

How may the new zoning by-law affect my property?

The new zoning by-law may have one of three effects:

1. Existing zones are renamed or reclassified such that it is administrative in nature and does not impact existing zoning permissions or regulations;
 2. Permit additional uses and built forms that are currently not permitted by the existing zoning by-law; or,
 3. Uses and built forms that are currently permitted under the existing zoning by-law may no longer be permitted.
- When the new zoning by-law results in a legally existing use no longer being permitted, these lands may be considered to be “legal non-conforming”.

However, no matter what effect takes place through the new zoning by-law, all lands that have a legally established existing use will be permitted to continue.

What is legal non-conforming?

In situations where land, buildings, and uses legally existing on the day the new zoning by-law is passed by Council but do not comply with the new zone standards, the use and/or building will continue to be permitted and be assigned a “legal non-conforming” status. A legal non-conforming status means that the legally established building and land use on a property at the time the new zoning by-law takes effect will continue to be permitted, provided that the land owner does not propose to change the property, its use or building characteristics. If additional development or a change in use is proposed, the new zoning requirements would then apply and the use of the property could only be changed to what is permitted in the new zoning by-law provided it meets all the regulations. In the long term, the intent is that all legal non-conforming uses will change to the uses permitted in the new zoning by-law and thus implement the development vision of the Official Plan.

What happens if my property’s current zoning is changed and deemed “legal non-conforming”?

The zone change has no effect on the continued use of any property. If and when the proposed new zoning comes into effect, there will be no change to the requirements imposed and you can continue living or operating your business without any implications. The new zoning requirements will only apply to new development or change in use of the property.

Anticipated Zoning By-law Review Work Plan Summer/Fall 2015

Background Review and By-law Review.

Fall/Winter 2015

Draft Zoning By-law and community consultation.

Spring 2017

Target Draft Comprehensive Zoning By-law presented to Council.

We need your input!!

Public Participation is a critical component of this project. The City of Welland wants your input. To add your name to a contact list for upcoming events, please email zoningreview@welland.ca For more information about the Zoning By-law Review contact:

Grant Munday
Planning Supervisor
905-735-1700, Ext. 2240
grant.munday@welland.ca



www.welland.ca/Planning/ZoningReview.asp



We need your input

Zoning By-law Review

Creating one new simple
zoning by-law.



What is a zoning by-law?

A zoning by-law is a “rule book” that controls how construction and development can take place in the City. It is a precise legal document that is approved by City Council. The statutory authority to zone land is granted by Section 34 of the *Planning Act*. The *Planning Act* requires a municipality to update its zoning by-law within three years of a new official plan coming into effect.

What does a zoning by-law do?

Zoning by-laws control the use of land in a community. Its states exactly:

- how land may be used
- where buildings and other structures can be located
- the types of buildings that are permitted and how they may be used
- the lot sizes and dimensions, parking requirements, buildings heights and setbacks from the street

A zoning by-law implements the community vision and policies for future growth and development expressed in the City’s Official Plan. The zoning by-law will put the Official Plan vision and policies into terms, permissions and numbers that can be measured.

What is the Official Plan?

The Official Plan is the City’s policy document that sets out the general policies for future land use and shapes how the City will develop in the future. 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 addresses the pressures and opportunities facing the City and is reflective of the extensive community consultation that took place during this Plan’s creation.

What is the purpose of a zoning by-law?

Zoning by-laws serve a variety of purposes with the top three being to:

- implement the Official Plan
- address various environmental and safety issues
- provide legally enforceable regulations for development

What content is found in a zoning by-law?

A zoning by-law consists of various zones applied throughout the City. Each zone has corresponding use permissions, building standards and regulations. Zones are what distinguish an employment area from a low density residential area from a mixed use area. Zoning by-laws can also have general regulations for certain uses, buildings and structures (i.e. daycares, bed and breakfast establishments, or accessory buildings), definitions for various terms used, and parking regulations for specific uses.

What happens if a development proposal doesn’t meet zoning by-law rules?

Can the rules be changed by individuals?

Construction and new development that doesn’t comply with the zoning by-law is not allowed, and the municipality will refuse to issue a building permit. If a development proposal does not comply with the zoning by-law, the applicant of the proposal can apply for a site specific zoning by-law amendment, or a minor variance. *The Planning Act* requires that a municipality accept and consider any proposal to amend or vary the zoning by-law.

To ensure that any change being sought is appropriate, the proposal must meet the policies in Official Plan which provide the overall vision and development guidance within the City. Decisions on “zoning by-law amendments” are made by Council. Decisions on “minor variances” to the by-law are made by the Committee of Adjustment.

The Zoning By-law Review

The City has prepared a draft new zoning by-law for the entire City of Welland municipal boundaries. The document is available for public review and comment. The project will implement the policies of the City’s Official Plan. This project is also consistent with the spirit and general intent of the City of Welland Strategic Priorities.

What is the goal of the Zoning By-law Review?

The goal of the project is to develop a single new comprehensive Zoning which appropriately implements Provincial, Regional and Local policies. Staff will ensure the new Zoning By-law is a more simplified document which will be easier to read and understand by the general public and implemented more efficiently by all Staff.

What does the Zoning By-law Review work plan include?

The project work plan includes the completion of a number of technical papers to inform the changes to and implementation of new zones and zone standards. The project also includes a variety of public engagement opportunities including open houses, discussion sessions, and meetings with Council.

What will be the result of the Zoning By-law Review?

The result of the project will be a new zoning by-law for the entire City of Welland. The new Zoning By-law will implement the development vision of the Official Plan. In order to implement the Official Plan, the new zoning by-law is anticipated to change various use permissions and regulations that currently exist for some lands.

The project may also include a zone change for various lands to implement the development vision in the Official Plan. More information about any changes will be available with a first draft of the new zoning by-law.

