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**GENERAL COMMITTEE**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**PLANNING DIVISION**

**REPORT P&B-2017-53**  
**SEPTEMBER 26, 2017**

**SUBJECT: RECOMMENDATION REPORT, CITY OF WELLAND  
COMPREHENSIVE ZONING BY-LAW (FILE NO. 2015-09)**

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INFRASTRUCTURE AND DEVELOPMENT  
SERVICES/CITY ENGINEER**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the City of Welland Comprehensive Zoning By-law; and further

THAT pursuant to Section 34(17) of the Planning Act, no further notice is determined to be necessary for the changes made to the proposed Comprehensive Zoning By-law; and further

THAT pursuant to Section 34(10.0.0.2) of the Planning Act, applications for Minor Variance and Zoning By-law Amendment are permitted during the two-year period after the By-law is approved.

**ORIGIN AND BACKGROUND:**

The City of Welland adopted a New Official Plan which has been approved by the Region of Niagara, with modifications and deferrals on October 21, 2011. This New Official Plan implements current Provincial Legislation (Provincial Policy Statement, Planning Act, Places to Grow: The Growth Plan for the Greater Golden Horseshoe), Region of Niagara Official Plan and Niagara Peninsula Conservation Authority Regulations. This New Official Plan addresses the pressures and opportunities facing the City and is reflective of the extensive community consultation which took place in 2009 and 2010. The Planning Act requires that a municipality bring its Zoning By-law(s) into conformity with their respective Official Plans. The overall framework of the proposed Comprehensive Zoning By-law conforms with the Official Plan in terms of its structure and permissions.

In November 2013, Staff issued a Request For Proposals to develop one new Comprehensive Zoning Bylaw for the entire City. This process was guided by the following principles:

Principle	Description
a) Public Participation	Public Consultation is a key component of this project. The City has undertaken a full background review and public and stakeholder consultation process in developing a proposed New Comprehensive Zoning By-law for the entire City of Welland. There were three (3) Open Houses held, four (4) Stakeholder Consultation Sessions, a Public Information Meeting and two days for a Statutory Public Meeting. The City received over 250 requests to be notified and over 100 written comments. All written comments received have been recorded in a Comment Matrix attached as Appendix II. The comments have been sorted in theme areas and Staff has provided a response to each comment received. Comments highlighted in green are either a comment in support or have been addressed through modifications to the By-law or through further clarification. Comments highlighted in yellow will be forwarded to a future Official Plan Review. Comments in grey are not related to a Zoning By-law. Comments in red have not been able to be resolved for a number of reasons. All copies of written correspondence received throughout the process are attached as Appendix III.
b) Implement Provincial, Regional and Local Planning Policies	The City conducted an extensive review of the relevant planning policies and have conformed with them and provided mechanisms for their various goals and objectives to be implemented.
c) Reflects social, economic, technological and environmental changes that have taken place since 1958.	The City reviewed existing provisions in light of these areas of change to develop new regulations that better reflect actual needs.
d) Assists in implementing the Strategic Priorities of City Council	The City looked at ways in which the Comprehensive Zoning By-law could implement Council's Strategic priorities: Canal Redevelopment, Financial Management and Sustainability, Infrastructure Renewal, Business Development and Job Creation, Communications, Public Engagement and Organizational Culture.
e) Reflects need to manage and promote growth with forecasted population	The regulations were reviewed in how to meet and exceed Provincial Growth targets while providing flexibility for growth demands over time.

growth.	
f) A New Simplified Zoning By-law	The City also sought to create a more simplified Zoning Bylaw which would be easier to read and understand by the general public and could be implemented more efficiently and effectively by Municipal Staff. The City of Welland currently has two Zoning By-laws in effect; Zoning By-law 1538 was originally approved by the Township of Crowland on May 6, 1958 and amended numerous times. Zoning By-law 2667 was approved by the City of Welland on October 21, 1958 and was also amended numerous times since.

Attached as Appendix I is the proposed new Comprehensive Zoning By-law including maps and proposed special exceptions.

**COMMENTS AND ANALYSIS:**

With reference to Appendix I, the following is a brief summary of each Section of the proposed new Comprehensive Zoning By-law in relation to the current Zoning By-laws 2667 and 1538.

**Introduction**

The proposed new By-law includes an introduction at the very beginning of the document which explains how to use the By-law. This Section is written in plain language and provide step by step instructions on how to use the By-law. The current By-laws do not have this type of introduction and it makes it difficult for the general public and new Staff to understand how the By-laws work. These types of plain language introductions have become a best practice for Comprehensive Zoning By-laws.

**Section 1 & 2 – Interpretation and Administration**

This Section provide direction on how to interpret provisions in the By-law and how to deal with certain situations that may arise during the implementation of the Zoning By-law. For example, how to deal with measurements and rounding, legal non-conforming buildings and uses, technical revisions and enforcement of the By-law to name a few. Of particular importance are the transitional matters where someone may have recently received an approval under one of the current Bylaws. The proposed By-law will not prevent the issuance where a Complete Application for a building permit for a project was received or prior to the day before this By-law is passed for a building permit, Committee of Adjustment approval, site plan control approval, part lot control exemption approval, a site specific Zoning By-law Amendment or Approval of a Draft Plan of Subdivision or Draft Plan of Condominium. This ensures that Applicants who are currently in the “Application Pipeline” will not be negatively impacted by the By-law. This provision will lapse after three years of the passing of this proposed By-law.

As a result of Public, Agency and other stakeholder consultation and further review by Staff a number of edits have been made to the proposed By-law since the Statutory Public Meeting. Appendix I is a tracked version of the final draft Comprehensive Zoning

By-law. Many changes are technical changes (editorial, typographical errors) or have been made to clarify the intent or applicability of a regulation. Other changes were made as a result of further review of issues that have been identified throughout the process. The majority of the submissions received from the public are of a site specific nature for a specific property.

### **Section 3 – Establishment of Zones**

This section establishes which Zones are in the Zoning By-law. It also gives direction on the use of Site Specific Zone, Holding Zones, Temporary Use Zones and Interim Control By-law. The proposed Zoning By-law establishes twenty-six (26) new Zones versus the fifty (50) Zones that exist in the current By-laws. Staff are recommending less Zones because it makes it easier for Staff and the public to understand and interpret the By-law. There is still an appropriate mix of Zones to ensure effective land use management while still providing ample opportunities for growth and development in the City.

### **Section 4 – Definitions**

Section 4 defines key terms in the proposed By-law. There has been a consolidation of definitions from the current By-laws. The definitions have also been refined to provide a clear indication of what the key terms mean. For example, under the current By-laws there are a variety of definitions for retail type uses (eg. Convenience store, retail store, and second hand store). The proposed Zoning By-law will only include a definition for retail store which encompasses most retail type uses.

### **Section 5 – General Provisions**

The General Provisions Section covers forty-four (44) different development situations and how they are regulated. This includes but is not limited to accessory uses, buildings and structures, public uses, bed and breakfast establishments and encroachments. This Section also establishes permissions for accessory dwelling units which have been mandated by the Province to be included in New Zoning By-laws. The current By-laws did not expressly permit Accessory Dwelling units in compliance with the current Planning Act requirement. Staff are of the opinion that this change will have positive impacts on the City as a whole. It will help to create affordable housing units for all types of people and make home ownership more affordable. It will also assist the City in continuing to meet the intensification requirements of the Growth Plan for the Greater Golden Horseshoe. In particular, that 60% of the City's residential growth occur in the Built-Up Area of the City.

### **Section 6 – Parking and Loading Regulations**

The Parking and Loading Regulations Section provides new and refreshed parking and loading standards for the whole City. The parking standards as they relate to the number of spaces required and the size have been relaxed to reflect current and future conditions (eg. Online shopping, automated productions, aging populations and increased transit use). The current parking requirements are too restrictive and do not reflect market and societal conditions. The new standard for industrial uses has been reduced to 1 space per 180 m<sup>2</sup>. The residential standard is now 1 space per dwelling units (except in DMC Zoned properties) and .3 spaces for apartments will equal to or less than 50 m<sup>2</sup>. The new Commercial Standard has been rationalized at 1 space per 30 m<sup>2</sup>. The barrier free standards have been revised to be compliant with OADA requirements. Requirements for bicycle parking are now included in the new By-law. This is being done to promote active transportation. There is also now a provision

prohibiting below-grade garages for low density development to reduce the potential for basement flooding.

### **Section 7 – Residential Zones**

This Section establishes the permitted uses and regulations for the specific Residential Zones. There has been a reduction of Residential Zones from 13 to 4. The RL1 Zone generally was applied to the lowest density areas within the Built-Up and/or Urban Area of the City. The RL2 Zone generally was applied to larger parcels, greenfields, brownfields and denser areas. The RM Zone has been applied to those properties designated Medium Density Residential in the Official Plan. The RH Zone has been applied to those properties designated High Density Residential in the Official Plan. Staff are recommending this approach as it simplifies the Zoning By-law and makes it easier for the public and Staff to implement. The current By-law contain too many Zones and create a system of inconsistent and unfair standards in different parts of the City.

The regulations that apply to the respective Zones and permitted uses have been relaxed to reflect the Official Plan designations, promote development in Intensification Areas identified in the Official Plan, create opportunities for infill development, built-up area development, transit use and to reflect recent decisions of the Committee of Adjustment, Council and market demands. Minimum lots frontages and areas have generally decreased as the current By-law standards conflict in many ways with goals and objectives of the City's Official Plan. The new standards have been crafted to maintain neighbourhood character where possible while still providing opportunities for new growth and development.

### **Section 8 – Commercial Zones**

Commercial Zones have reduced from the 10 that currently existing to 5. There were too many Zones with very little in terms of differences. The range of permitted uses within existing Commercial Zones have inconsistencies in terms of types of permitted uses that were permitted and did not reflect the actual impact of various uses. Generally, the assignment of these Commercial Zones followed the following format:

- Commercial Zones reduced from 10 to 5
- Properties designated Community Commercial Node zoned CC1.
- Properties designated Community Commercial Corridor zoned CC2.
- Properties designated Downtown zoned DMC
- Properties designated Regional Shopping zoned RS.
- Properties designated low density with existing neighbourhood commercial use zoned NC.

The proposed Commercial Zones and their respective regulations will help to promote and enhance Commercial and economic activity. Many of the use restrictions and regulations have been relaxed to promote the expansion and redevelopment of existing and vacant commercial lands.

### **Section 9 – Open Space Zones**

There are proposed to be three (3) Open Space Zones in the new By-law versus the six (6) that currently exist. The propose By-law will now have three levels of Open Spaces Zoning. The O1 Zone is generally proposed for small-scale neighbourhood parks. The O2 Zone is generally proposed for larger parks and facilities. Lands designated Welland Recreation Waterway have been Zoned WRW. The WRW Zone will allow for a range of medium and high density residential development and ancillary commercial development

among other open space type uses. This type of development was completed in the City's Official Plan, the WRCC Masterplan and Council's Strategic Objectives.

The proposed Open Space Zones will continue to protect and enhance the open space system in the City while also providing opportunities for public and private partnerships. The new By-law will help to ensure that the City's open space areas meet the needs of the residents today and in the future.

### **Section 10 – Environmental Overlay Zones**

The proposed By-law has a new and innovative approach to manage and protect environmentally sensitive areas (eg. Floodplains, Provincially Significant Wetlands (PSW), Significant Woodlots to name a few). When the 2010 Official Plan was completed there was an exhaustive process of identifying all the various environmental features and conditions that should be protected. There is flexibility built into the Official Plan policies that allow minor adjustments in the boundaries of the environmentally sensitive areas without amendment to the plan.

The new By-law proposes that these environmentally sensitive areas be zoned into one or more of three different overlay zones. The HA Zone generally applied to hazard areas such as flood risks areas. The EP Zone generally applied to lands containing an identified environmental protection area in the Official Plan. These are generally Provincially or Federally protected lands such as PSW's or Fish Habitat. The EC Zone generally applied to properties identified as an Environmental Conservation Area in the Official Plan. These are generally areas that contain significant woodlots and/or locally or regionally significant Wetlands. These overlay Zones can be changed without amendment to the proposed By-law provided the necessary supporting documentation can be provided to the City. There will be some exceptions to these as only the Province can change the boundaries or designation of lands as a PSW. However, there is flexibility here which reflects that natural systems change overtime.

Under the current By-law environmentally sensitive areas were generally not zoned unless they went through a Planning Process where these features were identified through Pre-Consultation or through the completion of a required environmental study. The new By-law will assist in implementing the environmental policies contain in the City's Official Plan. The current By-law only provides protection for approximately 71 hectares of land whereas the proposed By-law will provide protection for approximately 1271 hectares of land.

### **Section 11 – Institutional Zones**

The new By-law has reduced the number of Institutional Zones from four (4) to two (2). The INSH1 was generally applied to properties designated Institutional in the Official Plan. The INSH was generally applied to properties designated Health and Wellness Cluster in the Official Plan. This Zone will provide mixed uses to implement and support the Health and Wellness Cluster Designation including residential, support and medical related uses. It will help the City to continue to meet and exceed the minimum requirement that 60% of the residential is to occur in the Built-Up Area of the City. This type of development will support and enhance Public Transit, create affordable housing, and create a community centred around a health and wellness theme.

### **Section 12 – Industrial Zones**

The new By-law has reduced the number of Industrial Zones from seven (7) to four (4).

Generally, the assignment of Industrial Zones followed the following format:

- Industrial Zones from 7 to 4
- L1 generally applies to properties designated Light Industrial Area in the Official Plan.
- G1 generally applies to properties designated General Industrial Area in the Official Plan.
- GEC generally applies to properties designated Gateway Economic Centre.
- X applies to aggregate extraction operations (no properties proposed to be zoned X at this time).

The new By-law carries forward and enhances the flexibility of the current Industrial Zones. The permitted uses were broadened for the L1, G1, and GEC Zones. The provisions for these Zones have been relaxed to maximize the use of the lands and to reflect market demand in terms of height, parking and setbacks. These new Zones will optimally position the City's Economic Strategy by providing "shovel ready" development opportunities that reflect current and future needs.

### **Section 13 – Agricultural & Rural Zones**

The new By-law has simplified the regulation of agricultural and rural areas by reducing the number of Zones from eight (8) to three (3). The A1 Zone generally applies to large properties designated Agricultural and/or Rural in the Official Plan. The RR Zone generally applies to small properties designated Agricultural and/or Rural in the Official Plan. The RE Zone applies to properties designated Rural Employment Area in the Official Plan.

The permitted uses and provisions in the new By-law as they relate to these Zones have been enhanced to primarily promote agriculture and agriculturally related uses. This is in conformance with Provincial, Regional and City Policies requiring the protection and enhancement of Agricultural and Rural Areas. There are now provisions to allow for a home industry which would allow for a home based electrician, HVAC technicians and others. This was done to reflect current market realities and existing uses in these areas. Minimum lot sizes have increased largely due to the fact that severances in rural and agricultural areas should be discouraged. There are very narrow exceptions to this rule and they are largely for technical severances and surplus farm dwellings. There are some limited opportunities for severances for new lots in the Doan's Ridge Road Area where municipal water services exist, however, these are also subject to the Official Plan Severance Criteria.

### **Schedule "A" Zone Maps**

The new By-law is proposed to contain a mapbook of the Zoning for all lands within the City of Welland. To find the Zoning for a property, a person would first look at the Map Index and find the general area where the property is located and locate the map index number. They would find the respective map that includes the property they are interested in and locate the specific property. The map contains a text version of the respective Zones and a coloured legend system. Alternatively, a person can google a property of interest and one of the top hits will be a link to the City's Property Information Pages which will provide general information on the property including the OP Designation and Zoning classification. This can also be found on the City's Website. The City also offers public access to the City's GIS Mapping Tool which allows users to create different types of maps for lands in the City including Zoning and OP information.

These three areas of information as it relates to the mapping of Zones in the City make for a comprehensive package of information tools that will be at the reach of all Stakeholders.

**Schedule “B” Special Exceptions**

A Special Exceptions Section has been included to recognize some existing Special Exception Zones. These include some historic Special Exceptions but also recent ones. There has been a significant decrease in the number of Special Exceptions. These have been reduced from approximately 325 to 83. The Special Exceptions Section will be needed for any future site specific amendments to the proposed By-law. The Planning Act does permit a Municipality to limit Applications for Zoning By-law Amendment and Minor Variances to a New Zoning By-law for a two year period. The Municipality can lift this restriction via Resolution. Staff are recommending this requirement be waived upon Council approval of the New By-law. The main reason for this is that we cannot predict all the possible situations or types of proposals that may come forward for lands in the City. The City needs to be flexible in its approach here in order to effectively promote the City.

**Changes to the Proposed Comprehensive By-law**

Since the Statutory Public Meeting was completed Staff are recommending the following list of edits which are reflected in Appendix I. Many changes are strictly editorial in nature or have been requested to clarify the intent or applicability of a regulation or correcting typographical errors. Others are updated recommendations based upon the continued review of the issues. The changes are minor and in Staff’s opinion to not require further Public Notice.

<b>Zoning By-law Section</b>	<b>Change</b>	<b>Rationale</b>
Section 4: Definitions	Definition of Boarding and Lodging use changes to be more than 4 units versus more than 3 units.	The change was needed to be consistent with the Building Code which defines a Board and Lodging Use to have more than four rooms being rented.
Section 4: Definitions	Definition of Farm Diversification was removed.	The terms is not used in the By-law and therefore is not needed.
Section 4: Definitions	Group Home definition was modified to be permitted in any type of dwelling unit.	The change would be consistent with the Regional OP and the City OP.
Section 4: Definitions	Definition for Kiddie Pool was added.	This was done at the request of the Traffic and By-law Division to differentiate between these types of pools and others. No desire to regulate small pools like these.
Section 4: Definitions	Definition for Motor Vehicle Service Station was modified to ensure that the filling of portable containers for fuel is permitted.	This was done to ensure that people can legally fill gas cans and propane tanks.



Section 5.7a)	Storage container and garbage dumpster were added to the list of items permitted during construction.	This was done to be consistent with what is actually present on construction sites today.
Section 5.16	The Group Home provisions were modified to ensure they were allowed where a dwelling unit is permitted.	The change would be consistent with the Regional OP and the City OP.
Section 5.30 d)	This Section was modified to make it clear these things could be done in a G1 Zone.	The regulation as originally written was potentially too restrictive considering many heavy industries use chemicals and processes that may be considered explosive.
Section 5.30 e)	This Section was modified to make it clear these things could be done in a G1 Zone.	Should be permitted in a G1 Zone as this is a heavy industrial zone.
Section 5.31 a)	Building and Structures were added to this regulation to make it 100% clear.	This was needed to make it clear that buildings and structures were included in this Section.
Section 5.34	Regulations concerning Satellite Dishes were removed.	This change was made at the request of the Traffic and By-law Division as they were deemed to be difficult to enforce and not relevant given advances in satellite dish technology.
Section 5.40	Added exterior side yard to the area where a pool can be permitted.	This was to be more consistent with the new setbacks being proposed by the By-law. It was determined that too much land is made unusable because of excessive exterior side yard requirements.
Section 5.40.1	Removed the 4.5m setback requirement and made the 1.22m setback requirement the same for interior, exterior and rear yard setbacks.	This was done to make the requirement more simple and to be consistent with the setback requirements proposed in this By-law.
Section 5.40.2	Add heating equipment to the list of Treatment Equipment.	This was made to be consistent with type of equipment associated with a pool to ensure these are covered.
Section 5.44	A regulation concerning Wayside Pits and Quarries and Portable Asphalt and Concrete Plants was added.	This was made to address a comment submitted by the Region of Niagara to include a regulation concerning these facilities.
Section 6.14 a)	The regulation was modified to allow for 1 unlicensed	This modification was made to be more consistent with the current

	motor vehicle.	Zone provisions which allowed for one unlicensed vehicle.
Table 7.2.1	Block townhouse added as a permitted use in an RL2 Zone.	This was inadvertently left out of the May 2017 Draft By-law and brings this zone into conformity with the Official Plan and the low density designation.
Table 7.3.1	Minimum Lot Size was reduced to 270 square metres.	This was done at the request of a Planning Consultant to reflect a new minimum standard lot of 9m x 30m lot = 270 square metres.
Table 7.3.1	Provisions added for block townhouse for RL2 Zone	This was inadvertently left out of the May 2017 Draft By-law and brings this zone into conformity with the Official Plan and the low density designation.
Table 7.3.1	Rear yard for multiple dwelling was reduced to 6.0 m.	This was done to be consistent with the rear yard setback proposed for other permitted uses in the RL2 Zone.
Table 7.3.1	Building Height for Apartment, Boarding and Lodging, Group Home, Day Care Centre, Multiple Dwelling, Retirement Home in RM Zones.	This was to be consistent with the Medium Density Official Plan Designation which permits up to 6 storeys.
Table 8.2.1	Block Townhouse added as a permitted use in the CC2 Zone.	This was to allow for additional options for mixed-use type development.
Table 8.2.1	Group Home was added as a permitted use to CC1, CC2 and NC Zones.	This was done to be consistent with Regional and City OP Policies concerning group homes.
Table 8.2.1	Footnote (5) was removed.	This footnote was not used in the table and therefore is redundant.
Table 13.2.1	A footnote was added to Agri-Tourism to limit these uses to 250 square metres in gross floor area.	This was done at the request of a comment submitted by the Regional Staff to limit the scale of these uses to remain secondary to a farming operation.
GEC-13	Home Improvement Store was removed as a permitted use	It is not permitted in the Gateway Economic Centre Designation
RS-15	Permitted uses and provisions were amended to reflect recent OMB Order.	Recent OMB order.

### Major Outstanding Issues

All written comments received have been recorded in a Comment Matrix attached as Appendix II. The comments have been sorted in theme areas and Staff has provided a response to each comment received. Comments highlighted in green are either a

comment in support or have been addressed through modifications to the By-law or through further clarification. Comments highlighted in yellow will be forwarded to a future Official Plan Review. Comments in grey are not related to a Zoning By-law. Comments in red have not been able to be resolved for a number of reasons. All copies of written correspondence received throughout the process are attached as Appendix III. The four major outstanding areas of concern are as follows:

### **1) Boarding and Lodging**

There have been numerous questions from Council on how Boarding and Lodging is being dealt with in this proposed new By-law. There have been very limited public comments concerning Boarding and Lodging as part of the Zoning By-law Review process. Staff are proposing the following as it relates to Boarding and Lodging. Existing Boarding and Lodging Residences will be "grandfathered" by the new By-law and so if it existed prior to the passing of the new By-law it will become legal from a Zoning perspective. However, they will still need to conform with the Building and Fire Code, among other laws.

The definition of Boarding and Lodging has been amended to mean more than four (4) roomers and boarders. This was done to come in-line with the definition of Boarding and Lodging under the Building Code and a legal opinion obtained by the City. The RH Zoning for the lands on the east and west sides of Niagara Street and south of Woodlawn Road and lands at the north-east corner of Woodlawn Road and Seaway Drive will help create more opportunities for boarding and lodging, rental housing and other forms of higher density housing. The addition of a Secondary Suite as a permitted use will help to increase the supply of rental units. Staff have also proposed an Improved Downtown Zoning to allow for Boarding and Lodging among other residential and commercial uses.

Staff have reviewed the enrollment numbers for the Welland Niagara College Site and note that the enrollment number increase is flat and has decreased slight over time. However, the International Enrollment is increasing both in numbers and as a percentage of total enrollment. It is Staff's opinion that there will be a need for an increase in the amount of accommodations for students in Welland and particularly near the college. Staff are of opinion that the proposed policy direction in the new By-law will assist in creating an environment where this type of housing will be constructed.

### **2) High Density Zoning on the East Side of Niagara Street, South of Woodlawn Road and the Woodlawn Cemetery**

A number of area residents have raised concerns about the proposed RH Zoning of properties on the East Side Niagara Street, South of Woodlawn Road and the Woodlawn Cemetery. The lands are designated High Density Residential and an Intensification Area in the Official Plan. The residents objecting generally want the provisions of OPA 77 reinstated or have these provisions incorporated into the proposed new By-law. In general they are requesting the following:

- Reinstatement of OPA 77.
- A thirty (30) metre treed buffer area between their properties and any new development including buildings, structures and parking areas.

- Cap the residential density at one hundred (100) units per gross hectare.
- Require a minimum ninety (90) metre frontage for any development.

Staff have reviewed OPA 77 which was replaced by the 2010 Official Plan and note the following:

- 2010 OP is the “in force” document and OPA 77 is no longer in force or effect.
- Density in OPA 77 would be below one hundred and twenty-five (125) units per hectare which is permitted under the current OP.
- Frontage requirements and property ownership requirement were prohibitive and did not make sense from a land use perspective.
- The thirty (30) metre treed buffer/setback for any development is prohibitive and would conflict with the current intensification designation.
- The provisions would not be consistent with Council approvals and Staff recommendations since the approval of the 2010 OP.
- 3 property owners are opposed to the requested reinstatement of the provision contained in OPA 77.

As a result of the above considerations, Staff are not recommending any change to the current RH Zone provisions as they would apply across the City or in this particular area. Issues revolving around landscaping and tree preservation/planting would be dealt with as a part of any Application for Site Plan Approval for individual properties/projects.

Should Council wish to increase the rear yard setback, Staff presented an option at the Statutory Public Meeting. A site specific Zone could be created for the subject lands requiring a minimum Setback for a building would be 7.0m for up to 11m in height and the height above 7.0m would need to be setback an additional 1m for every 3m in height increase above 7.0m. While this would fall outside previous approvals of Council under the Current OP it would provide residents with a greater setback than is currently proposed. It would cut into some of the development potential of the site which would be at odds with the designation of these lands as an intensification area. However, one of the owners of the subject lands indicated verbally that they would be fine with this approach.

### **3) RL1 Zoning in the North-West Corner of the City**

One resident has raised concerns with the proposed RL1 Zoning in the Topham Boulevard, Summerlea Avenue, Crerar Avenue, Montgomery Road area at the north-west corner of the City. Three residents have written in support of the proposed RL1 Zoning in this area. Staff have reviewed the comments and can offer the following. The lands are located in the Built-Up Area and Serviced Area for the City of Welland and designated Low Density Residential. Given this policy context Staff are still recommending a RL1 Zoning for this area generally and do not recommend any changes.

### **4) Some Residents on the West Side of Colborne Street opposed to A1 Zoning.**

The area in question is bounded by Colborne Street to the east, Highway 58 to the west, the Transport Canada lands to the north and Forks Road to the south. City Council approved to remove these lands from the Urban Area of the City of Welland. The Region has not made a decision on Welland's request and the City is in the process of appealing the non-decision of Regional Council. There are also numerous residents who support the decision to remove these lands from the Urban Area and want to maintain a rural character. City Staff can offer the following related to these lands:

- A significant portion of the lands are farmed and are receiving a farm tax rate for this use;
- On February 7, 2017 the Ministry of Municipal Affairs and Housing indicated that these lands are Canada Land Inventory Class 3 lands and are being used for agricultural purposes and appear to meet the definition of prime agricultural lands and should be considered part of a prime agricultural area of the PPS;
- The MPAC valuation of these lands is reflective of a rural/agricultural area and not lands that are poised for significant growth;
- OPA 67 that originally added these lands to the Urban Area, in hindsight, is considered bad planning and involves the uneconomical expansion of municipal services;
- These lands are not needed nor desirable for urban development in a 20 year timeline and beyond.

Staff are still recommending the proposed A1 Zoning. The proposed Zoning will help to protect this prime agricultural area from urban development and will help to preserve the rural character of the area. The Zoning will severely limit any potential for new lot development which will implement Provincial, Regional and City Planning Policies concerning Agricultural and Rural Areas.

#### **5) Some Property Owners want Zoning that does not reflect the current OP Designation**

There are a number of property owners who have requested Zoning for a specific parcel of land which does not meet the current OP designation. For example, some people want a RM Zone but the current OP designation is Low Density Residential. In many cases these are properties which already contain a use which may not reflect the current OP designation. Staff are recommending these properties be considered as part of a review of the OP in 2019/2020. Alternatively, these people have been advised to apply for an OP and Zoning Amendment if they want to move the process along faster.

#### **FINANCIAL CONSIDERATION:**

The project has been completed in combination with Staff and a consulting firm. The work with the consulting firm is now complete. The project was approved and accounted for in the City's Budget. This project has been completed to date on budget.

Any costs related to potential appeals to the Ontario Municipal Board are accounted for in the Legal Services operating budget.

#### **OTHER DEPARTMENT IMPLICATIONS:**

The New Comprehensive Zoning By-law has and will involve and impact many City Departments. Staff will work together to ensure successful implementation of the New Zoning By-law.

**SUMMARY AND CONCLUSION:**

Staff and the City's Consultant have conducted a comprehensive review of their existing Zoning By-laws and have developed a new Comprehensive Zoning By-law for the whole City. Public participation has been a critical component of this process and there has been significant public engagement through the process. The new By-law will assist in implementing Provincial, Region and City Planning Policies and the Strategic Objectives of Council. Staff are also recommending a By-law which reflects social, economic, technological and environmental changes that have taken place since 1958. The By-law will also assist the City with growth management including the creation of opportunities for residential growth in our Built-Up Area and Zoning to promote employment growth and private sector investment. The By-law will provide more opportunities and direction on growing in an economical, socially and environmentally sustainable way.

Staff are recommending approval of the New Comprehensive By-law and other recommendations contained herein.

**ATTACHMENTS:**

- Appendix I Proposed New Comprehensive Zoning By-law Tracked Changes
- Appendix II Comment Matrix
- Appendix III Correspondence Received