



The Municipal Corporation of the Town of Fort Erie

By-law No. 14-2017

Being a By-law to Amend Zoning By-law No. 129-90 Downtown Residential Parking Strategy

350309-0427

Whereas the Council of the Town of Fort Erie at its meeting of May 2, 2016, authorized staff to undertake an amendment to Comprehensive Zoning By-law No. 129-90 as amended, to undertake the Downtown Residential Parking Strategy through approval of recommendations contained in Report PDS-43-2016, and

Whereas Subsection 34 (12) of the *Planning Act*, R.S.O. 1990, c.P.13, provides that the Council, before the passing of a by-law under this section of the Act, shall ensure that sufficient information is made available to the public to generally understand the zoning proposal and to hold a public meeting, and

Whereas in accordance with Council direction from 2005 and subsequently 2011, an Open House was held respecting the proposed Downtown Residential Parking Strategy amendments to Comprehensive Zoning By-law No. 129-90 as amended on October 11, 2016 and notice of such was published in the Fort Erie Times on October 6, 2016, and

Whereas in accordance with Subsection 34 (12) of the *Planning Act*, R.S.O. 1990, c.P.13 a Public Meeting was held respecting the proposed parking strategy amendments to Comprehensive Zoning By-law No. 129-90 as amended, on December 5, 2016 and notice of such was published in the Fort Erie Times on November 10, 2016, and,

Whereas to satisfy the notification requirements for Town initiated amendments approved by Council on May 6, 2013, the following additional measures were undertaken to notify the public of the proposed amendment:

- Notice was posted on the Town's website;
- All owners of commercial properties in the South End Neighbourhood were sent notice;
- Past participants were contacted;
- BIA representatives were contacted;
- Notice was posted at Town facilities including Town Hall, the Leisureplex, library branches and the museum;
- Notification was provided on the digital billboard at the corner of Garrison Road and Municipal Centre Drive;
- Event details were posted on the Town's social media platforms as well as corporate blog;
- A Facebook advertising campaign targeting Fort Erie residents was implemented two weeks prior to the event; and
- The Town's calendar was updated with the event details.

Whereas it is deemed desirable to proceed with the amendments to the regulations of Comprehensive Zoning By-law No. 129-90 as amended, pursuant to Report No. PDS-08-2017 considered at the Council-in-Committee meeting of January 16, 2017, and subsequently approved by Council;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** "Section 21 – Central Business District Commercial (C2A) Zone" of Zoning By-law No. 129-90 as amended, is repealed in its entirety and replaced with "Section 21" attached hereto as "Appendix 1".
2. **That** "Section 26A – Core Mixed Use 1 (CMU1) Zone" of Zoning By-law No. 129-90 as amended, is repealed in its entirety and replaced with "Section 26A" attached hereto as "Appendix 2".
3. **That** "Section 26B – Core Mixed Use 2 (CMU2) Zone" of Zoning By-law No. 129-90 as amended, is repealed in its entirety and replaced with "Section 26B" attached hereto as "Appendix 3".
4. **That** "Section 26D – Core Mixed Use 4 (CMU4) Zone" of Zoning By-law No. 129-90 as amended, is repealed in its entirety and replaced with "Section 26D" attached hereto as "Appendix 4".
5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of January, 2017.

Mayor

Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 14-2017 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____

SECTION 21 - CENTRAL BUSINESS DISTRICT COMMERCIAL (C2A) ZONE

21.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this Section shall apply in all Central Business District Commercial (C2A) Zones.

21.2 PERMITTED USES

(a) **COMMERCIAL USES**

- Animal hospitals in wholly enclosed buildings
- Automobile Service Stations
- Bake shops
- Banks and Financial Institutions
- Brewers' Retail outlets
- Building supply sales
- Business or professional offices
- Candy kitchens
- Clinics
- Catering establishments
- Commercial schools
- Custom brokers
- Custom workshops
- Day Nursery
- Department stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden centres
- Hotels
- Laundries and Laundromats
- Liquor Control Board of Ontario outlets
- Motels
- Personal service shops
- Pet Day Care Establishments
- Pharmacies
- Places of entertainment or recreation or assembly
- Post offices
- Printing establishments
- Private or commercial clubs
- Private parking lots
- Public Libraries
- Public parking garages
- Public parking lots
- Public transportation depots including bus stations and rail stations
- Religious, fraternal or public institutions

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- Retail stores
- Service shops
- Spa Services
- Studios
- Supermarkets
- Taverns
- Taxi establishments
- Undertaking establishments
- Vehicle sales and rental establishments
- Veterinarian Clinic in wholly enclosed buildings
- Video Outlet Sales and Rental Establishments

(b) Dwelling units

(c) Uses, buildings and structures accessory to any permitted commercial use.

21.3 REGULATIONS

Minimum Lot Area	no minimum
Minimum Lot Frontage	no minimum
Minimum Front Yard	no minimum
Minimum Interior Side Yard	no minimum except that where an interior side yard abuts a Residential Zone, the minimum interior side yard width shall be 2.5m
Minimum Exterior Side Yard	no minimum
Minimum Rear Yard	4.5m except where any part of the building is used for residential purposes, the minimum rear yard shall be 10m
Maximum Gross Floor Area	no maximum
Maximum Building Height	i) 3 storeys ii) 12m
Parking Exceptions	all lands within the C2A Zone shall be exempted from the parking and loading requirements of this By-law with the exception of buildings containing dwelling units where the provisions of Subsection 18.2(d) shall apply.

21.4 REGULATIONS FOR DWELLING UNITS

All of the provisions of Subsection 18.2 shall apply, except that notwithstanding the regulations contained in Section 18.2 (d), a minimum of one parking space shall be provided for each dwelling unit via one, or a combination of the following means:

a) On the same lot as the dwelling unit, or

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- b) In a dedicated area within a municipal parking lot through a licensing agreement or paid permitting system for a municipal parking lot that is located within 200 m of the property containing the dwelling unit, or
- c) In an area of a private parking lot that contains an easement in favour of the owner of the dwelling unit that is located within 200 m of the property containing the dwelling unit.

21.5 REGULATIONS FOR ACCESSORY BUILDINGS

The regulations of Subsection 18.3 shall apply.

21.6 REGULATIONS FOR “PET DAY CARE ESTABLISHMENTS”

The requirements of Section 6.52 shall apply in addition to the regulations governing this section.

EXCEPTIONS TO THE CENTRAL BUSINESS DISTRICT COMMERCIAL (C2A) ZONE**C2A-212 (156-1999) 54 Jarvis Street**

These lands are zoned “Central Business District Commercial C2A-212 Zone” and all of the provisions that relate to lands zoned “Central Business District Commercial C2A Zone” by this By-law shall apply to those lands zoned “Central Business District Commercial C2A-212 Zone” except that in addition to the permitted uses set out in Section 21.2(a), these lands may also be used for an amusement machine establishment.

C2A-274 (167-1992) 4002 Erie Road (Relocated to CMU2-274)**C2A-321(H) (22-04) 4020 Erie Road (Relocated to CMU2-321)****C2A-419 (102-10) Bridgeburg Central Business District**

These lands are zoned "Central Business District Commercial C2A-419 Zone" and all of the provisions that relate to lands zoned " Central Business District Commercial C2A Zone" by this by-law shall apply to those lands zoned " Central Business District Commercial C2A-419 Zone" on the attached Schedule A-4 subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 18.2(f), the required residential open space may also be provided by way of private open-air balcony space directly adjoining a residential unit.
- b) Notwithstanding the requirements of Subsection 21.3, the maximum building height of a building in this district shall be three (3) stories.

C2A-420 (102-10) Bridgeburg Central Business District

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These lands are zoned "Central Business District Commercial C2A-420 Zone" and all of the provisions that relate to lands zoned " Central Business District Commercial C2 Zone" by this by-law shall apply to those lands zoned " Central Business District Commercial C2A-420 Zone" on the attached Schedule A-4 subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 18.2(f), the required residential open space may also be provided by way of private open-air balcony space directly adjoining a residential unit.
- b) Notwithstanding the requirements of Subsection 21.3, the maximum building height of a building in this district shall be ten (10) stories.

C2A-421 (102-10) Bridgeburg Central Business District

These lands are zoned "Central Business District Commercial C2A-421 Zone" and all of the provisions that relate to lands zoned " Central Business District Commercial C2A Zone" by this by-law shall apply to those lands zoned " Central Business District Commercial C2A-421 Zone" on the attached Schedule A-4 subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 18.2(f), the required residential open space may also be provided by way of private open-air balcony space directly adjoining a residential unit.
- b) Notwithstanding the requirements of Subsection 21.3, the maximum building height of a building in this district shall be three (3) stories.
- c) Notwithstanding the requirements of Section 12.2(a), the subject lands may also be used for an amusement machine establishment.

C2A-485 (31-13) 209 Jarvis Street South Side Of Jarvis Street, West Of Central Avenue

These lands are zoned "Central Business District Commercial (C2A) Zone C2A-485 Zone", an all of the provisions of By-law NO. 129-90 as amended that relate to lands zoned "Central Business District Commercial (C2A) Zone" by this by-law shall apply to those lands zoned "Central Business District (C2A) Zone C2A-485 Zone" on the attached Appendix 1 shall be subject to the following special provisions:

- a) In addition to the list of Permitted Uses in Section 21.2, the lands shown on Appendix "1" may also be used as a parking area subject to the provisions of Section 6.20.
- b) Notwithstanding the provisions of "Section 18.2 Regulations for Dwelling Units Permitted in Commercial Zones C1, C2, C2A, C3, C5 and C7," dwelling units shall be permitted to occupy a maximum of 49% of the ground floor

Appendix "1"

S E C T I O N 21 – C2A ZONE

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area of buildings, provide that no part of such dwelling unit, except for the entranceway has frontage onto a public street.

C2A-486 (33-13) (Relocated to CMU4-486)

SECTION 26A – CORE MIXED USE 1 (CMU1) ZONE

26A.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Core Mixed-Use 1 (CMU1) Zones.

26A.2 PERMITTED USES

- Animal Hospital
- Bake shops
- Banks and Financial Institutions
- Brewer's Retail Outlets
- Business or Professional Offices
- Building Supply and Sales
- Candy Kitchen
- Catering Establishment
- Clinics
- Commercial Schools
- Custom Brokers
- Custom Workshops
- Day Nursery
- Department Stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden Centres
- Hotels
- Laundries and Laundromats
- LCBO Outlets
- Motels
- Personal Service Shops
- Pharmacies
- Places of Entertainment, Recreation or Assembly
- Post Offices
- Printing Establishments
- Private parking lots
- Private or Commercial Clubs
- Public Libraries
- Public Parking Garages
- Public Parking Lots
- Public Transportation depots including Bus Stations and Rail Stations
- Religious, Fraternal or Public Institutions
- Retail Stores
- Service Shops

Appendix "2"

SECTION 26A – CMU1 ZONE

26A.2

TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90 OFFICE CONSOLIDATION

- Spa Services
- Studios
- Supermarkets
- Taverns
- Video Outlet Sales and Rental Establishments
- Dwelling Units
- Uses, buildings and structures accessory to any permitted commercial use

26A.3 ZONE REGULATIONS

Minimum Lot Frontage	0m
Minimum Lot Area	0 sq. m.
Minimum Front Yard	0m
Minimum Interior Side Yard	0m, except the minimum side yard abutting a residential zone shall be 2.5m
Minimum Exterior Side Yard	0m
Minimum Rear Yard	4.5m except the minimum rear yard abutting a residential zone shall be 10m
Maximum Building Height	i) 4 storeys ii) 15m
Required Parking	See section 6.20 – Shopping Centres (All off-street parking shall be provided in the rear or side yard and screened from street line by decorative fencing and/or landscaping at least 1.2m in height.

26A.4 REGULATIONS FOR DWELLING UNITS

All of the provisions of Subsection 18.2 shall apply, except that notwithstanding the regulations contained in Section 18.2 (d), a minimum of one parking space shall be provided for each dwelling unit via one, or a combination of the following means:

- a) On the same lot as the dwelling unit, or
- b) In a dedicated area within a municipal parking lot through a licensing agreement or paid permitting system for a municipal parking lot that is located within 200 m of the property containing the dwelling unit, or
- c) In an area of a private parking lot that contains an easement in favour of the owner of the dwelling unit that is located within 200 m of the property containing the dwelling unit.

EXCEPTIONS TO THE CORE MIXED USE (CMU) ZONE

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CMU1-447 (58-11) Gateway Secondary Plan Area

These lands are zoned "Core Mixed-Use 1 CMU1-447 Zone" and all of the provisions that relate to lands zoned "Core Mixed-Use 1 CMU1 Zone" by this by-law shall apply to those lands zoned "Core Mixed-Use 1 CMU1-447 Zone" on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Section 26A and any additional requirements set out in By-law 58-11, uses lawfully existing as of the date of passing of By-law 58-11 shall be deemed to be permitted uses, and the location of existing buildings and parking areas shall be deemed to be compliant with this By-law. Any proposed uses, additions and/or expansions to existing buildings shall be required to conform to the requirements of this By-law.
- b) Notwithstanding the requirements of Section 26A, buildings used solely for residential purposes as described in Section 14 of this By-law shall be permitted, provided they are setback a minimum of 65m from Garrison Road. All other Zone regulations of Section 14 shall apply to such uses.
- c) Notwithstanding the requirements of Section 26A, buildings used solely for residential purposes as described in Section 15 of this By-law shall be permitted, provided they are setback a minimum of 65m from Garrison Road and are no greater than four (4) stories in height. All other Zone regulations of Section 15 shall apply to such uses.
- d) Notwithstanding the requirements of Section 26A, for buildings in this Zone with exterior walls that front upon Garrison Road, the use of the ground floor shall be restricted to commercial use in accordance with this By-law. Floors above the ground floor may be used for either commercial use or residential use.

CMU1-456 (58-11) Gateway Secondary Plan Area

These lands are zoned "Core Mixed-Use 1 CMU1-456 Zone" and all of the provisions that relate to lands zoned "Core Mixed-Use 1 CMU1 Zone" by this by-law shall apply to those lands zoned "Core Mixed-Use 1 CMU1-456 Zone" on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Section 26A and any additional requirements set out in By-law 58-11, uses lawfully existing as of the date of passing of By-law 58-11 shall be deemed to be permitted uses, and the location of existing buildings and parking areas shall be deemed to be compliant with this By-law. Any proposed uses, additions and/or expansions to existing buildings shall be required to conform to the requirements of this By-law.
- b) Notwithstanding the requirements of Section 26A, buildings used solely for residential purposes as described in Section 14 of this By-law shall be permitted,

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provided they are setback a minimum of 65m from Garrison Road. All other Zone regulations of Section 14 of this By-law shall apply to such uses.

- c) Notwithstanding the requirements of Section 26A, buildings used solely for residential purposes as described in Section 15 of this By-law shall be permitted, provided they are setback a minimum of 65m from Garrison Road and are no greater than four (4) stories in height. All other Zone regulations of Section 15 of this By-law shall apply to such uses.
- d) Notwithstanding the requirements of Section 26A, for buildings in this Zone with exterior walls that front upon Garrison Road, the use of the ground floor shall be restricted to commercial use in accordance with this By-law. Floors above the ground floor may be used for either commercial use or residential use in accordance with this By-law.
- e) Notwithstanding the requirements of Section 26A.2 and Section 26A.3 of this by-law, the subject property may also be used for a gasoline bar and a convenience store, in accordance with the following additional regulations:
 - i) Gasoline Pumps, pump islands, and canopies associated with the gasoline bar shall be set back a minimum of 6 metres from any lot line and any building.
 - ii) The height of any canopy including any sign appended to a canopy associated with a gasoline bar shall be no greater than 6 metres.
 - iii) Any building used for the purposes of a convenience store shall be located in accordance with the provisions of Section 26A.3 of this By-law.
 - iv) Any outdoor refuse container associated with the gasoline bar and/or the convenience store shall be set back a minimum of 3 metres from Garrison Road, shall be constructed of solid masonry, and shall be screened from view from Garrison Road by landscape material with a minimum height of 1.5 metres.
 - v) No mechanical equipment or utility appurtenance associated with the convenience store shall be located along any building wall facing Garrison Road.

SECTION 26B – CORE MIXED USE 2 (CMU2) ZONE

26B.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Core Mixed-Use 2 (CMU2) Zones.

26B.2 PERMITTED USES

- Animal Hospital
- Bake shops
- Banks and Financial Institutions
- Brewer's Retail Outlets
- Business or Professional Offices
- Building Supply and Sales
- Candy Kitchen
- Catering Establishment
- Clinics
- Commercial Schools
- Custom Brokers
- Custom Workshops
- Day Nursery
- Department Stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden Centres
- Hotels
- Laundries and Laundromats
- LCBO Outlets
- Motels
- Personal Service Shops
- Pharmacies
- Places of Entertainment, Recreation or Assembly
- Post Offices
- Printing Establishments
- Private parking lots
- Private or Commercial Clubs
- Public Libraries
- Public Parking Garages
- Public Parking Lots
- Public Transportation depots including Bus Stations and Rail Stations
- Religious, Fraternal or Public Institutions
- Retail Stores
- Service Shops

Appendix "3"

SECTION 26B – CMU2 ZONE

26B.2

TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90 OFFICE CONSOLIDATION

- Spa Services
- Studios
- Supermarkets
- Taverns
- Video Outlet Sales and Rental Establishments
- Stand alone single detached dwelling units
- Stand alone semi detached dwelling units
- Home occupations
- Dwelling Units
- Uses, buildings and structures accessory to any permitted commercial use or single detached or semi detached dwelling use.

26B.3 ZONE REGULATIONS FOR ALL OTHER USES

Minimum Lot Frontage	0m
Minimum Lot Area	0 sq. m.
Minimum Front Yard	0m
Minimum Interior Side Yard	0m, except the minimum side yard abutting a residential zone shall be 2.5m
Minimum Exterior Side Yard	0m
Minimum Rear Yard	4.5m except the minimum rear yard abutting a residential zone shall be 10m
Maximum Building Height	i) 3 storeys ii) 12 m
Parking Exceptions	Commercial uses within the CMU2 Zone shall be exempted from the parking and loading requirements of this By-law with the exception of buildings containing dwelling units where the provisions of Subsection 18.2(d) shall apply.
Parking Requirements for Properties with Frontage on Ridgeway Road	See Section 6.20.

26B.4 REGULATIONS FOR DWELLING UNITS

- (i) The regulations of Section 11.3 shall apply to single detached dwelling units located on a separate lot.
- (ii) The regulations of Section 13.4 shall apply to semi detached dwelling units located on a separate lot.
- (iii) All of the provisions of Subsection 18.2 shall apply to other dwelling units, except that notwithstanding the regulations contained in Section 18.2 (d), a

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minimum of one parking space shall be provided for each dwelling unit via one, or a combination of the following means:

- a) On the same lot as the dwelling unit, or
- b) In a dedicated area within a municipal parking lot through a licensing agreement or paid permitting system for a municipal parking lot that is located within 200 m of the property containing the dwelling unit, or
- c) In an area of a private parking lot that contains an easement in favour of the owner of the dwelling unit that is located within 200 m of the property containing the dwelling unit.

Notwithstanding the regulations in Section 11.3 or 13.4 the side yard setback from a restaurant or tavern shall be a minimum of 3m.

EXCEPTIONS TO THE CORE MIXED USE 2 (CMU2) ZONE**CMU2-155 (FORMERLY R2-155) (145-1996) Erie Road, south side, east of Schooley Road**

These lands are zoned "Core Mixed Use CMU2 -155 Zone" and all of the provisions that relate to lands zoned "Core Mixed Use CMU2 Zone" by this by-law shall apply to those lands zoned "Core Mixed Use CMU2-155 Zone" except that notwithstanding the requirements of Subsection 26B.2, this property may continue to be used for the 41 existing cottage dwellings and not more than 2 additional cottage dwellings may be erected on the subject property to replace those destroyed by fire prior to July 25th, 1983; and that notwithstanding the requirements of Subsection 11.3, the 2 additional cottages may be rebuilt in the locations shown as A and B on Schedule A to By-law 145-1996.

CMU2-241(H) (184-2001) 56 Belfast Road South

These lands are zoned "Core Mixed Use Holding 2 CMU2-241(H) Zone" and all of the provisions that relate to lands zoned Core Mixed Use 2 CMU2 Zone by this by-law shall apply to those lands zoned Core Mixed Use Holding 2 CMU2-241(H) Zone on Schedule A. Once the Holding has been removed, after the Town has approved a Site Plan Agreement these lands shall comply to all of the provisions that relate to lands zoned "Core Mixed Use 2 CMU2 Zone " except:

- (a) Notwithstanding the provisions of Subsection 26B.2, the lands may also be used for an apartment building containing not more than four (4) dwelling units subject to the provisions in Subsection 15.3, and;
- (b) Notwithstanding the provisions of Subsection 15.3, the lot area, lot coverage, landscaped area and yard setbacks for the building shall be as existing on the day of passing of this zoning by-law.

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CMU2-250 (FORMERLY R2-250) (143-2001) Lincoln Road East, south side, east of Derby Road

These lands are zoned "Core Mixed Use CMU2 -250 Zone" and all of the provisions that relate to lands zoned "Core Mixed Use CMU2 Zone" by this By-law shall apply to those lands zoned "Core Mixed Use CMU2-250 Zone", except that notwithstanding the provisions of Subsection 11.3(b) the subject parcel shall have a lot area of not less than 409 square metres

CMU2-261 (129-1990, 55-08) 381 Ridgeway Road (FORMERLY R2-261)

Nothing shall prevent the continued use of the lands indicated as Core Mixed Use CMU2 -261 on Schedule "A" for the rental of holiday cottages and uses, buildings and structures accessory thereto, and;

- a) That notwithstanding the requirements of Subsection 11.3, the minimum southerly side yard setback shall not be less than 0.93 metres.

CMU2-272 (FORMERLY R2-272) (236-1991) Erie Road, south side, east of Schooley Road

These lands referred to as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 are zoned "Core Mixed Use 2 CMU2-272 Zone" and all of the provisions that relate to lands zoned "Core Mixed Use 2 CMU2 Zone" by this by-law shall apply to those lands zoned "Core Mixed Use 2 CMU2-272 Zone" except:

- (a) that notwithstanding the requirements of Subsection 11.3, the minimum lot frontage for:
 - Part 1 shall not be less than 10.8 metres;
 - Part 6 shall not be less than 9.4 metres;
 - Part 7 & 9 shall not be less than 10.3 metres;
 - Part 8 shall not be less than 9.9 metres;
 - Part 10 shall not be less than 12.4 metres;
- (b) that notwithstanding the requirements of Subsection 11.3, the minimum lot area for:
 - Part 9 shall not be less than 299.4 sq. metres;
 - Part 10 shall not be less than 384.4 sq. metres
- (c) that notwithstanding the requirements of Subsection 11.3, the minimum side yard on one side where no attached garage or attached carport is provided for:
 - Part 1 & 3 shall not be less than 2.1 metres;
 - Part 2 shall not be less than 2.4 metres;
 - Part 6 shall not be less than 1.8 metres;

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- (d) that notwithstanding the requirements of Subsection 11.3, the minimum westerly side yard setback for:
- | | |
|--------|------------------------------------|
| Part 7 | shall not be less than .3 metres; |
| Part 8 | shall not be less than 1.8 metres; |
| Part 9 | shall not be less than .9 metres; |
- the minimum easterly side yard setback for
- | | |
|--------|------------------------------------|
| Part 7 | shall not be less than .9 metres; |
| Part 8 | shall not be less than .6 metres; |
| Part 9 | shall not be less than 2.1 metres; |
- (e) that notwithstanding the requirements of Subsection 11.3, the minimum rear yard for:
- | | |
|---------|-------------------------------------|
| Part 1 | shall not be less than 5.5 metres; |
| Part 2 | shall not be less than 3.2 metres; |
| Part 3 | shall not be less than 2.7 metres; |
| Part 4 | shall not be less than 3.5 metres; |
| Part 5 | shall not be less than 5.7 metres; |
| Part 9 | shall not be less than 6.7 metres; |
| Part 10 | shall not be less than 5.1 metres; |
| Part 11 | shall not be less than 2.74 metres; |
- (f) that notwithstanding the requirements of Subsection 11.3, the minimum floor area for a one storey dwelling for:
- | | |
|----------------------|--|
| Part 1, 2, 3, 9 & 10 | shall not be less than 62 square metres; |
| Part 6 & 7 | shall not be less than 78 square metres; |
- (g) that notwithstanding the requirements of Subsection 6.1 (b) for Parts 4 & 5, the existing detached garage shall be permitted to remain in its existing location in the front yard.
- (h) that notwithstanding the requirements of Subsection 6.5 for Part 9 & 10, these lots shall not be required to have frontage on a public highway.
- (i) that notwithstanding the requirements of Subsection 5.151, the northerly lot line of Parts 9 & 10 shall be deemed to be the front lot line.

CMU2-274 (FORMERLY C2A-274) (167-1992) 4002 Erie Road

These lands are zoned " Core Mixed Use 2 CMU2-274 Zone" and all of the provisions that relate to lands zoned " Core Mixed Use 2 CMU2 Zone" by this by-law shall apply to those lands zoned " Core Mixed Use 2 CMU2-274 Zone" except that in addition to the permitted uses as set out in Subsection 26B.2 an amusement machine establishment with not more than 10 amusement machines is permitted.

CMU2-275 (FORMERLY C2-275) (129-1990) Erie Road (south side) west of Ridgeway Road

In addition to the uses permitted in the CMU2 Zone, the lands indicated as CMU2-275 on Schedule "A" may also be for apartment houses in accordance with the provisions of Section 15 "RM2 Zone" of this By-law and in addition, the following special regulations shall apply:

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- (a) More than one apartment building shall be permitted on the same lot.
- (b) The total number of dwelling units of both properties situate on the east and west side of Ridgeway Road shall not exceed 550.
- (c) Maximum building height shall not exceed 3 storeys.

CMU2-321(H) (FORMERLY C2A-321) (22-04) 4020 Erie Road @ Oxford Avenue

These lands are zoned Core Mixed Use Holding CMU2-321(H) Zone and all of the provisions of By-law 129-90 as amended that relate to lands zoned Core Mixed Use CMU2 Zone by this by-law shall apply to those lands zoned Core Mixed Use Holding CMU2-321(H) Zone on Schedule A subject to the following special provisions.

- a) That notwithstanding the requirements of subsection 26B.2 Permitted Uses the lands shall be limited to a commercial parking lot and an accessory building.
- b) That notwithstanding the requirements of subsection 6.20(I) no part of the parking area other than the point of ingress/egress shall be located closer to any residential zone than 1.8 metres and to any street line closer than 1.0 metres.
- c) That notwithstanding the requirements of subsection 6.20(J) and Schedule D parking stall length shall not be less than 5.8 metres and parking aisle width shall not be less than 5.8 metres.

CMU2-325 (By-law 188-04, Holding Zone removed by By-law 176-06)**Cambridge Road East NS, east of Derby Road (FORMERLY RM1-325)**

These lands are zoned Core Mixed Use Holding CMU2-325 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Core Mixed Use Holding CMU2 Zone by this by-law shall apply to those lands zoned Core Mixed Use Holding CMU2-325 Zone on the attached Schedule A subject to the following special provisions:

- a) That notwithstanding the requirements of subsection 26B.2 Permitted Uses the lands may also be used for street townhouses subject to the provisions in 14.3.
- b) Notwithstanding the requirements of Subsection 14.3 – Minimum Ground Floor Area for Dwellings, the minimum ground floor area for two storey dwellings shall not be less than 43 square metres, and;
- c) Notwithstanding the requirements of Subsection 14.3 – Maximum Density, the maximum density shall not be more than 42.7 units per hectare.
- d) Notwithstanding the requirements of Subsection 14.3 - Minimum Front Yard shall not be less than 6.0 metres.

CMU2-338 (FORMERLY R3-338)(107-05) 56-58 Queen's Circle

**TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90
OFFICE CONSOLIDATION**

These lands are zoned “Core Mixed Use 2 CMU2-338 Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Core Mixed Use 2 CMU2 Zone” by this by-law shall apply to those lands zoned “Core Mixed Use 2 CMU2-338 Zone” on Schedule A, except:

- (a) that notwithstanding the requirements of Subsections 13.4, the following regulations shall apply:

- Minimum Exterior Side Yard 2.13 m

CMU2-388 (55-08) 385 Ridgeway Road (FORMERLY R2-388)

These lands are zoned Core Mixed Use 2 CMU2-388 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Core Mixed Use 2 CMU2 Zone by this by-law shall apply to those lands zoned Core Mixed Use 2 CMU2-388 Zone on the attached Schedule A except that the minimum northerly interior side yard shall not be less than 0.50 metres.

CMU2-397 (FORMERLY C1-397) (141-08) 74 QUEEN'S CIRCLE

These lands are zoned Core Mixed Use 2 CMU2-397 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Core Mixed Use 2 CMU2 Zone by this by-law shall apply to those lands zoned Core Mixed Use 2 CMU2-397 Zone on the attached Schedule A subject to the following additional special provisions:

- i) A minimum easterly interior side yard setback shall not be less than 0.64 metres
- ii) A minimum rear yard setback shall not be less than 0.82 metres.
- iii) A minimum front yard setback shall not be less than 2.5 metres.
- iv) A minimum westerly exterior side yard setback shall not be less than 1.08 metres
- v) That in addition to the permitted uses set out in Subsection 26B.2, these lands may also be used for an eating establishment and take-out restaurant.
- vi) That notwithstanding the requirements of Subsection 18.2 General Commercial Provisions, one dwelling unit shall be permitted on the ground floor with a maximum floor area of 176 square metres.
- vii) That notwithstanding the requirements of Subsection 6.20 (I) Parking Area Location on the Lot, the parking area shall not be located closer than 0 metres to the northerly property line and 1.1 metres to the easterly street line.

**TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90
OFFICE CONSOLIDATION**

CMU2-463 (05-12) East side of Ridgeway Road, at Erie Road (South Coast Village at Crystal Beach)

These lands are zoned Core Mixed-Use 2 CMU2 CMU2-463 Zone, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned Core Mixed-Use 2 CMU2 Zone by this by-law shall apply to those lands zoned Core Mixed-Use 2 CMU2-463 Zone on the attached Appendix 1 shall be subject to the following special provisions:

- a) In addition to the Permitted Uses in Section 26B.2 the lands shown on Appendix 1 shall permit single detached dwellings and uses, buildings and structures accessory thereto subject to the regulations in Section 11.3 and the following special provisions:
 - i) Minimum lot frontage -10 metres and 13 metres corner lot.
 - ii) Minimum lot area-290 sq.metres.
 - iii) Maximum lot coverage 50%.
 - iv) Minimum front yard 6.0 metres to the front face of the garage and 4.5 metres to the front face of the dwelling unit.
 - v) Minimum interior side yard setback-1.2 metres anything above one storey.
 - vi) Minimum rear yard setback- 7.0 metres.
 - vii) Minimum floor area for dwellings-0 sq.metres.

CMU2-535(H) (151-2015) South Coast Village Subdivision

These lands are zoned "Core Mixed Use 2 Holding (CMU2-535(H)) Zone", and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Core Mixed Use 2 (CMU2) Zone" by this by-law shall apply to those lands zoned "Core Mixed Use 2 Holding (CMU2-535(H)) Zone" on the attached Appendix "1" and shall be subject to the following special provisions:

- a) Notwithstanding the Zone Regulations in Section 26B.4 i), single detached dwellings shall be subject to the following special provisions:
 - i) Minimum lot frontage – 10 metres, 13 metres for a corner lot
 - ii) Minimum lot area-270 sq. metres
 - ii) Maximum lot coverage -50%.
 - iii) Minimum front yard setback-6.0 metres to the front face of garage and 3.2 metres to front face of dwelling.
 - iv) Minimum Interior side yard setback -1.2 metres for dwellings, 0.6 metres for accessory structures.
 - v) Minimum Exterior side yard setback -1.5 metres.

Appendix "3"

S E C T I O N 26B – CMU2 ZONE

26B.9

TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90 OFFICE CONSOLIDATION

- vi) Minimum floor area for dwelling – 0 sq. metres.
- vii) Minimum rear yard setback-5.2 metres.
- viii) Maximum Building Height- 2.5 storeys, 10.5 metres.
- ix) Unenclosed porches, decks, steps and risers with maximum height of 1.0 m:
 - a) Unenclosed porches may project a maximum of 2.0 m into the required front yard
 - b) Unenclosed porches must be setback a minimum of 1.0 m from the exterior side lot line
 - c) Steps/risers must be setback a minimum of 1.0 m from any lot line
 - d) Uncovered porches and decks with a maximum area of 20 sq m may project 3.5 m into the required rear yard.
- x) Minimum Setback from Daylighting Triangle – 1.5 metres

SECTION 26D – CORE MIXED USE 4 (CMU4) ZONE

26D.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Core Mixed-Use 4 (CMU4) Zones.

26D.2 PERMITTED USES

- Animal Hospital
- Bake shops
- Banks and Financial Institutions
- Brewer's Retail Outlets
- Business or Professional Offices
- Building Supply and Sales
- Candy Kitchen
- Catering Establishment
- Clinics
- Commercial Schools
- Custom Brokers
- Custom Workshops
- Day Nursery
- Department Stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden Centres
- Hotels
- Laundries and Laundromats
- LCBO Outlets
- Motels
- Personal Service Shops
- Pharmacies
- Places of Entertainment, Recreation or Assembly
- Post Offices
- Printing Establishments
- Private parking lots
- Private or Commercial Clubs
- Public Libraries
- Public Parking Garages
- Public Parking Lots
- Public Transportation depots including Bus Stations and Rail Stations
- Religious, Fraternal or Public Institutions
- Retail Stores
- Service Shops

Appendix "4"

SECTION 26D – CMU4 ZONE

26D.2

TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90 OFFICE CONSOLIDATION

- Spa Services
- Studios
- Supermarkets
- Taverns
- Video Outlet Sales and Rental Establishments
- Existing stand-alone residential uses
- Dwelling Units
- Uses, buildings and structures accessory to any permitted commercial or residential use

26D.3 ZONE REGULATIONS

Minimum Lot Frontage	0m
Minimum Lot Area	0 sq. m.
Minimum Front Yard	0m
Minimum Interior Side Yard	0m, except the minimum side yard abutting a residential zone shall be 2.5m
Minimum Exterior Side Yard	0m
Minimum Rear Yard	4.5m except the minimum rear yard abutting a residential zone shall be 10m
Maximum Building Height	i) 3 storeys ii) 12m
Minimum Building Height	2 storeys
Required Parking	Commercial uses within the CMU4 Zone shall be exempted from the parking and loading requirements of this By-law with the exception of buildings containing dwelling units where the provisions of Subsection 18.2(d) shall apply.
Minimum Residential Floor Area	50% of gross floor area.

26D.4 REGULATIONS FOR DWELLING UNITS ABOVE COMMERCIAL USES

- (i) The provisions of Subsection 18.2 shall apply to a dwelling unit in the Core Mixed Use 4(CMU1) Zone.

26D.5 REGULATIONS FOR EXISTING STAND ALONE DWELLING UNITS

- (i) The regulations of Section 11.3 shall apply to single detached dwelling units located on a separate lot.
- (ii) The regulations of Section 13.4 shall apply to semi detached dwelling units located on a separate lot.

**TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90
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- (iii) The regulations of Section 13.5 shall apply to duplex dwelling units located on a separate lot.
- (iv) All of the provisions of Subsection 18.2 shall apply to other dwelling units, except that notwithstanding the regulations contained in Section 18.2 (d), a minimum of one parking space shall be provided for each dwelling unit via one, or a combination of the following means:
 - (v) On the same lot as the dwelling unit, or
 - (vi) In a dedicated area within a municipal parking lot through a licensing agreement or paid permitting system for a municipal parking lot that is located within 200 m of the property containing the dwelling unit, or
 - (vii) In an area of a private parking lot that contains an easement in favour of the owner of the dwelling unit that is located within 200 m of the property containing the dwelling unit.

26E.4 DRIVE-THRU LANES

- (i) Notwithstanding the regulations of Subsection 18.5 Drive-Thru Lanes are prohibited in the Core Mixed Use 4 CMU4 Zone.

EXCEPTIONS TO THE CORE MIXED USE 4 (CMU4) ZONE**CMU4-486 (33-13) (FORMERLY C2A-486) SOUTHWEST CORNER OF RIDGE ROAD
NORTH AND ELM STREET**

These lands are zoned “Core Mixed Use 4 (CMU4) Zone CMU4-486 Zone”, and all of the (CMU4) Zone” by this by-law shall apply to those lands zoned “Core Mixed Use 4 (CMU4) Zone CMU4-486 Zone” on the attached Appendix “1” shall be subject to the following special provisions:

- a) Notwithstanding the list of Permitted Uses in Section 21.2, the lands shown on Appendix “1” may only be used for the following:
 - Nano Brewery
 - Eating Establishment
 - Brewer’s Retail Outlet
 - Personal Service Shop
 - Places of Entertainment or Recreation or Assembly
 - Business or Professional Offices
 - Private or Commercial Clubs
 - Religious, Fraternal or Public Institutions

- Retail Stores
 - Studios
 - Catering Establishments
 - Clinics
 - Commercial Schools
 - Custom Workshop
 - Day Nursery
 - Dwelling unit
- b) Notwithstanding the regulations of “Section 18.2 Regulations for Dwelling Units Permitted in Commercial Zones C1, C2, C2A, C3, C5 and C7,” a maximum of one accessory dwelling unit is permitted on the ground floor of the building located on the lands shown on Appendix “1”, subject to the following special provisions:
- i) Location – in the same building as permitted commercial use(s) and in other than a basement or cellar.
 - ii) Minimum floor area for one-bedroom unit – 46 square metres.
 - iii) Maximum floor area for one-bedroom unit – 48 square metres.
 - iv) Minimum residential open space - 0 square metres per unit.
- c) Notwithstanding the provisions of “Section 6.49 (a) Outdoor Patios Associated with Eating Establishments and/or Taverns,” an outdoor patio used for the purpose of providing entertainment or amusement within 26 metres of a Residential Zone on the lands shown on Appendix “1” is prohibited until such time as the owner enters into a Site Plan Agreement with the Town or other agreement satisfactory to the Town.
- d) Notwithstanding the provisions of “Section 6.49 (a) Outdoor Patios Associated with Eating Establishments and/or Taverns,” no part of any outdoor patio shall be used for the amplification of sound for entertainment or amusement created by radio, television or any other musical or sound producing source of whatever kind located on the lands shown on Appendix “1”