significant Wetlands in which NPCA policies typically prohibit development or site alteration. Passive uses are permitted subject to an EIS. NPCA would have no objection to an EP zone that permits the same uses as noted in Table 10.2.1, with the requirement for an EIS.</li> <li>NPCA has no objection to proposed definitions of EPA and ECA.</li> <li>NPCA staff considers mapping of the EP Overlay and EC Overlay on Schedule B to conform to Schedule C of the Regional Official Plan.</li> <li>Any reference to "EIS Guidelines" in Section 10.5 and 10.6 should be amendment to Region of Niagara EIS</li> </ul>	<ul style="list-style-type: none"> <li>New Section 10.4(d) added which addresses situation where only a 100 year flood line is present.</li> <li>Staff have reviewed this but are not recommending any changes to this approach as it is currently being used successfully in Wainfleet and Grimsby.</li> <li>No change recommended, Staff indicate the wording is consistent with other Municipal Zoning</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>Guidelines or a definition be included in the definitions section.</p> <ul style="list-style-type: none"> <li>Lyon’s Creek East Administrative Control Area is not identified in the Draft Zoning By-law. NPCA staff recommend that it be identified on Schedule B and a provision be added to the General Provisions directing the reader to the Official Plan.</li> <li>Replace “shoreline” with “bank” in Section 10.4.</li> <li>Various mapping modifications where no features exist.</li> <li>NPCA staff have no objection to the proposed Draft Zoning by-law but do recommend changing the EP overlay to an EP zone.</li> </ul>	<p>By-laws approved in the Region. The approval authority should remain with the City of Welland.</p> <ul style="list-style-type: none"> <li>“Shoreline” was replace with “bank” Change in Section 10.4(a).</li> <li>Changes make where appropriate.</li> </ul>
<p>Darlene Presley TransCanada Pipelines Limited C/O Lehman &amp; Associates – Urban Planning Consultants</p>		<p>Requesting a setback specific to TransCanada Pipelines as follows:</p> <p>No permanent building or structure may be located within 7 metres of the TransCanada pipeline right-of-way. Accessory Structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way.</p>	<p>Data Agreement in Progress will add Section to general provisions in a future housekeeping amendment.</p>
<p>C. Scott Richardson Engineering Technician – Development Infrstructure &amp; Development Services – Engineering Division Corporation of the City of Welland</p>		<p>Infrastructure Services has no comments or requirements at this time.</p>	<p>Noted.</p>



NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
<p>Muhammad Ali Kahn Supervisor Traffic, Parking, By-laws Infrastructure and Development Services Corporation of the City of Welland</p>		<p>1) Section 5.12 – Fences and Privacy Screens: Proposed:Fences and walls are permitted in all Zones subject to the following provisions:</p> <p>5.12.1 Provision Applicable to All Zones No barbed wire, spire tips, razor wire, sharp objects or electrically charged fences shall be permitted.</p> <p>Conflicts with current fence by-law: Barbed wire and electrically charged fences are permitted. All provisions regarding fencing should be removed from the Zoning By-law as it is already regulated. I don't believe the Planning Act has the authority to regulate fencing unless under site plan. The Municipal Act [Sec 10(2) 10] would be the appropriate legislation to regulate Fencing.</p> <p>2) Should we should look at defining Owner and Person?</p> <p>3) Section 5.30 (d) Any use which is offensive or dangerous by reason of the emission of obnoxious odour, smoke, dust, gas, fumes, liquid, noise, vibration or refuse matter;</p> <p>Do we need this clause? How do we determine an offence? Very vague and subjective. Would be difficult to prove in Court.</p> <p>4) 5.34 Satellite Dishes - No person shall erect a satellite signal broadcast or receiving dish that exceeds 1.5 metres in diameter, except in accordance with the following provisions:</p>	<ul style="list-style-type: none"> <li>• Section 5.12 was amended to indicate that fences are subject to Fence By-law.</li>   <li>• No change is recommended as these are common terms with known definitions, varies from City to City as to how or if these are defined in the By-law.</li>   <li>• Agreed should be removed and has been removed in revised version.</li>   <li>• Agreed this provision is redundant given new technology and would be difficult to enforce. Section 5.34 have been removed.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>a) Notwithstanding the foregoing, satellite signal broadcast or receiving dishes may be erected on the roof of a building in any Commercial Zone, Industrial Zone or Institutional Zone subject to applicable Building Code Requirements.</p> <p>b) The maximum height of any ground mounted satellite signal broadcast or receiving dish which may be erected on a lot abutting any Residential Zone shall be 5.5 metres measured from the ground to the highest part of the dish.</p> <p>c) No satellite dish exceeding 1.5 metres in diameter shall be permitted in a Residential or Institutional Zone.</p> <p>Is this clause necessary? We would not be able to climb up and measure a satellite dish.</p> <p>5) 5.41.1 Distance from Lot Line - No person shall locate any part of a private outdoor swimming pool or hot tub, closer than 1.22 metres to any rear or interior side lot line, nor closer than 4.5 metres to any exterior side lot line.</p> <p>Why the addition of a 4.5 m setback from an exterior lot line? Currently all swimming pools need a 1.22m set back from all lot lines and the main building.</p> <p>6) 5.41.2 Treatment Equipment - Except where such equipment is located within a main or accessory building, no water circulating or treatment equipment shall be located closer than 0.9 metres to any lot line.</p> <p>Should we include pool heaters as well?</p>	<ul style="list-style-type: none"> <li>• Setback change to 1.22 metre setback to any lot line.</li> <li>• Added heating equipment to Section 5.41.2.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>7) Definition of STRUCTURE: Remove “kiddie pool” Or define kiddie pool to include any pool that is not capable of holding more than 2’ of water.</p> <p>8) Park on lands other than a driveway - We are currently using section 5.20.4.1 (2667) to regulate vehicles parking on the front lawn. We have made it a parking violation and has been very successful. We will need to ensure this continues. Should there be a requirement for driveways to be hard surfaced?</p> <p>9) <b>6.14 Vehicles Prohibited in Residential and Mixed Use Zones</b> - The parking and storage of the following vehicles are prohibited outside of building on all lots in a Residential and Mixed Use Zone: a) Unlicensed motor vehicles; g) Vehicles in a wrecked, dismantled, or inoperative condition.</p> <p>Conflict with the Clean Yards Bylaw: Clean Yards By-law permits one inoperative vehicle. Hobby repair, seasonal, classic.</p> <p>10) Boarding or Lodging House Means a dwelling in which the proprietor supplies, for gain lodging, with or without meals, three or more persons, but does not include a group home, hotel, hospital, nursing home or other establishment otherwise classified or defined in this By-law  Definition should be consistent with OBC – Legal opinion from AIRD &amp; BERLIS (increase to 4 persons)  Enhanced parking requirements?  Lodging houses to obtain site plan approval?</p>	<ul style="list-style-type: none"> <li>• Definition of “Pool” excludes “kiddie pool”. Definition of “Kiddie Pool” added.</li> <li>• Additional wording added to Section 6.1.3 a).</li> <li>• Changes made to Section 6.14 to be consistent with Clean Yard By-law.</li> <li>• We have set the maximum number of roomers and boarders to four (4) so the definition of Boarding and Lodging has been changes to be to be four (4) or more roomers and boarders.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>11) Cap the total number of bedrooms at 5.</p> <p>12) Can we add provisions that allow a home owner to keep a garbage bin/ storage container in the driveway for a certain period of time or in conjunction with a building permit?</p> <p>13) We will need provisions to regulate back yard chickens (Request of Councillor Letourneau)</p>	<ul style="list-style-type: none"> <li>• Staff are not recommending this provision at this time, it would conflict with Group Homes and discriminate against larger families. Also difficult to regulate since they could be labelled as office, exercise room etc.</li> <li>• Section 5.7 a) amended to also permit storage container and dumpster during periods of construction.</li> <li>• Staff are not recommending any changes to the By-law on this, it is recommended this be looked at as part of a future Official Plan review.</li> </ul>
CN Rail c/o Raymond Beshro		<p>CN requests that the following provisions be included in municipal land use planning regulatory documents:</p> <ol style="list-style-type: none"> <li>1. A minimum building setback for residential and other sensitive land uses from a railway right-of-way is 30 metres in conjunction with a 2.5 metre high earthen berm (with 2.5 to 1 side slopes, adjoining and parallel to the railway right-of-way with returns at the ends). In absence of a safety berm, a 120 metre setback is required. * * The 30m setback and 2.5 m high earthen berm requirement is for the Principal Main Lines. For Secondary Main Lines, the requested setback is 30m, but the minimum berm height is 2.0m. For Principal Branch Lines, the requested setback is 15m and the minimum berm height is 2.0m.</li> <li>2. A 1.83 metre chain link security fence is required along the mutural property line with the railway right-of-way, to be</li> </ol>	<p>Some of these requirements have been included in the proposed Zoning By-law for resident uses. Other requirements will be considered as part of a future Official Plan review.</p>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>installed and maintained at the Applicant/Owner's own expense.</p> <ol style="list-style-type: none"> <li>3. Any future residential development adjacent to the railway right-of-way will require approval from the railway for noise and vibration mitigation measures.</li> <li>4. New residential development or other sensitive land uses will not be permitted within 300 metres of a railway yard (if applicable)</li> </ol> <p>CN requests that the following policies be included in municipal land use planning policy documents:</p> <ol style="list-style-type: none"> <li>1. Municipal Council acknowledges the importance of the rail infrastructure and recognizes its critical role in long-term economic growth and the efficient and effective movement of goods and people. Council shall ensure the continued viability and ultimate capacity of the rail corridors and yards (if applicable) is protected and shall identify and support strategic infrastructure improvements such as targeted grade separations.</li> <li>2. Sensitive land uses will not be encouraged adjacent or in proximity to rail facilities.</li> <li>3. All proposed residential or other sensitive use development within 300 metres of a railway right-of-way will be required to undertake noise studies, to the satisfaction of the Municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified. All available options, including alternative site layouts and/or attenuation measures, will be thoroughly investigated and implemented if practicable to ensure appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.</li> </ol>	

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>4. All proposed residential or other sensitive use development within 75 metres of a railway right-of-way will be required to undertake vibration studies, to the satisfaction of the Municipality in consultation with the appropriate railway. Where applicable, the Municipality will ensure that sightline requirements of Transport Canada and the railways are addressed.</p> <p>5. All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Municipality in consultation with the appropriate railway. Where applicable, the Municipality will ensure that sightline requirements of Transport Canada and the railways are addressed.</p> <p>6. Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms, to the satisfaction of the Municipality and the appropriate railway.</p> <p>7. New residential development or other sensitive land uses will not be permitted within 300 metres of a rail yard (if applicable).</p> <p>8. All residential development or other sensitive land uses located between 300m and 1000m of a rail yard will be required to undertake noise studies, to the satisfaction of the Municipality and the appropriate railway, to support its feasibility of development and, if feasible, shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.</p>	
District School Board of Niagara c/o Sue Mabee	191 Carlton Street St. Catharines, ON L2R7P4	<ul style="list-style-type: none"> <li>• Would like to ensure that the schools in Welland are appropriately zoned for their use.</li> </ul>	<ul style="list-style-type: none"> <li>• Schools are permitted in all zones as per Section 5.31.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<ul style="list-style-type: none"> <li>• Wording in Section 5.31 should be modified to make it clear it includes all buildings and structures.</li> <li>• DSBN staff generally has no objections to the proposed new Comprehensive Zoning By-law or the proposed zone categories for the DSBN school sites given section 5.31.</li> <li>• This represents a pro-active strategy that not only provides flexibility and support to public agencies but also reflects the City's longer-term vision for future development and/or redevelopment.</li> </ul>	<ul style="list-style-type: none"> <li>• 5.31(a) modified to make it clear this includes buildings and structures.</li> </ul>
Alexandra Boucetta Corridor Management Officer Ministry of Transportation		The Ministry of Transportation does not have any comments.	No response required.
Hugh Fyffe Project Manager Ministry of Transportation		Parts of Provincial highways 406, 140, 58A pass through the city. MTO exercises permit control on developments: a) within 46m of the highway corridor's r.o.w. b) within 395m radius of the intersection of the centrelines of Hwy. 406 and any crossing road c) within 180m radius of the intersection of the centrelines of Hwy. 140 / 58A and any crossing road.  All signs visible from provincial highways / ramps require MTO permit(s). The MTO should be circulated with development proposals adjacent to and within the vicinity of provincial highways.	No response required this is just an advisory notice.

**North-West Portion of the City Bounded by the former Soccer Complex to the east, Line Avenue to the west, the Pelham Border to the North and Quaker Road to the South.**

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Crystal Mammoliti		<p>The RL1 proposed regulations for a single detached dwelling requires a 4.5 metre sideyard, yet the existing by-law only requires a 1.5 metre side yard setback. The two-unit dwelling only requires a 1.2 metre setback. Is there a mistake in the setback requirements?</p>	<p>The 4.5 metre side yard setback was shown in error. Proposed by-law has been amended to require a 1.2 metre side yard setback.</p>
Pasquale and Crystal Mammoliti	98 Montgomery Road	<p>We would like to commend you on a very thorough review of the City of Welland's zoning bylaw and the proposed new comprehensive zoning bylaw.</p> <p>We have attended the open house and the public meeting concerning the proposed new bylaw and note that you have isolated the north west as an area of concern from some residents. We have resided in this subdivision for over 35 years and have borne witness to the numerous severances and new lot creations. As no detailed information has been reported on the exact concerns put forth we cannot comment. However, we would like to submit that because no other residents of this subdivision were present at the public meeting on June 6, 2017 the concerns raised should have no merit. We also would like to note our support for the new comprehensive bylaw.</p> <p>We have attached two drawings, one showing the original plan for the subdivision totalling 39 lots; and a second showing a total of 75 lots, an additional 36 lots created up to 2015. The City has proposed an RL1 zoning which we fully support. All efforts should be made to intensify existing areas in the City and we feel this subdivision should not be excluded. We do not support any special zoning requests nor the opposition raised. The economic stability of our City should be first on the minds of our citizens as the residential tax base is being strained and affordability is quickly becoming an issue for homeowners.</p>	<p>No response required.</p>



NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		Please feel free to include our support within your final report.	
Ryan Bassi		Requesting information on the status of the north-west urban expansion.	The request has been made to the Region as part of their MCR, we are awaiting a decision from the Region.
Patricia Golec	52 Topham Blvd.	Opposed to proposed RL1 Zone outside of Urban Area Boundary. The proposed RL1 Zone for the Summerlea Subdivision conflicts with Official Plan policies which direct growth to designated Urban Areas. They cite a recent OMB decision concerning the creation of two lots on Crerar Avenue which overturned the Committee of Adjustment decision. They are also opposed to the fact that the Zone would allow for accessory dwellings and that no minimum floor area and maximum lot coverage is identified.	The Area in question is outside the Urban Area but is within the Built-Up Area of the City. It is fully serviced and Council has requested it be included in the Urban Area for Welland. The proposed New Zones and New Zoning By-law is part of Council's strategy to accommodate growth in the City in a sensible way by providing opportunities for limited lot creation in existing low density areas and for medium and high density residential uses directed in areas designated medium density, high density, Welland Recreation Waterway and Commercial Areas. A maximum Lot coverage has been added to the new RL1 provisions. Staff are not recommending a minimum dwelling size as this is regulated by the Building Code. Accessory dwelling units are mandated by the Planning Act for all single-detached, semi-detached, townhouses and accessory buildings. This will apply across the City which is fair and equitable. Staff are still recommending the RL1 Zone for this area. The old R1 provisions are not sustainable financially for the City and conflict with Provincial Policy.
<b>Agricultural/Rural Zoning</b>			
L. Haeberle	701 Strawn Road Welland, ON L3B 5N7	Has concerns with the Agricultural provisions and that the minimum lot size of 40ha (100 acres) is not reasonable and should be smaller. The proposed zoning by-law should also recognize other farming operations, such as apiaries, biodiversity farming and organic farming.	The information provided from the Ontario Ministry of Food, Agriculture and Rural Affairs has indicated that the minimum size for a new agricultural parcel, for it to be a viable farm, is 40ha (100ac). Where there are more intensive farming operations, smaller lot sizes can be considered. Any lots that are undersized, but zoned A1 at the time of the passing of this by-law, will gain legal non-

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			<p>complying status. Any requests for the creation of a new agricultural lot would be required to meet the 40 ha (100ac) minimum lot size. Any existing lots of record that are smaller than 40ha(100ac) at the time of passing of the Zoning By-law would be recognized for existing lot size and area.</p> <p>The definition of agriculture allows for all types of agriculture, including the growing of crops, livestock, apiaries, agro-forestry, among other types of agriculture.</p>
Herb & Carol Haeberle	711 Strawn Road	Object to minimum 40 Ha lot area required for Agricultural Related Uses; Market Gardens; Greenhouses etc.	<p>The information provided from the Ontario Ministry of Food, Agriculture and Rural Affairs has indicated that the minimum size for a new agricultural parcel, for it to be a viable farm, is 40ha (100ac). Where there are more intensive farming operations, smaller lot sizes can be considered. Any lots that are undersized, but zoned A1 at the time of the passing of this by-law, will gain legal non-complying status. Any requests for the creation of a new agricultural lot would be required to meet the 40 ha (100ac) minimum lot size. Any existing lots of record that are smaller than 40ha(100ac) at the time of passing of the Zoning By-law would be recognized for existing lot size and area.</p> <p>The definition of agriculture allows for all types of agriculture, including the growing of crops, livestock, apiaries, agro-forestry, among other types of agriculture.</p>
			-
SmartREIT	700 Applewood Cres., Suite 200 Vaughan, ON L4K5X3	<ul style="list-style-type: none"> <li>• Would like to see a mini warehouse &amp; public storage included as a permitted use for lands on the west side of Primeway Drive as it currently is allowed for the Zoning By-law 2667.</li> </ul>	- Noted. Will include as permitted uses.

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<ul style="list-style-type: none"> <li>• Requests that the following uses be included in the CC1 zone: hotel/motel; retirement home; home furnishing retail establishment (this use is specifically carved out from permitted retail uses); repair shop.</li> <li>• Requires clarification on what is permitted with the following proposed uses: call centre; rental garage; computer service; health related retail; surveying, engineering, planning or design business; recreational establishment (confirm what uses are permitted under this definition. Not listed in Section 4, Definitions)</li> <li>• Requests clarification regarding the following clauses in Section 6: Parking &amp; Loading Regulations: <ul style="list-style-type: none"> <li>• Applicability of 6.2 a) confirm that the intent is not to have the proposed parking standards (which includes requirements for bike parking &amp; loading spaces) apply to the existing built-out areas of the commercial centre retroactively when applications to further development the centre are processed.</li> <li>• Loading Spaces 6.6 c) request additional flexibility whereby a loading space can abut or be adjacent to the subject building.</li> <li>• Bicycle Parking 6.7.1 c) Confirm that the requirement of bicycle parking spaces is calculated based on the subject site plan approval GFA, and does not include GFA already existing from previous phases.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- The CC1 zone provisions are intended to mirror those in the Official Plan for the Community Commercial Node areas. The purpose of these areas is to serve the local area. Some uses, such as the home furnishing retail and repair shop may be appropriate. The other uses are more appropriate in the Community Commercial Corridor Zone which is intended to provide services for the travelling public.</li> <li>- Noted. Will review definitions and provide clarifications where needed.</li> <li>- Parking and loading requirements will only apply to the new area that is being constructed.</li> <li>- Noted. Will examine language to see if abut/adjacent can be clarified better.</li> <li>- The requirements for bicycle parking will only apply to the newly constructed ground floor area, not to the existing that were constructed through previous phases.</li> </ul>
Nikolas Papapetrou SMARTREIT	700 Applewood Cres., Suite 200 Vaughan, ON L4K5X3	<ul style="list-style-type: none"> <li>• Want the boundaries of C4-X17 to apply to Rona Lands in the Proposed New By-law.</li> <li>• Gross Leasable Area is not included in the Proposed New By-law.</li> <li>• The definition of mini storage is not included in the In-Force Zoning By-law.</li> </ul>	<ul style="list-style-type: none"> <li>• Boundaries of RS-16 have been modified to reflect C4-X17 boundary.</li> <li>• Returning to original OMB Order for Site.</li> <li>• Mini-storage is a common term there no definition has been included.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<ul style="list-style-type: none"> <li>• Requesting a definition of residential care facility be added to the Draft By-law.</li> <li>• Home Furnishing Retail Establishment is excluded from the definition of Retail Establishemnt, but is not permitted anywhere in the Draft Zoning.</li> <li>• Does not think that patios should be considered as Gross Floor Area.</li> <li>• Thinks that 14 metre MTO setback should be permitted to be reduced subject to MTO approval.</li>   <li>• Requesting In-Force By-law requirements for a retail centre be included in new By-law.</li> <li>• Requesting a use be permitted in the CC1 Zone.</li> <li>• Wants dwelling apartments, dwelling converted and dwelling multiple to be permitted in CC1 Zone with no limitation on size on ground floor.</li> <li>• Wants Long-term care facility, residential care facility and retirement home to not be permitted within the CC1 Zone.</li> </ul>	<ul style="list-style-type: none"> <li>• No definition is proposed as it would be discriminatory to define the use.</li> <li>• Use was added to DMC, CC1, CC2 and RS Zones.</li>   <li>• Outdoor patios are excluded from the calculation of Gross Floor Area.</li> <li>• No change proposed, a minor variance or rezoning would be required if a reduction is needed.</li> <li>• Retail Centre has been added to the Parking Provisions.</li> </ul>
Roy Timms/Timbro Design/Build Contractors	P.O. Box 488, 401 Enterprise Dr., 2 <sup>nd</sup> Floor, Welland, ON L3B6H8	<p>Have concerns with the industrial zonings, particularly along Hwy 140. They recommend that the “Prestige Industrial” zoning for the Enterprise Drive lands be revised to accept most industrial uses. They do not believe that prestigious industrial parks are appropriate at the moment for the City. They also feel that the zonings in the old Crowland area are very restrictive when it comes to parking and height. Would like to have the parking requirements be reduced and the acceptable height of buildings be increased to at least 12 metres (40 feet).</p>	<p>The proposed zone is similar to the I1 zone in the current Zoning By-law which only permits light industrial uses in this location. The purpose of creating this “prestige” industrial zone is to be consistent with the policies in the Official Plan and to protect these properties with prime highway access for operations that will be gateway features.</p> <p>The new Zoning By-law has no height limitations for buildings within the industrial zones, except for the Extractive Industrial zone, where the maximum height is 15 metres.</p> <p>The parking standards have been amended to recognize that the parking requirements in the new Zoning By-law</p>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			are significantly less than what was required in previous by-laws.
Ray Ford	5 Oxford Road	Has interest in 5 Oxford Road and 9 Oxford Road. Has concerns because the property has historically been used for residential purposes, but has always been in an Industrial zone, which has caused problems in the past. The properties are also surrounded by what appears to be Environmental Conservation Area, which will further impact their ability to develop the properties. Would like to see the property put into a residential zoning category, rather than an industrial category, to recognize the historic use of the property, and because the size and environmental constraints don't make it appropriate for industrial development.	Although this property has historically been used for residential purposes, it has been zoned for Industrial Uses and is surrounded by lands zoned for, and used for industrial purposes. The property is designated General industrial and Core Natural Heritage System in the Official Plan The proposed G1 zoning with an EP Zone overlay will not remove any of the legal non-conforming rights that the property continues to have, however, the City does not support these lots being put into a residential category. Over the long term, to avoid future negative impacts on employment uses, these uses should cease to exist over time.
Rocky Letourneau		Received a call from a concerned resident regarding the proposed zoning changes on a number of schools to institutional which may result in a greater number of permitted uses than is currently allowed.	Noted. Staff have reviewed the proposed INS1 zoning proposed for the property and have determined that as the Draft Comprehensive Zoning By-law permits schools in all zones, all school properties designated low density residential should be zoned RL2.
Jonathon Dick (representing Alan and Kelly Tyrer)	219 Aqueduct Street	The Tyrer property is currently used as a duplex, however, the current by-law does not permit a duplex. Would like the new zoning by-law to recognize the historic use of the property as a duplex.	The proposed Zoning on the property is RL1, which would permit the use as a duplex as the RL1 zone allows for Two-Unit Dwellings.
Kelly and Alan Tyrer	219 Aqueduct Street Welland, ON L3C1C5	Request that the zoning on their property be considered to be zoned as a duplex property. A duplex is currently permitted in a low density designation in the Official Plan and would like them to be allowed in the new Zoning By-law.	The proposed Zoning on the property is RL1, which would permit the use as a duplex as the RL1 zone allows for Two-Unit Dwellings.
Yuqing Zhang	9 Kingsway Street, Welland, ON L3B3N5	Purchased the property at 9 Kingsway Street to open a small business on the property to serve the neighbourhood. She would like to keep a commercial zone on the property so that she could run her small business here. In a later email to Staff, Ms. Zhang requested that the property be put into the	The property will remain as proposed in the RL1 Zone.

<b>NAME</b>	<b>ADDRESS</b>	<b>COMMENT(S)</b>	<b>RESPONSE(S)</b>
		residential zone, as proposed, as it was difficult to run a business in Dain City.	
Vijay Patel	554 Niagara Street Welland, ON L3C 1L8	Looking for information regarding permitting a propane refilling plant at his gas station in addition to his gas station.	Staff have reviewed the proposed zoning regulations and have identified that they need to be improved to identify that the sale of propane, and propane refilling stations be allowed in the same zones that permit automobile service stations in the CC2 zone.
Doral Holdings Limited c/o Alanna Galeota	Seaway Mall 800 Niagara Street North Welland, ON L3C5Z4	Would like to see the parking standard be 3.75 spaces per 93 square metres of building leasable area for the Seaway Mall zoning.	The proposed parking requirements are 1 space per 30 square metres of floor space, which is less than what has been requested. Staff have examined the wording and will amend it to say "gross leasable" floor area, rather than just "floor area".
Tanya Warner and Daniel Iannone	Dain City Tavern 700 Canal Bank St. Welland, ON L3B0B8	Would like to keep the commercial zoning on the property without any changes. They continue to operate the business and do not want the zoning to be changed to residential.	The proposed Zoning on the property is Community Commercial 2 (CC2) which will continue to allow the operation of a restaurant on the property.
Hansen Sun	7 Kingsway Welland, ON L3B3N5	Looking to ensure that the zoning will stay commercial on the property located at 7 Kingsway Street as it is currently used as a convenience store and small business. Would like to continue having it be used for this.	The proposed Zoning on the property is Community Commercial 2 (CC2) which will allow for the continued use of the property as a convenience store and small business
MRL Carwash Ltd c/o Marc Labbe Tammy Fowler	10 Sauer Ave Welland, ON L3B5G9	Owns 297 King Street which is currently zoned for a car wash and a new car wash has been proposed for this property. The proposed zoning would not permit a car wash to be constructed. Please correct zoning so that a car wash is allowed.	Property zoning was changed to CC2 which permits a car washing establishment.
Marc & Tammy Labbe	297 King Street	Opposed to change in Regional Development Charge Incentives.	Not related to proposed Zoning by-law, owners were directed to contact the Region to object to the proposed Regional Development Charges By-law.

## **Multiple Residential in RL2**

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Sean Ryan (kon-sept) on behalf of Fig Property Services	131 Dieppe Road, Unit #2 St. Catharines, ON L2M6R7	Currently designing and budgeting for further development of 62 Elgin Street East for the owner Fig Property Services. They would like to see the subject property to be classified as RM, similar to other properties in the area. Owner intends on severing the property into two and putting a multiple residential unit on one of the properties. The proposed lot size would not meet the minimum for the RL1 zone, but would meet the minimums for the RM zone.	The Propose Zoning is RL2. This zone will permit multiple residential.
Tamara & David McLeod	44 Riverside Drive	The property is currently a legal non-conforming converted dwelling. Would like to have the property Zoned RL2.	Proposed RL1 Zoning would continue to make it legal non-conforming. Staff have review the request and see no issue changing the Zoning to RL2.
Vi Verbanac	6 Kingsway	Please keep informed of the process <a href="mailto:vivrbanac@gmail.com">vivrbanac@gmail.com</a> and would like her property put into a residential zoning classification as they would like to convert the building into apartments.	Noted. Property zoned RL2. Applicants received minor variance to allow two units.
Rob Vrbanac	6 Kingsway	Requesting property be zoned RL2 to reflect recent Minor Variance approval for a converted dwelling with 3 units.	Property is now proposed to be zoned RL2.
Jasper Thebeau	274-276 Lincoln Street	Requesting that the addition of multiple dwelling be added to the RL2 Zone.	Was listed as a permitted use in the provisions but not in the list of permitted uses. This error has been corrected and multiple will be permitted in RL2.
Edit Boldog & Tibor Nezezon	17 Trailwood Drive	They are requesting the following: 256 Lincoln Street – Zoned to allow 5 dwelling units 50-52 Duncan Street – Zoned to allow 6 dwelling units 307 Wallace Avenue – Zoned to allow 4 dwelling units 106 St. George Street – Zoned to allow 5 dwelling units 21 Sixth Street – Zoned to allow 6 dwelling units	256 Lincoln Street is proposed to be zoned RL2 which will permit a multiple dwelling. 50-52 Duncan Street is proposed to be zoned RM which will permit a multiple dwelling. 307 Wallace Avenue is proposed to be zoned RM which will permit a multiple dwelling. 106 St. George Street is proposed to be zoned RL2 21 Sixth Street is proposed to be zoned INHS which will permit an apartment. Existing Uses a proposed to be recognized.

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			Properties should be reviewed during 10-year OPA Update.
Edit Boldog & Tibor Nezezon	21 Sixth Street	To recognize existing parking.	Section 1.8, 2.9, & 5.25 cover this
<b>Zoning of lands West of Colborne Street, East of Highway 58, North of Forks Road and South of Transport Canada lands</b>			
Tom & Debbie Zack	182 & 198 Colborne Street	Are in agreement with rural designation	Property is proposed to be Zoned A1 which will implement the rural designation.
Dave Beck & Gloria Pine	164 Colborne Street	Are in agreement with rural designation.	Property is proposed to be Zoned A1 which will implement the rural designation.
Viviana Carlevaris & Nino Mercuri	106 Colborne Street	Are in agreement with rural designation.	Property is proposed to be Zoned A1 which will implement the rural designation.
Pauline Falardeau	114 Colborne Street	Are in agreement with rural designation. The City has plenty of other desirable lands that is already services that much more conducive to a development.	Property is proposed to be Zoned A1 which will implement the rural designation.
Harold Froude	98 Colborne Street Welland, ON L3B3P1	Owns land abutting Hwy 58 to the west and the Trolley line to the east and is currently in the urban area and zoned as Light Industrial. The proposed zoning is A1, but the property is only 8.6 acres which does not meet the recognized amounts for an A1 property. Would prefer to have the property rezoned to a RL1 zone, but would accept light industrial.	The designation of these lands in the City's 2010 Official Plan continue to be deferred at the Regional level. The proposed designation in this deferred area is Agricultural and Rural Area. Should this designation be approved by the Region, the zoning will need to be consistent with the designation. An Agricultural zone is consistent with the proposed OP designation.
Jim and Carole Anne Jones	148 Colborne Street Welland, ON L3B3P1	Land is currently given a special status designation in the Official Plan through ROPA 67 to allow for residential purposes and to discourage non-residential uses in this area. The proposed designation does not meet with the intent of the Official Plan Designation and they request that the property be zoned RL1 rather than A1. Their lot is also only 6.8 hectares, which is too small for agricultural use.	The designation of these lands in the City's 2010 Official Plan continue to be deferred at the Regional level. The proposed designation in this deferred area is Agricultural and Rural Area. Should this designation be approved by the Region, the zoning will need to be consistent with the designation. An Agricultural zone is consistent with the proposed OP designation.



NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Claudette Froude	98 Colborne Street, Welland, ON L3B 3P1	Her lands were identified as Urban Area by ROPA 67 to develop the area for urban residential uses. The proposed zoning is A1. She would like an RL1 zoning so that they can develop for urban, residential purposes.	The designation of these lands in the City's 2010 Official Plan continue to be deferred at the Regional level. The proposed designation in this deferred area is Agricultural and Rural Area. Should this designation be approved by the Region, the zoning will need to be consistent with the designation. An Agricultural zone is consistent with the proposed OP designation.
Dan Froude	122 Coborne Street Welland, ON L3B 1P2	Owns a 15 acre lot at 122 Colborne Street. Also owns a 20 acre lot fronting onto Highway 58 that was previously zoned light industrial. Both of these properties are within the urban boundary and the proposed zoning places them into an agricultural zone. How can these lands become agricultural?	The designation of these lands in the City's 2010 Official Plan continue to be deferred at the Regional level. The proposed designation in this deferred area is Agricultural and Rural Area. Should this designation be approved by the Region, the zoning will need to be consistent with the designation. An Agricultural zone is consistent with the proposed OP designation.
Daniel and Christine Froude	122 Colborne Street Welland, ON L3B2P1	Land is currently given a special status designation in the Official Plan through ROPA 67 to allow for residential purposes and to discourage non-residential uses in this area. The proposed designation does not meet with the intent of the Official Plan Designation and they request that the property be zoned RL1 rather than A1. Their lot is also only 8 hectares, which is too small for agricultural use.	The designation of these lands in the City's 2010 Official Plan continue to be deferred at the Regional level. The proposed designation in this deferred area is Agricultural and Rural Area. Should this designation be approved by the Region, the zoning will need to be consistent with the designation. An Agricultural zone is consistent with the proposed OP designation.
Marc and Caroline Plamondon	80 Colborne Street Welland, ON L3B3P1	Their lands were identified as Urban Area by ROPA 67 to develop the area for urban residential uses. The proposed zoning is A1. She would like an RL1 zoning so that they can develop for urban, residential purposes.	The designation of these lands in the City's 2010 Official Plan continue to be deferred at the Regional level. The proposed designation in this deferred area is Agricultural and Rural Area. Should this designation be approved by the Region, the zoning will need to be consistent with the designation. An Agricultural zone is consistent with the proposed OP designation.
<b>Accessory Dwelling Units</b>			

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Barbara Bilboe and Nancy Dmytrow Bilboe	38 Elgin Street East Welland, ON L3C4S2	<p>Would like to see the following changes to the draft zoning bylaw:</p> <ol style="list-style-type: none"> <li>1. Increase the total height of the accessory dwelling unit from 6 metres to approximately 8.5 metres so that a property owner can build a secondary building with a dwelling unit on the second floor.</li> <li>2. Describe how a secondary building has to be attached to an existing house. Can the attached secondary building be a car port?</li> <li>3. Can a stand-alone secondary building, such as a detached garage with a dwelling unit above it, be on the same property as the original dwelling?</li> <li>4. The term “accessory dwelling unit” sounds as if it can exist in an accessory building or structure, but the latter states it cannot be used for human habitation. Can this terminology be clarified to identify if a secondary unit can have an accessory dwelling unit?</li> <li>5. Make the garden suite definition not require a portable building.</li> <li>6. Stipulate the “development costs” or reduce or waive the costs for a detached secondary dwelling on the same property.</li> </ol>	<p>Responses are numbered in the same order:</p> <ol style="list-style-type: none"> <li>1. Increasing the height from 6 metres to 8.5 metres would be too tall for an accessory structure. An accessory apartment can still be located above an accessory building at a height of 6 metres.</li> <li>2. An accessory structure is detached from the main building.</li> <li>3. The secondary building (accessory structure) with an apartment above it must be on the same property as the main structure.</li> <li>4. An accessory structure can have an accessory apartment in it, so long as the main dwelling only contains one residential dwelling unit. Not all accessory buildings have accessory apartments, and specific building code requirements will need to be met to allow for a dwelling unit.</li> <li>5. The requirements of the Planning Act are such that a Garden Suite must be a portable structure, not a permanent structure. Thus, a Garden Suite must be a portable building.</li> <li>6. The “development costs” would be a building permit and/or development charges (if required). All buildings which require a permit have a specific fee that is required. It is not appropriate to include the fees in the Zoning By-law as they are amended from time to time and it would not be appropriate to have to modify the Zoning By-law, thereby allowing for potential appeals, each time the Building Permit Fees are amended.</li> </ol>
Elvis Behm	28 Denistoun Street Welland, ON L3C 1T9	Would like to construct a two storey accessory unit in the backyard. Notify when this is possible.	The proposed Zoning By-law would permit an accessory structure to be a maximum of 6 metres in height.

<b>NAME</b>	<b>ADDRESS</b>	<b>COMMENT(S)</b>	<b>RESPONSE(S)</b>
Bruce Bartlet	511 Biggar Road Welland L0S 1K0 <a href="mailto:mypennylanefarm@gmail.com">mypennylanefarm@gmail.com</a>	Would like to build a second home on his farm as a farm help house. Existing house was built in 1860.	Property is proposed to be zoned A1 which permits farm help house.
J. Patrick Maloney Sullivan Mahoney LLP	c/o owners of 584 Grassy Brook Drive	A1 Zone should allow for an accessory dwelling unit as a permitted use.	Accessory dwelling has been added as a permitted use. This was intended to happen but was inadvertently missed. The addition makes sense as a farm help house is a permitted uses and so is a garden suite.

### **Zoning Of School Sites Near Classic, Afton, Balmoral Area**

Sandra Gates	65 Balmoral Ave Welland, ON L3B1S5	Oppose the rezoning of the school properties in their neighbourhood from Open Space to ISN1 which would allow a greater range of uses than what is currently permitted. They favour a residential zoning of RL1.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
William and Diane Bruin	66 Classic Avenue Welland, ON L3B1P5	Opposes the rezoning of the school property across the street from him to anything other than what it is designated in the Official Plan. Also has concerns with how the notice process works and that there should have been better notification of the new Zoning By-law. He would also like the block of properties adjacent to his to be rezoned to RL1. Has concerns that the proposed INS1 zone permits a greater range of uses that the current O2 zoning on the school property across the street from them. The allowable uses on this property are too great and should be limited. Has concerns with what is permitted with a Private Club. Current residential zones, R1 and R2 (primarily) and R3 have shaped most of the development for the past 6 decades. Replacing these zones with the RL1 and RL2 blurs the line between single detached and multiple residential homes too much. Keep the existing R1, R2 and R3 zones and use the RL1 and RL2 zones for new development areas, where appropriate.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.

<b>NAME</b>	<b>ADDRESS</b>	<b>COMMENT(S)</b>	<b>RESPONSE(S)</b>
Carole Horsley	78 Classic Ave Welland, ON L3B1P5	Opposes the school at 58 Empress Ave to be rezoned to Institutional. It is in the Official Plan as low density residential and would like the proposed zoning to match this designation.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
Serge and Lorraine Imbeault	74 Balmoral Ave Welland, ON L3B1S6	Opposes the rezoning of the former Princess Elizabeth and Afton Schools to ISN1 (institutional) from Open Space.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
David and Geraldine Lackey	516 Sutherland Ave Welland, ON L3B5A2	Oppose the rezoning of the school properties in their neighbourhood from Open Space to ISN1 which would allow a greater range of uses than what is currently permitted. They favour a residential zoning of RL1.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
Anna and Ronald Smith	102 Afton Ave Welland, ON L3B1V9	Oppose the rezoning of the school properties in their neighbourhood from Open Space to ISN1 which would allow a greater range of uses than what is currently permitted. They favour a residential zoning of RL1.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
Gaston Letourneau	101 Classic Ave Welland, ON L3B1P6	Oppose the rezoning of the school properties in their neighbourhood from Open Space to ISN1 which would allow a greater range of uses than what is currently permitted. They favour a residential zoning of RL1.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
Yvan Landry	81 Balmoral Ave Welland, ON L3B1S5	Oppose the rezoning of the school properties in their neighbourhood from Open Space to ISN1 which would allow a greater range of uses than what is currently permitted. They favour a residential zoning of RL1.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
Karen Longfellow	152 Joyce Avenue Welland, ON L3B1S8	Oppose the rezoning of the school properties in their neighbourhood from Open Space to ISN1 which would allow a greater range of uses than what is currently permitted. They favour a residential zoning of RL1.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
Larry LaRose	62 Classic Ave Welland, ON L3B1PS	Oppose the rezoning of the school properties in their neighbourhood from Open Space to ISN1 which would allow a greater range of uses than what is currently permitted. They favour a residential zoning of RL1.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.

<b>NAME</b>	<b>ADDRESS</b>	<b>COMMENT(S)</b>	<b>RESPONSE(S)</b>
Mr. & Mrs. Fred Speight	41 Classic Ave Welland, ON L3B1P3	Oppose the rezoning of the school properties in their neighbourhood from Open Space to ISN1 which would allow a greater range of uses than what is currently permitted. They favour a residential zoning of RL1.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
G. Pamerteau	69 Balmoral Ave Welland, ON L3B1S5	Oppose the rezoning of the school properties in their neighbourhood from Open Space to ISN1 which would allow a greater range of uses than what is currently permitted. They favour a residential zoning of RL1.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
Mr. & Mrs. G. Coring	90 Afton Ave Welland, ON L3B1V9	Oppose the rezoning of the school properties in their neighbourhood from Open Space to ISN1 which would allow a greater range of uses than what is currently permitted. They favour a residential zoning of RL1.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
Myriam and Dave McCombs	94 Afton Ave Welland, ON L3B1V9	Oppose the rezoning of the school properties in their neighbourhood from Open Space to ISN1 which would allow a greater range of uses than what is currently permitted. They favour a residential zoning of RL1.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
John Watson	98 Danforth Avenue, Welland, ON L3B1M6	The changing of the zoning of local school properties from Residential to Institutional provides too much opportunity for development that would be detrimental to the local community. If the zoning on these properties is changed, it should be limited to those uses which provide a direct benefit to the local community, not for the City as a whole.	The Zoning has been changed to RL2. This eliminates concerns regarding a private club or gun club. It is Staff's opinion that larger parcels should be Zoned to allow a more efficient use of these lands.
<b>East &amp; West Side of Niagara Street from Woodlawn Avenue to Hilda Street</b>			

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Pat Rocca	684 Niagara Street	Property is designated for Highrise Development. They are in favor of the planning bylaws being proposed by the Planning Dept. They are adamantly opposed to granting a 30m buffer.	Property is designated High Density Residential and is an intensification Area. RH Zone is appropriate. No change proposed to RH Zone.
Vera Morrison	650 & 656 Niagara Street	In support of the proposed RH Zoning and the provision sproposed. She is opposed to the 30m setback proposed by neighbouring residents because it would totally emit any development potential.	Property is designated High Density Residential and is an intensification Area. RH Zone is appropriate. No change proposed to RH Zone.
John Perry on behalf of Aamir Soomro	313 Elmwood Ave P.O. Box 208 Fort Erie, ON L0S1B0	His client has an interest in 699 Niagara Street and in redeveloping the property. The proposed zoning is RH, which Mr. Soomro is in favour of. They request that the parking requirements for apartment buildings be one (1) space per unit rather than 1.5 spaces per unit. This is to recognize that transit is available in all areas where the RH zone is proposed and to recognize that there is a shift in car ownership and the parking requirements of 1.5 spaces per unit is for luxury apartment buildings. Have requested that the front yard setback for an apartment building in an RH zone be to the lot line.	The Zoning By-law does allow for lowered parking standards for apartment buildings which have units smaller than 50 square metres in size. The parking requirements have been reduced to one space per unit.
Larry & Sheila Harper	670 Niagara Street	They are opposed to the High Density Zoning. They believe it should developed as a block. They are also opposed to the 30 meter green space setback at the rear of their property. Concerned that property is being taken away from them at their cost.	No change proposed to RH Zone and Staff are not recommending a 30 m buffer zone.
Suzanne Holoswatsch	General Comment	Requesting there be a 100' buffer from any new development on properties on the east side of Niagara Street south of Woodlawn Road Cemetary.	Staff do not support this request, the RH zone has a sufficient setback to address compatibility issues. A 100' setback would severely limit the development potential of these lands and be counterproductive to the designation of this area as an Intensification Area.
John Sojda	255 Gadsby Avenue	Requesting 30 metre setback as per the October 1991 OPA#77 Amendment. This would keep and protect the existing Carolinian Forest mature trees and serve as a buffer.	Property is designated High Density Residential and Intensification area OPA #77 is no longer in force. The 2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			<p>intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>
Donald Belanger	263 Gadsby Avenue	Objecting because OPA #77 made with the city in 1991 was not taken into consideration in 2010.	<p>Property is designated High Density Residential and Intensification area OPA #77 is no longer in force. The 2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>
Mario & Fannie Mincruini	235 Gadsby Avenue	Opposed to the comprehensive zoning by-law in the area behind the properties on Hilda and Gadsby Avenue.	<p>Property is designated High Density Residential and Intensification area OPA #77 is no longer in force. The 2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			<p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>
Sandra Smelsky	200 Gadsby Avenue	<p>Opposed to changes in the Zoning By-law Review. Agrees with High Density zoning south of Woodlawn Cemetery. The removal of OPA 77 is incomprehensible. Also opposed to the change in lot sizes for RL1 Zones.</p>	<p>Property is designated High Density Residential and Intensification area OPA #77 is no longer in force. The 2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p> <p>The minimum 12m lot frontage and lot area of 400 square metre was chosen to reduce the number of zones and create a more fair distribution of density within the City.</p>
Sandra & Albert Morris	408 Aqueduct Street	<p>Very disappointed in the City for revoking OPA 77 without notification to residents.</p> <p>Saddened at the loss of habitat for the wildlife in the area that has definitely increased due to development of 406 and new subdivision by the fair grounds. Our yard has been home to a fox the last two winters and ducks in the summer.</p>	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They</p>



NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			<p>would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>
Gary Talosi	239 Gadsby Avenue	<p>Feel that New Comprehensive Zoning by-law should include the key piece that was negotiated and agreed upon as item 7.16 on page 20 of OPA #77. A minimum 30 metre wide treed buffer strip located along the rear property lines of properties fronting on the east side of Niagara Street lying between the rear property line of properties fronting on the north side of Hilda Street, and the Woodlawn Cemetery will be preserved, landscaped, and zoned as Open Space in the implementing zoning by-law. A 9-metre wide treed buffer strip shall be established along the rear property line of properties fronting onto Hilda Street.</p>	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>
Pat & Mike Courtney	219 Gadsby Avenue	<p>Disappointed and angry about changes made to zoning by-laws that now totally disregard the agreement OPA #77 between west Gadsby residents and the City of Welland.</p>	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>
Brenda & Joseph DePalo	11 Hilda Street	<p>Very upset about the reversal of OPA #77. They are also disturbed by the proposed lots sold on a property on the south side of Hilda with small lots. It will devalue the price of our homes.</p>	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre</p>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			<p>setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>
Peter Inman	227 Gadsby Avenue	<p>Very disappointed that the City withdrew provision of OPA 77 without notice and to the detriment of all in the neighbourhood. OPA 77 also protected residents of Niagara Street from piecemeal development.</p>	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>
Thomas & Myrian Doherty	211 Gadsby Avenue	<p>Against 7.0 metre rear yard setback. This would devastate our enjoyment of our property and will devalue it and those of my neighbours.</p>	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Dave Sinclair	259 Gadsby Avenue	Objecting because this does not agree with the agreement made in 1991 (OPA #77).	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>
Mike Hecimovich	223 Gadsby Avenue	Opposed to the Comprehensive Zoning By-law because it does not include OPA #77.	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>
John & Cielo Orfei	20 Hilda Street	Concerned about redevelopment of 396 Aqueduct Street property into 6 homes. They want OPA && reinstated.	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			<p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>
Anne Vernon	192 Gadsby Avenue North	<p>Concerned that the City is going to allow development on wooded areas near her house. Concerned about redevelopment of Aqueduct Park.</p>	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p> <p>No development is proposed on Aqueduct Park, it is proposed to be Zoned Open Space.</p>
Lily Haeberle	701 Strawn Road	<p>Requesting Council accept the decision of the neighbours and adhere to their wishes. Concerned that too many trees are being cut down and not being replaced.</p>	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			<p>The objective to plant more trees in the City is not a Zoning By-law issue.</p>
Noreen & John Young	247 Gadsby Avenue	<p>Our names are Noreen and John Young, we reside at 247 Gadsby Avenue in the City of Welland. We are writing to you to inform you that we are strongly opposed to the Comprehensive Zoning Bylaw. We purchased our home in 2003, with clear assurance that there was and would never be rear neighbors as the wooded area that runs behind us was a protected piece of land. We were assured as well that approximately a hundred feet from property line (in backyard) would never be built upon because of this. There was an original agreement in 1991 protecting this said land, we are shocked as to how it has come to a neighborhood of people, city tax payers, having to unite to remind our city of this agreement. What's worse is the fact that we, city tax payers and owners were not responsible for this error, of an amendment not being added and we feel that we should not be held accountable and suffer for this oversight. Every day we enjoy the natural life in our backyard, rabbits, deer, ducks and beautiful birds and with the changing seasons the beautiful leaves. This area also makes a fantastic sound barrier for us to enjoy our backyards from the noise pollution of traffic on Niagara Street. The sheer aspect of Nature and all its beauty should be enough to leave this area alone, as it was always intended to be.</p> <p>We find ourselves wondering, why? Why now? After all a huge development is in the works for the former mayor Mr Reuter's family dwelling. Is it money? Whatever happened to "keeping your word?" Times when a simple handshake and your word meant more than any contract or forgotten</p>	<p>2010 Official Plan is the applicable policy document. The proposed setback of 7.0m is more than consistent with recent Council decisions around the City concerning intensification. Council recently approved a 4.5 metre setback for the proposed development of 699 Niagara Street.</p> <p>Staff have reviewed OPA 77 and find the provisions of that document are based on outdated Planning Policies. They would limit the development potential of the lands. The treed area is not identified as a Core Natural Heritage Area and therefore no Environmental Overlay Zone applies.</p>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)																				
		<p>amendment. It is simply unfair and completely unjust to neglect the original purpose of this property. There are city councilors today that were present in 1991, they too know the original intention of this protected property.</p> <p>This needs to be corrected to reflect its original purpose, which is to protect the wooded area that runs between Aqueduct Street and Gadsby Avenue. We are asking first as a fellow human being for you to do the right thing and correct this error, so this area remains as it was always intended--protected and secondly as upstanding, productive, tax paying citizens, please keep your word.</p>																					
<b>Regional Shopping Node &amp; Eastern Approach</b>																							
Travers Fitzpatrick On Behalf of Doral Holdings		<p>Provided additional comments on proposed Zone regulations for RS-73 Exception Zone.</p> <p><b>Provisions for the RS – 73 Exception Zone</b></p> <table data-bbox="989 998 1763 1352"> <tr> <td>Minimum Lot Area</td> <td>2.0 ha.</td> </tr> <tr> <td>Minimum Lot Frontage</td> <td>N/A</td> </tr> <tr> <td>Minimum Front Yard</td> <td>3.0 m.</td> </tr> <tr> <td>Minimum Interior Side Yard</td> <td>0</td> </tr> <tr> <td>Minimum Exterior Side Yard</td> <td>3.0 m.</td> </tr> <tr> <td>Minimum Rear Yard</td> <td>7.5 m.</td> </tr> <tr> <td>Maximum Building Height</td> <td>24.0 m.</td> </tr> <tr> <td>Maximum Gross Floor Area</td> <td>N/A</td> </tr> <tr> <td>Minimum Landscaped Area</td> <td>10%</td> </tr> <tr> <td>Maximum Lot Coverage</td> <td>40 %</td> </tr> </table>	Minimum Lot Area	2.0 ha.	Minimum Lot Frontage	N/A	Minimum Front Yard	3.0 m.	Minimum Interior Side Yard	0	Minimum Exterior Side Yard	3.0 m.	Minimum Rear Yard	7.5 m.	Maximum Building Height	24.0 m.	Maximum Gross Floor Area	N/A	Minimum Landscaped Area	10%	Maximum Lot Coverage	40 %	Changes made within RS-73 Zone, these provisions were inadvertently left out.
Minimum Lot Area	2.0 ha.																						
Minimum Lot Frontage	N/A																						
Minimum Front Yard	3.0 m.																						
Minimum Interior Side Yard	0																						
Minimum Exterior Side Yard	3.0 m.																						
Minimum Rear Yard	7.5 m.																						
Maximum Building Height	24.0 m.																						
Maximum Gross Floor Area	N/A																						
Minimum Landscaped Area	10%																						
Maximum Lot Coverage	40 %																						

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>Parking Requirements 3.75 spaces per 93 sq. m. of gross floor area of shopping centre uses plus 0.25 spaces for any residential unit</p>	
<p>Travers Fitzpatrick On Behalf of Doral Holdings</p>		<p><b>Comments on behalf of Doral Holdings/Seaway Mall respecting the second draft of a new Zoning By-law for the City of Welland.</b></p> <p>This is the second series of comments made on behalf of Doral Holdings/Seaway Mall respecting a proposed new Zoning By-law prepared on behalf of the City of Welland, the first comments having been submitted via e-mail on April 29, 2016.</p> <p>Specific comments on the second draft of the proposed new Zoning By-law follow:</p> <ol style="list-style-type: none"> <li><b>1. We begin, by strongly recommending that Council adopt a resolution in accordance with Subsection 34 (10.0.0.2) of the Planning Act permitting applications for amendment to the new Zoning By-law to be submitted at any time after the adoption of the new Zoning By-law. Grant, you agreed that Council would adopt such a resolution. Thank you.</b></li> <li><b>2. As set out in the previous comments we would again request that accessory uses buildings and structures be specifically permitted in the Regional Shopping Node Zone and perhaps other Commercial Zones.</b> Accessory uses, buildings and structures are set out a specific permitted uses in all Residential Zones, <b>(Page 7-1)</b> all</li> </ol>	<ul style="list-style-type: none"> <li>• A resolution has been included in the final staff recommendation report.</li> <li>• This has been added for all commercial zones.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>Open Space Zones, (Page 9-1) all Institutional Zones , (Page 11-1) all Industrial Zones (Page 12-1) and in Agricultural and Rural Zones. (Page 13-1). Notwithstanding General Provision 5.3.1 (Page 5-1) dealing with accessory uses, building and structures which states that accessory uses, building and structures ARE permitted as a subordinate use to a permitted use the specific setting out of accessory uses, building and structures as a permitted use in the residential and other zones as noted above BUT NOT in Commercial Zones leads to unnecessary confusion. As the draft by-law now stands there would be some question as to whether an accessory salt storage structure could be located in any Commercial Zone as accessory uses, buildings and structures are not permitted in those Zones but are in other Zones. <b><i>Either set out Accessory Uses, Building and Structures as a permitted use in the Commercial Uses or delete the use from all zones and rely upon General Provision 5.3.1(Page 5-1) to deal with the matter. We recommend deleting specific reference to accessory uses, buildings and structures be deleted as permitted uses in specific zones and General Provision 5.3.1 be relied upon to deal with this matter.</i></b></p> <p><b>3.</b> We would request that a definition of <b>Assembly Hall</b> be added to the By-law and defined as follows: “<b>Assembly Hall</b>, means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes, and which may include the consumption of food or drink and includes a banquet hall”. (Page 4-3)</p> <p><b>4.</b> The previous definition of a Bank Machine has been removed from the new draft and has not been replaced</p>	<ul style="list-style-type: none"> <li>• Assembly Hall is included as a permitted use in RS and DMC Commercial Zones but is also permitted in the Institutional Zones.</li> </ul>



NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>with any definition. <i>We assume therefore that such a use is now to be considered to be an accessory use to a main commercial use. Please confirm this understanding or in the alternative put the definition back in the by-law and add the uses as a permitted use in the Commercial Zones.</i> This issue is also illustrative as to why the matter of accessory uses in Commercial Zones requires clarification.</p> <p>5. We would again request that a <b>commercial school use</b> (school, commercial) be permitted at the Seaway Mall on a site specific basis or in the Regional Shopping Node Zone. We fail to see why this use is permitted in all other Commercial Zones and in three (3) of four (4) Industrial Zones but is not permitted at the Seaway Mall nor in the Regional Shopping Node Zone. Additionally, the use (school commercial) is permitted in the Institutional and Community Wellness Zones. As a matter of clarification, the writers may also wish to ensure that the Zones established in Section 3: Zones and Zone Symbols of the By-law match the actual zones set out in the text of the By-law in Section 11: Institutional Zones.</p> <p>6. We would again request that <b>contractor's establishment use</b>, as defined in the first draft of the By-law, be permitted at the Seaway Mall on a site specific basis.</p> <p>7. We would again request that a <b>call centre use be defined and added as a permitted use</b> in the Regional Shopping Centre Zone. The current draft, as with the first draft, does not define nor permit call centres as a permitted use. The existing call centres in the City will become legal non-conforming uses which is not in the interest of the business, the City nor the owners of the</p>	<ul style="list-style-type: none"> <li>• This is covered under financial institution which is a permitted use in the RS Zone among others.</li>   <li>• Commercial has been listed a permitted use in the RS and the other commercial zones among others.</li>   <li>• This has been included in the RS-73 Zone.</li>   <li>• This is covered under the definition of Office Use.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>building in which existing call centres are located. The following is the recommended definition of a call centre and is taken from Zoning By-law 2667 <b>“A BUILDING, or part thereof, where one or more telephone service representatives, working in accordance with a business plan, dedicates the major portion of their time receiving or placing calls using computer equipment to record the information”</b> Page 4-5.</p> <p><b>8.</b> We would again request that a <b>custom workshop use be permitted</b> in the Regional Shopping Node Zone and perhaps in other Commercial Zones. The current draft of the by-law permits this use in three (3) of four (4) Industrial Zones only and in no Commercial Zones thereby making most existing operations in the City legal non-conforming uses. (eg. Don Oliver Drapery on East Main Street as well as Broadway Custom Upholstery &amp; Drapery on Niagara Street to name but two (2) such uses.)</p> <p><b>9.</b> We would ask that <b>department store use</b> be defined in the Definition Section of the By-law as it is set out as a permitted use in the Regional Shopping Node Zone as we wish to ensure there is no misunderstanding that the use is permitted at the Seaway Mall as a defined use in the By-law. <b>Page 4-7 Use definition from CC1-15 Exception Zone.</b></p> <p><b>10.</b> We would again request that a <b>flea market use be permitted</b> at the Seaway Mall on a site specific basis or in the Regional Shopping Centre Zone. Currently, as was the case in the previous draft, the use is defined but not permitted in any zone.</p> <p><b>11.</b> We would again request that a <b>health related retail use be permitted</b> in the Regional Shopping Node Zone (<b>Page</b></p>	<ul style="list-style-type: none"> <li>• This is now included as a permitted use in the RS Zone.</li>   <li>• A definition for Department Store has now been included in the definitions.</li>   <li>• Flea Market has been included as a permitted use in DMC and RS Zones.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>8-2) and perhaps in other Commercial Zones. Currently the use is permitted only in the Health and Wellness Zone.</p> <p>12. We would again request that a <b>home furnishing retail establishment use be permitted</b> in the Regional Shopping Node Zone and perhaps in other Commercial Zones. (Page 8-2) Currently the use is defined but not permitted in the any Zone.</p> <p>13. A <b>home improvement establishment use</b> is permitted in the Regional Shopping Node Zone and other Commercial zones. (Page 8-2) However the <b>use</b> does not match the <b>definition</b> which contains the term <b>retail</b> as in <b>home improvement retail establishment</b>. For clarification and certainty either remove the word retail in the definition or match the permitted use to the definition. Page 4-16</p> <p>14. We would <b>again request</b> that a <b>light equipment/machinery rental and service establishment use</b> be added as a permitted use in the Regional Shopping Centre Zone. (Page 8-2)</p> <p>15. We would again request that an <b>office, major use</b> be added as a permitted use to the Seaway Mall on a site specific basis. (See accompanying Exception Zone for the Seaway Mall) Currently the use is defined but not permitted in any Zone. Further, the maximum height provision would appear to provide for this use in the Regional Shopping Node Zone so adding the use would seem to be a logical addition to the zone.</p> <p>16. We would again request that an <b>assembly hall</b> be added as a permitted use at the Seaway Mall on a site specific basis. Currently, an assembly hall, an undefined term/use, (see recommended definition in comment 3</p>	<ul style="list-style-type: none"> <li>• Health Related Retail Uses has been included as a permitted use in the RS Zone and others.</li> <li>• Home Furnishing Retail Establishment has been included as a permitted use in the RS Zone and others.</li> <li>• Home Improvement retail establishment was replaced with Home improvement Establishment.</li> <li>• This use has been added to list of permitted uses.</li> <li>• This use has been added to list of permitted uses.</li> <li>• This use has been added to list of permitted uses for an RS Zone among others.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>above) is permitted in the Downtown Mixed Use Centre and Regional Shopping Centre Zones. <b>(Page 8-1)</b></p> <p><b>17.</b> We would again request that a <b>place of entertainment</b> be added as a permitted use to the Seaway Mall on a site specific basis. Currently the use is defined but not permitted in any Zone which renders the existing uses such as the Seaway Cinema, existing bowling alleys and bingo halls legal non-conforming uses.</p> <p><b>18.</b> We would again request that a <b>place of worship use</b> be added as a permitted use to the Seaway Mall on a site specific basis.</p> <p><b>19.</b> We would again request that a <b>repair shop use</b> be added as a permitted use to the Seaway Mall on a site specific basis. <b>Repair shops and services use</b>, an undefined use, is permitted in three (3) of four (4) Industrial Zones. It would appear from the current draft of the by-law that any repair shop, say a lawnmower repair or bike repair use, not in the proposed industrial zones would become legal non-conforming uses.</p> <p><b>20.</b> We would again request that a <b>sample or showroom use</b> be added as a permitted use to the Seaway Mall on a site specific basis. The term/use is defined but not permitted in any zone</p> <p><b>21.</b> We would again request that a <b>seasonal outdoor use</b> be added as a permitted use to the Seaway Mall on a site specific basis. The term/use is defined but not permitted in any zone. There are however several provisions set out in General Provision 5.36 Seasonal Outdoor Uses <b>(Page 5-23)</b> which states, in part, <b>“Where permitted by this By-law”</b>. There is need for clarification concerning what is or is not intended. Notwithstanding we request the use be permitted at the Seaway Mall.</p>	<ul style="list-style-type: none"> <li>• This use has been added to the RS Zone among others.</li>   <li>• This use have been added to the RS Zone as a permitted use.</li>   <li>• This use have been added to the RS Zone as a permitted use.</li>   <li>• This use have been added to the RS Zone as a permitted use.</li>   <li>• This use have been added to the RS Zone as a permitted use.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p><b>22.</b>We would again request that a <b>social services establishment use</b> be added as a permitted use to the Seaway Mall on a site specific basis. Permitting the use in Institution Zones only, <b>(Page 11-2)</b> as is now the case in the current draft of the By-law, will make uses such as Rose City Kids and other like services in the downtown area legal non-conforming uses.</p> <p><b>23.</b>In a similar vein, we would recommend that the requirement, via the definition of the use, that a <b>community centre use (Pages 4-5 &amp; 4-6)</b> be owned or operated by the City or under agreement with the City be deleted. Again this restriction places existing facilities in a legal non-conforming situation.</p> <p><b>24.</b>We would again request that a <b>Shopping Centre</b> be defined and permitted in a site specific/exception zone for the <b>Seaway Mall</b>. We recommend the following definition for a Shopping Centre <b>"Shopping Centre, means three (3) or more of commercial, retail, or service occupancies planned, designed, and managed as a unit having a gross leasable area of not less than 5,000.0 square metres, having a common public parking area provided on the lot and may include a department store"</b> <b>Page 4-33</b></p> <p><b>25.</b>The <b>Supermarket/Grocery Store use</b> should be <b>deleted</b> as a permitted use in the <b>CC2 Community Commercial Corridor Zone (Page 8-3)</b> as the use is specifically excluded as a permitted use in a Community Commercial Corridor by Official Plan policy 4.4.2.6.B <b>(Page 68 of the OP)</b></p> <p><b>26.</b>We would again request that a <b>survey, engineering, planning or design business use</b> be added as a permitted use to the Seaway Mall on a site specific basis and</p>	<ul style="list-style-type: none"> <li>• This use have been added to the RS Zone as a permitted use.</li> <li>• Definition of Community Use has been amended.</li> <li>• Included in Site Specific Zone for Seaway Mall Lands.</li> <li>• Definition of Supermarket was added and removed from CC2 Zone.</li> <li>• Use was added to the list.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>perhaps to other Commercial Zones. Limiting this use to the L1 and GEC Zones as is proposed also makes existing businesses of this nature not in those zones legal non-conforming uses. This would appear to be an oversight.</p> <p><b>27.</b> Dealing with the Regulations for Commercial Zones, we would again request that the Seaway Mall be set out as a site specific zone (exception) to recognise that a number of proposed general regulations for the Regional Shopping Node place the Mall in a non-complying status. Specifically, as previously pointed out, the exterior side yard (north side yard) is greater than the proposed maximum exterior side yard of 17.5 metres. Given the current economic circumstances and changes in the retail environment we see no value whatsoever in adding addition complications to financing or leasing situations by making the Mall legal non-complying relative to zone regulations. Neither the definition of Non-Complying in Section 4 Definitions nor Section 5.24 Non-Complying Lots are of assistance in this circumstance. Should the City wish to set out maximum yards, for design or other purposes, it should do so for new developments only. <b>In any case, we request that the Seaway Mall be set out as an Exception Zone. We have provided a proposed Exception Zone for the Seaway Mall for ypur consideration.</b></p> <p><b>28.</b> We note that Table 8.4.1: (Page 8-8) Regulations for Motor Vehicle Service Stations provides for both a gross floor area (150 sq. m. maximum) and parking requirement for a convenience store. However, a convenience store is <b>neither defined nor permitted in any zone</b> in the By-law. We would suggest that a convenience store use be defined and permitted in</p>	<ul style="list-style-type: none"> <li>• RS-73 Zone was established.</li> <li>• Convenience store is covered under definition of Retail Establishment the restrictions on convenience stores was only meant to be in conjunction with a motor vehicle service use.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>zones where the proposed By-law permits Supermarkets/Grocery Stores at a size of 100 sq. metres such as the Residential High Density Zone. As a matter of comparison the existing Zoning By-law 2667 does provide for a definition of a convenience store which contains a maximum floor area restriction of 222 sq. metres.<b>(Page 2-5 of By- Law 2667)</b></p> <p><b>29.</b>The permitted use table for <b>Industrial Zones Table 12.2.1 (Page 12-1 to 12-4)</b> sets out all permitted uses in alphabetical order rather than by Commercial, Hospitality, Community, Office etc. as do the other permitted use tables in the By-law. We would suggest that this approach be taken to <b>all permitted use tables</b> as it makes finding uses easier and a more rationale exercise.</p> <p><b>30.</b>There are a number of uses set out as being permitted in <b>Table 12.2.1 Permitted Uses in Industrial Zones</b> which are not defined in the Definition Section of the By-law. There is therefore some question as to whether the uses are therefore permitted uses. <b><i>It may be of assistance to state in the Definition Section of the By-law that words used in the By-law have their normal and customary meaning save for the words which are defined in the By-law.</i></b> It would be preferable however for all uses to be defined and that a consistent utilization of the defined words be used throughout the By-law. As examples, <b>School, Commercial vs. Commercial School; Medical Office or Clinic vs. Medical Office/Clinic; Athletic Club vs. Athletic/Fitness Establishment; Grocery Store/Supermarket vs. Supermarket/Grocery Store; Light Equipment/Machinery Rental and Service</b></p>	<ul style="list-style-type: none"> <li>• We will make this change in the Office Consolidation. This would be technical revision and would not requirement any Zoning Amendment to modify the document.</li> <li>• Changes made where appropriate.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p><b>Establishment vs. Light Equipment/Machinery Sales, Rental and Service Establishment.</b></p> <p><b>31.</b> Dealing with the “uses” set out in Table 12.2.1 (<b>Pages 12-1 to 12-4</b>) <b>Permitted Uses for the Gateway Economic Centre</b> we would suggest that the following uses, as set out or as otherwise defined and permitted, be confined to a strip mall/industrial mall building (or mixed use building as stated in the footnote to Table 12.2.1 – <b>Page 12-4</b>) that would serve the individual Gateway Economic Centre Clusters set out in the Official Plan and Zoning By-law. Those “uses” include: <b>Athletic Club; Commercial School; Day Care Centre; Financial Institution; Offices: Medical Office/Clinic; Printing Establishment; Restaurant; Service Commercial Establishment; Survey, Engineering, Planning or Design Business; Training Facilities (not related to a main use).</b> Depending upon how “Repair Shops and Services” is defined that use could be included in the list above or excluded as a permitted use. It is our view that confining these uses as suggested meets the intent of the Official Plan policy 4.3.2.4.B (<b>Pages 59 &amp; 60 of the OP</b>) which states, in part, <b>“Minor retail, personal and professional service commercial uses which are scaled to meet the needs of the employees within the immediate area are also permitted”</b></p> <p><b>32.</b> We also suggest that a <b>Custom Workshop (Page 12-2)</b> should be <b>deleted</b> in the GEC Zone. We would however suggest that <b>Office, Major (Page 12-2)</b> should be <b>added</b> as a permitted use in the GEC Zone.</p> <p><b>33.</b> We have some question as to what is meant by the permitted use <b>Sleeping Facilities for Occasional Use in</b></p>	<ul style="list-style-type: none"> <li>• These changes were made where appropriate.</li>   <li>• This change was made.</li>   <li>• Purpose is to allow for industries to have on site facilities for sleeping and was part of the GE Ministerial Zoning Order.</li> </ul>



NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p><b>Table 12.2.1. (Page 12-3)</b>The term is confusing and also not defined.</p> <p><b>34.</b>As a matter of clarity, we question whether Outside Storage as permitted in the CEG Zone needs to be restricted as an accessory use to a principal use in a <b>mixed use building. (Page 12-4 footnote #2)</b></p> <p><b>35.</b>Further, the <b>double check</b> for Heavy Industrial in the GEC Zone grid appears to be an error. <b>(Page 12-2)</b></p> <p><b>36.</b>So as to avoid confusion, we would recommend that the geographic identifier (either name of the development or the address of the development) be set out at the <b>beginning</b> of the exception (eg. GEC-13 Niagara Centre Land Development Limited) rather than the exception number set out at the beginning of the exception and the location set out at the end of the exception. This would make it easier to identify the exception.</p> <p><b>37.</b>Any restriction proposed in our comments for the GEC Gateway Economic Centre Zone should also apply to any GEC Exception Zone if the uses from the GEC Zone are to be permitted in any GEC Exception Zone as of right.</p> <p><b>38.</b><b>Dealing with Exception GEC-13</b>, the additional permitted use <b>Home Improvement Store</b> set out in the exception does not match the definition of the use. Further, in our view the additional use (Home Improvement Retail Establishment) does not conform to the Official Plan. Official Plan policy 4.3.2.4.B Permitted Uses <b>(Pages 59 &amp; 60 of the OP)</b> in the Gateway Economic Centre designation speaks to minor retail uses. <b>The additional use should therefore be deleted from the Zone.</b></p> <p><b>39.</b><b>Dealing with Exception CC1-15</b> and for clarification, the description of the exception should include <b>Walmart</b> in</p>	<ul style="list-style-type: none"> <li>• This was corrected.</li> <li>• No issue identified.</li> <li>• Changes made where appropriate, we hope people will use our online Property information Pages to look up Zoning information.</li> <li>• Noted.</li> <li>• This was removed.</li> <li>• Changes made where necessary.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>the as well as 102 Primeway Drive and Canadian Tire. Further, the definition of Department Store should be included in the <b>definition section</b> of the By-law. ( <b>Page 4-7</b>) In addition, gross leasable floor area is neither defined nor otherwise used in the By-law. The term should be defined or perhaps replaced with gross floor area. Additionally, the term DSTM used in the exception is not defined and should be for the purposes of clarification. <b>Finally, precisely what uses are permitted in the Exception Zone should be set out</b> as they are in the GEC -13 and GEC -14 Exception Zones. Any residential uses which are permitted in the CC1 Zone clearly would not conform to the Official Plan and should not be permitted in this exception zone.</p> <p><b>40. Dealing with Exception CC1-16</b>, the description is confusing. Remove the reference to the “west side of Brown Road” and replace with “west side of Primeway Drive”. <b>Further, just what uses are permitted in the CC1-16 Exception Zone should be clearly set out</b> as they are in the GEC -13 and GEC -14 Exception Zones. Any residential uses which are permitted in the CC1 Zone clearly would not conform to the Official Plan and should not be permitted in this exception zone.</p> <p><b>41. Dealing with Exception CC1-17</b>, some of the uses purportedly permitted are not defined in the By-law therefore raising questions as to whether the uses are actually permitted. We may take the position that they are not permitted and therefore question any approval given by the City. Further, permitting any residential uses such as <b>Dwelling, Apartment; Dwelling, Converted; Dwelling, Multiple and Dwelling Units Above permitted Uses</b> as is proposed would not, in our view, be in</p>	<ul style="list-style-type: none"> <li>• Changes made where necessary.</li> <li>• Changes made where necessary.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>conformity with the Official Plan policies contained in Section 4.4.2.4 ( <b>Page 66 of the OP</b>) dealing with the Eastern Approach. In addition, given the Official Plan Policies dealing with the west side of the Eastern Approach, we do not believe that such as Department Store, Retail Centre, Supermarket/Grocery Store that are permitted in the CC 1 Zone generally being permitted in the CC1-17 Zone would conform to the Official Plan. <b>We would recommend that a specific set of permitted uses for the CC1-17 Zone be separately set out in the By-law</b> taking into consideration our comments.</p> <p><b>42.</b> Dealing with <b>Section 6 Parking and Loading Provisions</b> we would suggest that illustrations of Parking Space dimensions ought to be incorporated in the by-law for convenience purposes.<b>(Page 6-2)</b></p> <p><b>43.</b> We are confused by <b>General Provision 6.1.7 Surface Treatment</b> for parking areas in that neither concrete nor asphalt “allow for infiltration of surface water” as required by the provision.<b>(Page 6-2)</b></p> <p><b>44.</b> The manner in which the parking requirements in the By-law is set up is unnecessarily confusing. Setting up parking requirements by residential uses, commercial uses, institutional and community uses, educational uses and industrial uses is confusing particularly if a use happens to be permitted in more than one zone (for instance <b>service commercial establishment</b> which is permitted in <b>commercial zones, institutional zones and industrial zones</b>). For clarity and ease of use of the By-law, we would suggest that parking requirements be set out alphabetically by use not grouped by residential, commercial use etc.</p>	<ul style="list-style-type: none"> <li>• We have included very simple and clear parking dimensions which we think limits the need for an illustration.</li> <li>• Changes made where necessary.</li> <li>• We will try our current configuration and see how that works, we could change the layout of this section without amendment to the By-law.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p><b>45.</b>The parking requirement for <b>Industrial Administrative Office and Laboratory, (Page 6-10)</b> appears to be excessive and an error.</p> <p><b>46.</b>Similarly, the parking requirement for <b>Research and Development Establishment, (Page 6-11)</b> appears to be a typo.</p> <p><b>47.</b>Setting out permitted uses in various zones (Residential, Commercial, Open Space, Institutional) by category rather than alphabetical order is confusing and unnecessary particularly when permitted uses are set out in alphabetical order in Industrial and Rural and Agricultural zones. <b>We would recommend that all uses in all zones be set out alphabetically and not grouped by category.</b> The grouping of uses by category in the Commercial Zones is especially cumbersome.</p>	<ul style="list-style-type: none"> <li>• This was corrected.</li> <li>• This was corrected.</li> <li>• We will try our current configuration and see how that works, we could change the layout of this section without amendment to the By-law.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Travers Fitzpatrick On Behalf of Doral Holdings		<p>Additional Comments on behalf of Doral Holdings/Seaway Mall respecting City of Welland draft Comprehensive Zoning By-law dated May 16, 2017</p> <ol style="list-style-type: none"> <li>1. Page 1- 4. Section 1.11 Definitions states terms that are italicized are defined in Section 4 of this By-law. This is not the case.</li> <li>2. Page 3-3 Section 3.6 Special Zone Symbols states, in part, "Lands so identified shall be subject to all of the provisions and restrictions of the applicable parent Zone, except as otherwise provided by the special Zone." This can be construed to mean that exception Zones permit all USES not just provisions in the parent Zone. It is therefore important that Exception Zones clearly state what uses are permitted in the Exception Zone. This is particularly important in the Eastern Approach designation of the Official Plan where there are restrictions to uses that have been agreed to as a consequence of protracted negotiations. See comments 7 and 8 below for more clarity.</li> <li>3. Page 3-4 Section 3.7 Site Specific Zones is the section needed given section 3.6 preceding?</li> <li>4. Page 8-7 Footnotes to Commercial Zones Permitted Use Table there is no (5) in the permitted use table to coincide with the Footnote provisions.</li> <li>5. Table 12.2.1 Permitted Uses in Industrial Zones, Pages 12.1 to 12.4. There are a number of uses which</li> </ol>	<ul style="list-style-type: none"> <li>• This will be dealt with for the Office Consolidation of the By-law once it is approved. It would fall under a technical change and would not require further amendment.</li> <li>• Special Exceptions has been reviewed to ensure they clearly state what uses are allowed.</li>   <li>• Footnote (5) has been removed.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>have a (2) beside them as a restriction to the use. However, the restriction states "Shall only be permitted as an accessory use to a principal use in a mixed use building". Some of the uses would not necessarily be accessory to a principal use but would be a main use (uses such as an Athletic/Fitness Establishment; a Day Care Centre; a Restaurant; a Medical Clinic; a Financial Institution; a Service Commercial Establishment: and a Surveying, Engineering, Planning or Design Business). To ensure that the uses are permitted, we would suggest that the noted uses be permitted in an Industrial Mall only. An Industrial Mall would then be a permitted use in the Industrial Zones and defined as follows:          "Industrial Mall, means one (1) or more buildings on a separate lot which contain(s) not less than 1,345 square metres of gross floor area, developed and managed as a whole, which is divided, or is capable of being divided, into ten (10) or more individual components for separate use by different firms or individuals." We believe that this would then clarify the situation and avoid conflict. Additionally, we believe that the use "Custom Workshop " should also be restricted to an Industrial Mall. Further we believe that the "offices" use, Page 12-3, should have the additional restriction (3) "accessory use to a principal use". All of these additional restrictions are particularly important in the Gateway Economic Centre given the policies of the Official Plan particularly Policy 4.3.2.4 A Planned Function.</p> <p>6. Dealing with the GEC -13 Zone (Niagara Centre Land Development Limited) we do not believe that a Home Improvement Store use conforms to the Official Plan which speaks to "minor retail uses..... which are scaled</p>	<ul style="list-style-type: none"> <li>• Wording of Footnote (2) was modified to correct this. Footnote (3) added to offices in Table 12.2</li>   <li>• Changes made where necessary.</li> </ul>



NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>9. Comments 7 &amp; 8 above are based upon a review of the current Zoning By-law 2667 as it relates to the lands affected by the respective zoning restrictions. However, there are uses set out in the RS-15 and RS-16 which are not specifically defined in the new by-law and perhaps need to be defined.</p> <p>10. To ensure that all schedules are indeed part of the By-law, we would recommend that the by-law specifically note the Schedules (name the schedules) shall be read with and form part of the By-law.</p>	<ul style="list-style-type: none"> <li>• Changes made where necessary.</li>   <li>• Changes made where necessary.</li> </ul>
Woodlawn Prime Property Development	SE Corner of Browns Road & Woodlawn Road	<p>Requesting the followings uses be added to the proposed GEC Zoning for the Site:</p> <ul style="list-style-type: none"> <li>- Gas Station/car wash/variety store</li> <li>- Motor vehicle repair &amp; service establishment</li> <li>- Motor Vehicle Dealership</li> <li>- Place of Worship</li> <li>- Retirement Home</li> <li>- Grocery Store</li> <li>- Pharmacy</li> <li>- Pet Food Outlet</li> <li>- Place of Worship</li> <li>- Garden Centre</li> <li>- Health related retail</li> <li>- Home &amp; auto sales &amp; supply establishment</li> <li>- Home Furnishing Establishment</li> <li>- Retail Centre</li> <li>- Retail Establishment</li> </ul>	<p>The Property is designated Gateway Economic Centre and Core natural Heritage System. Permitted uses include uses related to transportation and logistics, including facilities related to shipping and receiving, warehouses, major offices, manufacturer's showrooms, light manufacturing, light assembly, laboratories, research and development, training facilities, hospitality uses and other similar uses. Minor retail, personal and professional service commercial uses which are scaled to meet the needs of the employees within the immediate area are also permitted. Educational institutions that are complementary to the aforementioned uses are also permitted. Raw goods and materials, or waste materials shall be in wholly enclosed structures.</p> <p>The property is proposed to be Zoned GEC with an EP Overlay Zone. Staff feel most of the requested uses fall outside the OP designations list of permitted uses. Retirement home would conflict with employment</p>



NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			designation of lands. Staff recommend the current GEC Zone remain unchanged.
Woodlawn Prime Property Development		<p>Requesting the followings uses be added to the proposed GEC-13 &amp; GEC-14 Zones:</p> <ul style="list-style-type: none"> <li>- Gas Station/car wash/variety store</li> <li>- Motor vehicle repair &amp; service establishment</li> <li>- Motor Vehicle Dealership</li> <li>- Place of Worship</li> <li>- Retirement Home</li> <li>- Grocery Store</li> <li>- Pharmacy</li> <li>- Pet Food Outlet</li> <li>- Place of Worship</li> <li>- Garden Centre</li> <li>- Health related retail</li> <li>- Home &amp; auto sales &amp; supply establishment</li> <li>- Home Furnishing Establishment</li> <li>- Retail Centre</li> <li>- Retail Establishment</li> </ul>	<p>The Property is designated Gateway Economic Centre and Core natural Heritage System. Permitted uses include uses related to transportation and logistics, including facilities related to shipping and receiving, warehouses, major offices, manufacturer's showrooms, light manufacturing, light assembly, laboratories, research and development, training facilities, hospitality uses and other similar uses. Minor retail, personal and professional service commercial uses which are scaled to meet the needs of the employees within the immediate area are also permitted. Educational institutions that are complementary to the aforementioned uses are also permitted. Raw goods and materials, or waste materials shall be in wholly enclosed structures.</p> <p>The proposed GEC-14 Zone will allow a motor vehicle service station, moto vehicle washing establishment, and convenience store. Staff are not recommending any changes to the GEC-14 Zone.</p> <p>The proposed GEC-13 Zone will not allow for these uses as this is an employment area. However, hotel has been added as a permitted use.</p>
Keith Cumming Primeway Group		<ol style="list-style-type: none"> <li>1. Would Call Centres be covered under OFFICES?</li> <li>2. Are uses under the old Business Services Establishment cover under service commercial establishment?</li> <li>3. Is there any auto service related uses now available under GEC</li> </ol>	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. Yes</li> <li>3. GEC-14 will permit Motor Vehcile Services, but not regular GEC Zone.</li> </ol>
<b>Boarding &amp; Lodging</b>			

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Dolores B. Wright Chair Welland Downtown BIA	195 East Main Street	Concerned that boarding and lodging would not cover student housing because in student housing you can have a number of rooms to one bathroom which is not the case with boarding and lodging.	Staff have reviewed this and of confident the boarding and lodging definition would allow or a student residence in the downtown. Also permitted are hotels and apartments among a whole range of other uses.
Ron Fordyce	No Address Provided	<p>Mayor Campion....with the adoption of the New Comprehensive Zoning By-Low likely to be adopted at the Council Meeting tomorrow night I thought I would I send you a brief note with what I feel on this file. I have lived in Welland for 40 years and have witnessed the evolution of the city as it changed with the times to what we have today. Since I do live in north Welland I have been faced with all the problems of Residential Student Housing, which has taken over the neighborhoods around Niagara College. Over the past year and a half we have been forced to study the old and the new Comprehensive Zoning By-Law in great detail. We have also looked into other cities that have the same issues and have written by-laws that deal with all the issues. When looking at our cities by-laws we have registered many complaints with authorities in the By-Law office with the following results.....</p> <ul style="list-style-type: none"> <li>-it is OK to park 6 or more cars on a property</li> <li>-it is OK to park on the front lawn</li> <li>-it is OK to covert a back yard into a parking lot</li> <li>-it is OK to put your garbage, trash, recycling on the front porch or in front of the garage</li> <li>-it is OK to park your construction equipment (trucks, trailers, snow plows, plow blades) on the front lawn on a corner lot</li> </ul>	Staff have reviewed the letter much of these issues related the Property Standards and Clean Yards By-law and other By-laws. A rental licensing by-law would not form part of Zoning By-law. The New By-law will only allow boat seasonally in the front of the house on a legal parking space. Otherwise they can park it in the rear yard and interior side yard year round. There are now proposed limitations on driveways widths for house. Limits on driveway size will limit parking. They do not provide any comments on the proposed By-law. Staff would review Official Plan around College as part of a 10 year review.

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>-it is OK to park your 25 foot boat on your front lawn for months</p> <p>-it is OK to place student rental signs permanently (fixed) in the front law and signs in every window</p> <p>-it is OK to let the grass grow out of control and when forced to cut it the absentee landlords do not trim anything</p> <p>-it is OK to let property structures deteriorate with little or no maintenance.</p> <p>These are just the tip of the ice berg....north Welland is in a death spiral....the Seaway Mall is in decline, accommodation in surrounding schools at all levels are in decline. The complaint based system is a failure in Welland, we should have dedicated officers to deal with student housing violations...residents are fed up and that is why literally hundreds have moved away. In all this the city has no idea how many student residents there are they safe.</p> <p>Where is our by-laws for .....</p> <p>Lot Maintenance</p> <p>Property Standards....has not met since 2014!!!!</p> <p>Rental Housing By-Law...non existent!!!!</p> <p>Parking By-Law</p> <p>The Town and Gown Committee needs to develop its own By-Law for Student Rental Housing using Templates from other</p>	

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		jurisdictions that have already done this and not wait for Thorold to develop theirs. If Welland takes this route it will take years to complete and then were will we be..... ? For the record the councilors in North Welland have let the residents down with there complete lack of support....	
Kim Chau & Ash Sajan	870 Niagara Street	Requesting confirmation that the proposed Zone will all for a Student Residence	The proposed Zoning allows for Hotel but not Boarding and Lodging. Needs Official Plan as Regional Shopping Node designation does not permit residential.
<b>General Comments</b>			
Brandi Jasmine		Writing in support of the proposed Zoning Change.	General Comment in support.
Cliff Durant		Would like more information on the zoning provisions.	Noted.
Dolores B. Wright Chair Welland Downtown BIA		Letter indicating that the presentation to General Committee was great. The Report was informative, concise, and professional with research supported documentation.	Noted.
Dolores B. Wright Chair Welland Downtown BIA		Email requesting clarification of the New Zoning By-law Approval process.	Information provided to Author.
Greg Wuisman	East side of Colbeck Drive, south of Webber Road	In support of the proposed By-law and trust Council will approve it.	Support.
Tara Tellier		Patiently waiting for the conclusion of the new by-law so I can go ahead with planning our house. Planning on building a house/garage first then build a larger house in the future, changing the garage to an accessory building.	Noted. Information on Provisions were send to author of email.
George & Evangelos Kouros	87 Lincoln Street West Welland, ON L3C5J6	Comment indicating a job well done.	General Comment In Support.

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Steve Bremner	<a href="mailto:wiffell@yahoo.com">wiffell@yahoo.com</a> <a href="mailto:Sullivanplan@gmail.com">Sullivanplan@gmail.com</a>	Owns 495 Prince Charles Drive. Would like to be kept informed of any proposed changes to this property.	Noted.
Chad Scully	127 Thorold Road Welland, L3C 3V1 <a href="mailto:eyecarewelland@gmail.com">eyecarewelland@gmail.com</a>	Would like to be kept informed of the process.	Noted.
Kevin Winsborrow		Found the presentation and ideas helpful.	General comment, no response required.
Alistair Davis CEO Habitat for Humanity Niagara	Afton Avenue	Wanted to know what proposed Zoning is on 5 lots they own on Afton Avenue.	Property is proposed to be Zoned RM. Zoning map sent to Mr. Davis.
Suzanne Holowatsch	9 Hilda Street	Requesting that future open houses have a ticket system in place for answering questions so everyone is treated fairly.  Concerned that the City is playing into the hands of developers! No respect for agricultural lands. Do we want to be dependent on Mexico and the U.S. for produce? Totally not in agreement with 12.0 metres wide lots, she wants 50' lots. Concerned about people coming from Toronto and buying property.	We will review an Open House format for future projects.  Reasonable RL1 Zoning is proposed.  City is protecting Agricultural Lands and certain lands have been proposed to be removed from the Urban Area. Policies are proposed which would promote and encourage agricultural uses.  Concerns about people from Toronto moving here are not relevant, it is a free Country and people can move within the Country as they please.
Jack Bernardi	General Comment	Requesting that terms defined in the By-law be italicized.	Noted Staff will be using some format to highlight defined terms throughout the document.
Bill Hood	55 Page Drive Welland, ON L3C6E2 <a href="mailto:3billyh@gmail.com">3billyh@gmail.com</a>	Please keep informed of the process	Noted, email added to notification list.
<b>Miscellaneous</b>			
Tanya Warner	700 Canal Bank Street	Concern about property taxation increase. Wants to know if Zoning Change could impact taxes. What is being done with the abandoned factory across from us.	Property Taxes are separate from Zoning, however, a change in zoning could result in a change in assessment

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			over time. The Former John Deere site will be zoned G1 and will continued to be promoted as employment lands.
Timothy Alfieri	19 Lincoln Street West	Would like apartments & townhouse units added to this list of permitted uses.	The property is proposed to be zoned CC2, the CC2 permits apartments and a multiple dwelling. Townhouse are not listed as a permitted use. Staff have reviewed this request and have amended CC2 Zone to include Townhouses as a permitted use.
Lana Sovegarto	769 Townline Tunnel Road, RR#4 Welland, ON L3B 5N7	Own property at 823 Reaker Road and currently is zoned I2. They plan on building an automotive repair facility on the property. The new Zoning By-Law proposes to rezone the lands to GEC, which does not permit a motor vehicle repair facility. Would like to have their property zoned to G1, which would allow for a motor vehicle repair shop, which they would like to construct on the property.	Proposed Zoning has been changed to I1. This zone will allow for the motor vehicle repair shop.
Thomas Jacques	15 Broadway	Property is currently zoned as C3, would like it zoned C3 rather than RL2. They run a online retail business from the store front.	Property has been zoned NC to support existing use.
Victoria Yarema	602 Cope Road	Owns a vacant lot at 602 Cope Road and is requesting that the new zoning be changed to be reflective of NPCA Approval. They do not want to loose their current Zoning.	Property is designated Core Natural Heritage System and Agricultural. The proposed Zoning is A1 with an Environmental Overlay. If the person receives an NPCA approval to alter a wetland, staff will adjust mapping accordingly to reduce the EP overlay area.
Greg Wuisman	642 Sixteen Road Ridgeville, ON LOS 1M0	Owns a vacant lot fronting onto Colbeck Drive, which were former bank abutments. He would like to have the property included in the urban boundary, as well to have it rezoned to allow for a single detached dwelling.	Noted. Will have to be completed in conjunction with the review of the City's Official Plan. Request was also sent by Owner to Region requesting MCR consider subject lands.
Jennifer Vida Upper Canada Consulting		Site Specific Rear yard of 6 metres from the RM3 X44 was missed in the proposed RL2 Zone.	Rear yard setback has been reduced to 6 metres.
Domenico Iannetti	General Comment	In support of the new RL1 Zoning.	Letter of Support.
John Conlin Conlin Engineering Ltd.	684 South Pelham Road & 42 Prince Charles Drive	<ol style="list-style-type: none"> <li>Schedule B CC-67 reduce rear yard to 4.5m from 45m.</li> <li>Allow propane cylinders to be filled and sold in CC2.</li> </ol>	Changes made within By-law. Reduction in rear yard is appropriate in this instance. CC2 allows for propane

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			dispensing in relation to motor vehicles, it seems appropriate to include filling cylinders. Definition of Motor Vehicle Services Station has been modified.
John Conlin Conlin Engineering Ltd.		<ul style="list-style-type: none"> <li>• Why Min and max for front and side yard in CC1 and CC2 zones?</li> <li>• Section 1 page numbering.</li> <li>• Does not understand 2<sup>nd</sup> line of Section 1.15.</li> <li>• Section 1.8 b) should indicate a time limit for the discontinued use.</li> <li>• The word “may” is used in Section 1.12 and is not usually used in a By-law.</li> <li>• Section 2.2 a) to c) are repeats of Section 1.15.</li> <li>• Section 3.4 Zone boundaries are described but not shown on mapping.</li> <li>• Section 3.5 Parking in the front yard is not a good idea.</li> <li>• Section 3.9 Temporary uses are very difficult to enforce.</li> <li>• Section 3.10 b) add “Where a” to start of clause.</li> <li>• Garden Centre should include greenhouses</li> <li>• Garden Suite is not a good idea.</li> </ul>	<ul style="list-style-type: none"> <li>• We are trying to achieve a walkability standard and try to promote some sense of Urban Design.</li> <li>• Page numbering has been fixed.</li> <li>• Wording adjusted accordingly.</li> <li>• Staff have looked at this but regardless will be tough to prove when use ended and how much time has passed.</li> <li>• This section just clarifies the meaning of the word “may”, “shall” and “must” when used in the By-law.</li> <li>• Agreed but we just want it to be clear that under certain circumstance revisions can be made without an amendment to the By-law.</li> <li>• All mapping is shown on Schedule B.</li> <li>• This section does not speak to front yard parking but rather where can parking can be located on a split zoning property.</li> <li>• Temporary use provisions are needed since there are times when these are needed as a transitional use or for a trial period.</li> <li>• Modification made to Section 3.10 b)</li> <li>• Greenhouses and growing added to definition of a Garden centre.</li> <li>• Provisions for Garden Suites are included in the Planning act no change is proposed.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<ul style="list-style-type: none"> <li>• Greenhouses – why prevent a garden centre and landscaping business?</li> <li>• Gross Floor Area – why the exclusions a) to g).</li> <li>• Kennel – you may want to limit the no. of animals and I don't see where it is a permitted use.</li> <li>• Light Industrial – why limit use to previously prepared.</li> <li>• Motor Vehicle Service Station – add “cooking”.</li> <li>• Pet shop – add reptiles and fish?</li> <li>• Pit Wayside – add “to be closed and rehabilitated at the end of the project.</li> <li>• Place of Entertainment – night club and sports facility not defined.</li> <li>• Private Club – Does this have to be non-profit?</li> <li>• Retirement Home – wording of 4<sup>th</sup> line 2<sup>nd</sup> paragraph.</li> </ul>	<ul style="list-style-type: none"> <li>• Definition changed to include accessory garden centre and/or landscape business.</li> <li>• Without these exclusions required parking would be much higher than actual need.</li> <li>• Permitted in A1 Zone.</li> <li>• Proposed definition is sufficient, no change proposed.</li> <li>• Proposed definition includes a restaurant as a permitted accessory use so there is no issue with cooking food for sale.</li> <li>• Definition amended to removed reference to birds as animals covers off potential pet types.</li> <li>• This would be dealt with as part of Site Plan Control.</li> <li>• Night Club likely falls under definition of restaurant. Reference to sports facility removed.</li> <li>• Definition changes to: “Means a facility which is owned, or leased, and is operated by an organization for its members only and shall include a union hall, fraternal lodge, sorority house, legion hall, yacht club, rowing club and other such establishments.”</li> <li>• New definition of Retirement Home used. “means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation</li> </ul>



NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<ul style="list-style-type: none"> <li>• Definition of shall should be modified “directory” should be changes “discretionary”.</li> <li>• Section 5.2 accessory dwelling units not a good idea.</li>   <li>• Section 5.3.1 a) iv) – change “such like” to “similar”.</li> <li>• Section 5.3.2 b) – 0.9 may be too small for fire access, 2.0 metres better.</li> <li>• Section 5.3.2 c) 1.2 metres would be better than 0.9 m.</li> <li>• Section 5.7 c) Why so far? 45 m.</li> <li>• Section 5.7 a) Define “expeditiously”.</li>   <li>• Section 5.7a) and c) these are the same.</li> <li>• Section 5.9 b) – You need 20 for Tim Horton’s or they will be out on street at times.</li> </ul>	<p>and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided.”</p> <ul style="list-style-type: none"> <li>• Change made to definition of “Shall”.</li>   <li>• No rationale has been provide as to why accessory dwelling units are not a good idea. The Province has mandated that these provisions be included in Municipal Zoning By-laws. It makes good planning sense and will help the City to achieve economies of scale in service delivery and meet intensification targets.</li>   <li>• Requested change made, improves clarity of Section.</li> <li>• .9 metres is fine why should setback be more than setback from rear and side property lines. Subject to Building Code compliance regardless.</li> <li>• This was removed from By-law already.</li>   <li>• Reference to 45m setback was removed.</li>   <li>• No definition is provided here as expeditiously can mean different things to different projects, need to be flexible here.</li> <li>• Section 5.7 c) has been deleted.</li> <li>• It really depends on size and scale of facility, Staff are of the opinion that a minimum of 8 spaces is adequate and the market will drive the need for more spaces.</li> </ul>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<ul style="list-style-type: none"> <li>• Section 5.10.5 c) and d) – 4.0 m? maybe 0.4m.</li> <li>• Section 5.26 – seem a little harsh.</li> <li>• Section 6.1.1 typo should be “specified”.</li> <li>• Section 6.1.6 strongly recommend that you stay with the 2.7m x5.8m with 7.3 aisles. Cars will not necessarily be smaller in the future.</li> <li>• Section 6.1.7 The surface mention will not allow water to infiltrate nor should they. That will lead to surface failure. The surface treatment is designed to protect the granular base.</li> <li>• Section 6.1.8 b) recommends 7.3m.</li> </ul>	<ul style="list-style-type: none"> <li>• The way it was proposed was correct, it is based on previous Council approvals given in this situation.</li> <li>• <b>Very similar to current By-law provision.</b></li> <li>• Spelling correction made to Section 6.1.1.</li> <li>• We are using dimensions which are very standardized for Zoning purposes and similar to other municipal Zoning by-laws.</li> <li>• Section has been modified.</li> <li>• <b>No change made, 6m is standard based on Staff’s review of other By-laws.</b></li> </ul>
Kirby Bentley Niagara Sport & Social Club		Recreation/athletic facilities opportunities should be permitted in Open Space Zoning & Rural Zoning.	Recreational Establishments would be permitted DMC, RS, CC1, CC2, O2, WRW, INS1, INSH Zones. 01, RR Zoning does not permit these for private operators. 01 Zoned areas are generally small neighbourhood parks and recreational facilities would may not fit in the area. RR Zoned areas are meant for Agriculture and Agriculturally related uses. Recreational Facilities should locate within urban areas where infrastructure, water, sewer and transit exist. Most Open Space land is owned by the City and therefore exempt from the provisions of the By-law.
Tony Mancini	592 South Pelham Road	Wants RL1 portion of property change to RL2.	This request has been accommodated and makes sense in this location.

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Jerry Celenza	744 Lincoln Street	Current Zoning is RM4 wants to keep similar Zoning permissions in the New Zoning by-law.	Property is proposed to be Zoned RM which would accommodate additional dwelling units, however, without a plan it is difficult to determine exact compliance with the new provisions.
Brian Page	386 Heritage Drive Kitchener, ON N2B3M9	<p>Request the following changes to the Zoning By-law be made:</p> <ol style="list-style-type: none"> <li>1. That a new definition be added:  <b>Deep Collection Waste Disposal Container:</b> means a vertical structure for waste, recycling and organic containment that has at least 50% of the volume of the container below grade level and that during the emptying of the container a minimum of 0.9m continuous barrier above grade level stay permanently in place as a safety barrier.</li> <li>2. That the following be added to 5.14 Garbage and Refuse Storage and Enclosures: <ol style="list-style-type: none"> <li>f) notwithstanding Subsection b) garbage or refuse produced by a principal permitted use may be stored outside of a main building or accessory building or structure in any Zone, provided the waste is contained within a deep collection waste disposal system, comprised of a sealed container located primarily below grade, on the same lot the use is intended to serve and complies with the following: <ol style="list-style-type: none"> <li>ii) Deep collection waste disposal container(s) shall be permitted in any yard;</li> <li>iii) Deep collection waste disposal container(s) shall be located no closer than 0.3 m from any lot line;</li> <li>iv) Deep collection waste disposal container(s) shall be located no closer than 0.3 m from any building or parking area.</li> </ol> </li> </ol> </li> </ol>	Noted. Incorporated into the document.
Larry Whitaker	40149 Feeder Road Wainfleet, ON LOS1V0	He owns property at Roll#2719060002094000000 Feeder Road that is 16.28 acres and does not want the zoning to be changed on this property.	The property was zoned Rural Agricultural in Zoning By-law 2667. The proposed Zoning is Agricultural A1 with an Environmental Protection overlay. The property contains

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
			a portion of a Provincially Significant Wetland (PSW). It should be noted that this property currently does not have frontage on an opened and maintained road, however, there is an opportunity for a right of way over City owned lands. Staff have relaxed the minimum standards for a lot to allow for existing situations where no frontage exists. Regardless, any development on the subject lands will require NPCA approval.
Diane Sibbald c/o Gord-Blanch Ltd.	50 Bruce Street (Hicks Lumber)	They want the lands changed from L1 to residential.	The majority of the lands are designated Light industrial in the OP. No change to employment lands can occur until the City conducts a comprehensive review of its Official Plan. It is not anticipated that this would happen until 2018/2019. At that time a redesignation of the lands could be reviewed.
Deborah Garofalo	10 Broadway	Wants Zoning to remain Commercial.	Property is designated low density residential in the Official Plan. The proposed RL2 Zoning is appropriate as no commercial use currently exists.
Jennifer Vida Upper Canada Consultants	261 Martindale Road, Unit 1 St. Catharines, ON L2W1A1	Letter submitted behalf of Lucchetta Homes. Lucchetta Homes owns lands on Sumbler Road that is partially covered by an existing Provincially Significant Wetland and the remainder of the lands have been proposed to be rezoned for Residential Low Density 1. They would like to see the property in a Residential Low Density 2 category to allow them to construct street townhouses on the property.	Staff have reviewed this request and have changed the proposed Zoning to RL2.
Jennifer Vida Upper Canada Consultants		Requesting provisions of OMB Order PL120763 be included as a special exception for the property known as 529 South Pelham Road.	Staff have reviewed this request and have created a new Site Specific RH-74 Zone similar to current Zoning.
Patrick DeDuca	399 East Main Street	Has no issue with proposed commercial zoning on the property, however, they want the existing Industrial Zoning to remain.	The front portion of property is zoned CC2, rear portion of property is Zoned RM. Industrial CC2 permits hotels but RM does not. Need OP amendment & Zoning to permit industrial use. Property will be reviewed during Official Plan review.

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Val Frassetto	48 Seventh Street & 50 Seventh Street Welland, ON L3B 5B7 <a href="mailto:valfrassetto@gmail.com">valfrassetto@gmail.com</a>	Property is currently zoned R2-X6 and would like to have that zoning remain. Would also like to have the designation on his property changed from Health and Wellness Cluster as he runs an existing auto repair business from this location.	Noted. The intent of the new Zoning By-law is not to prohibit existing uses that are legally operating. Designation will be examined as part of future OP review.
Rick Goupil	37 Niagara St. 2 Fraser St. 309 Riverside Dr. 91 McMaster Ave.	Opposes any greater zoning restrictions on the following properties: 37 Niagara St. 2 Fraser St. 309 Riverside Dr. 91 McMaster Ave.	Proposed Zones for these properties in general provide an expansion on the uses permitted.
Dev Mundi	240 Denistoun Street	Requesting that the maximum height be increased to allow for a six storey building.	Change made within By-law to align with Official Plan. Height increased from 14m to 20m to allow for six storey.
Mario Bevacqua	Aqueduct & Hilda Area	Requesting RL2 Zoning.	Staff have proposed an RL1 zone for this property which we feel is appropriate given abutting uses and the surrounding area.
Don Spiece	170 Ridge Road	Concerned that L1 Zoning will devalue his property. Wants Zoning to stay RR2.	The property falls with the Gateway Economic Zone of the City and must be protected for future employment use on and near the subject lands. A rural residential zoning would not conform with the current OP designation.
Peter Kouretsos	1009 Ontario Road Welland, ON L3B5E5	Owns property with Roll No. 271905001500800 that is vacant and fronts onto Southworth Street. The Zoning By-law proposes that it be rezoned to Open Space. He would like to see it in a residential and/or commercial zone.	The property is designated Low Density Residential and the rear portion is designated Open Space. The proposed new zoning is CC2 at the corner since the property is connected to an existing commercial use on Lincoln Street. The Open Space designated lands will be Zoned OS. Designation should be reconsidered in 10 year OP review or the owner could apply for an OP Amendment. Rear lands would have development potential for infill housing.
Ken and Alexandra O'Connor	192 Ridge Road Welland, ON L3B5N7	Object to the rezoning of L1 on their property because if something were to happen to their home on the property they would not be permitted to rebuild it.	The property falls with the Gateway Economic Zone of the City and must be protected for future employment use on and near the subject lands.

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Connie & Brandon Lymburner	20 Ascot Court	They want to construct a 4.27 m (13'11") detached garage.	The proposed By-law will permit an accessory building height of 6.0 m.
Daniele Tronko	114 Second Street	They are opposed to the proposed institutional zoning on the corner of Plymouth Road and First and Second Streets. They feel this change will impact their ability to conduct our religious practices. They want the block to be left as is.	The area in question is designated Institutional in the Official Plan. The proposed Zoning here is INS1 which is the smaller scale institutional zoning in the proposed by-law. Staff feel this is appropriate Zoning for this area given the surrounding mix of institutional type uses in the area (daycare, school, Goodwill, Retirement Homes, Medical Offices, Hospital, Housing, Places of Worship). The proposed Zoning will continue to promote this mix of uses. Staff are not recommending changing this Zoning. We need to continue to provide opportunities for development in the Built Up area of the City. This is the best type of development from economic, social and environmental perspective. Restricting this area to only Place of Worship would conflict with this goal and does not reflect the fact that demand for Places of Worship is decreasing.
Daniele Tronko	114 Second Street	<p>I must first thank you for your time and the opportunity to present our concerns. After my meeting with the mayor and Rose last week I had a chance to speak with Father Nick from St. John the Baptist @111 Second St. and discussed this issue with him. Himself and his parishners are also against the proposed changes and stand united with us in this proposal. Their church has been there for decades and they feel strongly that things should stay the same as it has been a quiet place to come and freely enjoy religious activities. Jesus overturned the money changers tables in the synagogues because religious and spiritual ideals or beliefs do not go with commerce.</p> <p>Our Temple was purchased in 2012 and before we approached the city on the uses that were permitted there and what would be involved if they were to be changed. The city was not</p>	The area in question is designated Institutional in the Official Plan. The proposed Zoning here is INS1 which is the smaller scale institutional zoning in the proposed by-law. Staff feel this is appropriate Zoning for this area given the surrounding mix of institutional type uses in the area (daycare, school, Goodwill, Retirement Homes, Medical Offices, Hospital, Housing, Places of Worship). The proposed Zoning will continue to promote this mix of uses. Staff are not recommending changing this Zoning. We need to continue to provide opportunities for development in the Built Up area of the City. This is the best type of development from economic, social and environmental perspective. Restricting this area to only Place of Worship would conflict with this goal and does

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>interested in helping or changing the zoning even though it would generate income. Our first thought was to be able to make money to fund the Temple because we want everything to be free to anyone who comes and by the way we are non-denominational and welcome people of all faiths and respect their beliefs. Frist idea was sunk but because we are committed to doing the right thing despite our cost, creation showed us opportunity. We moved forward knowing that this is the worst INVESTMENT to make monetarily but this is the best place in town to do what we have endeavoured to do and that is provide a physical, mental, spiritual and loving sanctuary. Our Temple is committed to do what is best for EVERYONE and EVERYTHING not what is just best for us and that is the proper way to build safe sustainable communities.</p> <p>This block has been a religious hub and many memories have been etched here but there has been a lot of love and compassion on these lands for many years which leave a very positive energy behind. Our Temple was once a Presbyterian Church but is shaped similarly to a classic Buddhist Temple and also has no religious markings of any kind so it was really the only fit for us. We are currently undergoing renovations and are making our yard into a Meditation Garden where people can go to experience positive energy and learn how to make it part of their everyday life. With the current state of affairs in the world I think we need more places like our temple and not more commerce. Business, a “private club” or??? Would not show the same respect to our Temples and Churches and could restrict our rights to practice our faiths fully. We have already experienced negative and illegal effects by people interested in commercializing the Orthodox Church.</p> <p>Being centrally located and close to a lot of marginalized people who could learn how to change their lives for the better</p>	<p>not reflect the fact that demand for Places of Worship is decreasing.</p>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>our Temple is an asset for the city. Meditation and positive energy projection will reach out and create a ripple effect enriching people’s lives. What we are asking for is very simple because we (Church of Higher Consciousness and St. John the Baptist) both purchased these properties with the existing zoning and are expecting that the city, mayor and council will do everything to help protect our investments in all PEOPLE. Uses permitted were as follows a PLACE OF WORSHIP, a SINGLE-DETACHED DWELLING, a SCHOOL, a DAY CARE FACILITY, a library, a museum. That was the way it was and that is the way it should stay but we would concede to allowing a park, Community Garden or Art Gallery as these would have minimal impact on PLACES OF WORSHIP. All the other proposed changes will definitely have a negative impact on all of us as they open opportunity for profit which we all know does not favour doing the “right thing”. We are not asking to stop growth in the city but to not allow the changes only on our block. There are plenty of commercial or institutional spaces for sale and areas in the city that would better suit the proposed changes, so let them go there.</p> <p>We are all aware that we are currently without representation from council and that the city at this time is not favouring our proposal. We ask that the city takes this proposal to hart as the first obligation of the city is to protect its people and there are a lot of people right now that need protecting. We will be here for a long time so it is not even the people now but for future generations that will also be affected. As for council you were elected to protect your constituents and even though we may not be in your ward there are still many people from your wards that will be affected so you must protect them also. Who is to say that down the road there would be a right fit but not the right zoning then there is a process already in place to change</p>	



NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
		<p>that and we would not oppose. Father Nick and I have taken care of each other and worked harmoniously together as neighbours and the Holy Trinity Orthodox Church was in sharp decline when we moved in so we never really got to know each other. In essence there are only five properties that will be affected by this proposal 111, 114, 142 Second St., 105 First St. and the city lot on First St.</p> <p>Feel free to contact me with any questions or queries on conclusion it would seem clear that the right thing to do is in your hands.</p>	
Harry Powell 1825133 Ontario Inc.	<a href="mailto:poweldrywall@yahoo.ca">poweldrywall@yahoo.ca</a>	Owns 1010 and 1017 Ontario Road and wants Zoning to permit Townhouses.	Zoning for both is RL2 and will permit townhouses.
Dave Farago	67 Montgomery Drive	Concerned about 4.5m side yard setback requirement in RL1 Zone.	RL1 Zone has been amended to allow for 1.2 side yard setback.
Norma and Jeff Hardy	663 Niagara Street Welland, ON L3C1M2	<p>Would like to see the following added to the proposed zoning changes:</p> <p>Townhouse Dwelling (Block) (Stacked)</p>	Definition was included, however, provisions were not included as to where this type of dwelling would be permitted. This has been fixed and will be allowed in the RL2 and RM zones. Their property is zoned RH which would not permit townhouses currently based on current OP. This would be reviewed as part of the 10 year review of the OP.
Peter Kouretsos	1009 Ontario Road Welland, L3B5E5	Would like the property at 35 Southworth changed from commercial to residential as it's currently used for residential uses.	The property is designated Medium Density Residential in the Official Plan. Staff are still recommending the property be zoned RM to be consistent with current Official Plan designation.
Sharmini Mahadevan		Looking for the list of exceptions to the new Zoning By-law listed in Schedule 'B'.	Noted. Will be provided prior to approval of this Zoning By-law.
Carole Blanchard	30 Broadway Avenue Welland, ON L3C 5L3 <a href="mailto:rachworthy@hotmail.com">rachworthy@hotmail.com</a>	Requesting a zoning change for the lands located at 30 Broadway Avenue. Currently zoned C3 and proposed to be zoned CC2. It's currently used for residential purposes and would like to see it put into a RL2 category.	<b>Noted. Change from CC2 to RL2. The property is designated low density residential.</b>

NAME	ADDRESS	COMMENT(S)	RESPONSE(S)
Jonathan Whyte	Mountainview Homes 3350 Merrittville Hwy, Unit #9 Thorold, ON L2V 4Y6	<p>Provided the following comments:</p> <p>RL1 - 4.5 metre for an interior side yard is too large. Must be a typo.</p> <ul style="list-style-type: none"> <li>- 4.5 metre exterior side yard is too large. 3 metres is more appropriate.</li> <li>- the N/A regarding lot additions is unclear. He assumes that the City would like more control over the lot coverage and suggests that a 45% coverage is appropriate.</li> </ul> <p>RL2 – Interior side yards for townhouses do not have square metre measurements.</p> <ul style="list-style-type: none"> <li>- 4 metre exterior side yard setbacks are too large, 3 metres is more appropriate.</li> <li>- 45-50% lot coverage for smaller townhouse units and singles is appropriate, particularly for interior townhouse units.</li> <li>- 3 metre interior side yard setback for multiple dwellings seems excessive. Suggests 1.2 metres.</li> </ul> <p>RM – Many of the same comments apply as were made for the previous zones. 40% lot coverage is inadequate for this range of density.</p> <ul style="list-style-type: none"> <li>- 14 metres may be insufficient for an apartment height and is inconsistent with the height for an apartment in the RH Zone.</li> </ul>	<ul style="list-style-type: none"> <li>- Interior side yard was reduced to 1.2 metres in RL1.</li> <li>- Exterior side yard reduced to 3.0 metres in RL1</li> <li>- Coverage provisions will be amended to provide greater clarification. The single-detached units will have a maximum coverage of 45% with a required landscaped area of 20%. The multiple unit residences will not have a maximum lot coverage, but it will be regulated by setback distances and a required minimum landscaped area. This will ensure that there is still drainage available and lots are not entirely covered with hardscaping.</li> <li>- Noted. Will amend so that there is a smaller exterior setback.</li> <li>- Lot Coverage for RM has been increased to 55%.</li> <li>- Noted. Exterior side yards will not be amended.</li> <li>- The intent of the difference in the heights for apartment buildings in the RM and the RH zones is to allow for higher density buildings in the RH zone.</li> </ul>
Richard S. Kannenberg	624 South Pelham Road 614-618 South Pelham Road <a href="mailto:Ricksservice1974@gmail.com">Ricksservice1974@gmail.com</a>	Would like to ensure that Auto Body repair and painting will continue to be allowed on all three properties identified.	Uses will be permitted under CC1 Zoning.
Flora (SummerBloom Investments)	<a href="mailto:info@summerbloom.ca">info@summerbloom.ca</a>	Would like to be kept informed of the Zoning By-law process.	Noted.
Gerry Vermeer	684 South Pelham Road	Would like to keep existing Zoning permissions.	Property has been Zoned to a Site Specific CC1 Zone (CC1-67)

<b>NAME</b>	<b>ADDRESS</b>	<b>COMMENT(S)</b>	<b>RESPONSE(S)</b>
Denice Conners	528 Lincoln Street	Considering a number of renovations to the property.	Property is proposed to be Zone RL2 which would permit a multiple dwelling. It is hard to determine if proposed renovations will meet all Zoning Provisions.

x:\projects\new comprehensive zoning bylaw\draft zoning by-law\comments\public comments\public comments matrix 08.16.docx