



The Municipal Corporation of the Town of Fort Erie

By-law No. 36-2017

Being a By-law to Amend Zoning By-law No. 129-90 Bowen Road-Change To Site Specific Dry Industrial

350309-433

Whereas the Council of the Town of Fort Erie at its meeting of January 16, 2017, authorized staff to undertake an amendment to Comprehensive Zoning By-law No. 129-90 as amended, to permit site specific industrial uses through approval of recommendations contained in Report PDS-03-2017, 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 amendments to Comprehensive Zoning By-law No. 129-90 as amended, on February 9, 2017, and notice of such was published in the Fort Erie Times on January 26, 2016 as well as mailed to residents within 120 metres of the subject lands, 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 amendments to Comprehensive Zoning By-law No. 129-90 as amended, on February 21, 2017, and notice of such was published in the Fort Erie Times on January 26, 2017, as well as mailed to all residents within 120 metres of the subject lands, 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 property owners of within 120 metres of the subject lands were sent notice;
- Open house participants were contacted prior to Council's consideration of the Recommendation Report PDS-22-2017;
- 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; and
- Event details were posted on the Town's social media platforms.

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-22-2017 considered at the Council-in-Committee meeting of March 20, 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** Schedule “A” of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix “1” from “Neighbourhood Development (ND) Zone” to “Dry Industrial (DI-573) Zone” (Part “1”) and from “Open Space (OS) Zone with an Environmental Conservation Area (EC) Zone ” to “Dry Industrial (DI-573) Zone with an Environmental Conservation Area (EC) overlay Zone”(Part “2”).
2. **That** By-law No.129-90 as amended, is further amended by adding to “Section 29– Dry Industrial (DI) Zone” Subsection – “Exceptions to the Dry Industrial (DI) Zone” the following exception:

“DI-573 (36-2017) Bowen Road Industrial Area

These lands are zoned Dry Industrial (DI-537) Zone and all the provision of By-law 129-90 as amended that relate to lands zoned Dry Industrial (DI) Zone by this By-law shall apply to those lands zoned Dry Industrial (DI –537) Zone subject to the following provisions:

- a) Notwithstanding the requirements of Section 29.2 only the following uses shall be permitted:
 - Existing uses
 - Public storage
 - Scientific or medical laboratory
 - Tradesperson’s shops
 - Transportation depots
 - Wholesale establishments
 - Warehousing
 - Veterinarian clinic
 - Pet day care establishment
 - Plumbing shops
 - Service shops
 - Equipment rental and services
 - Courier and delivery services
 - Lumber and building yards
 - Public uses and operations
 - Catering establishments
 - Business or commercial trades school
 - Construction trades establishment
 - Communication facilities
 - Commercial refueling stations

- Communication facilities
- Factory outlet
- Gasoline Bars
- Transportation truck terminal
- Bakery and uses, buildings and structures accessory thereto.

Provided that:

- i) If sanitary sewers are not available no sewage disposal requirements are necessary as part of the assembly, manufacture, fabrication, repair, packaging and storage activities, and
 - ii) If sanitary sewers are not available sewage disposal requirements are limited to those necessary to serve on-site employees only;
 - iii) private sewage disposal is permitted until such time as municipal services are available.
- b) In addition to the permitted uses listed in (a) above the following additional uses shall be permitted if sanitary services are available:
 - Automotive uses
 - Dry Cleaning Plants
 - Food processing establishments
 - Industrial Uses
 - Laundries
 - Machine Shops
 - Medical Marihuana Grow and Production Facilities
 - Motor Vehicle Body Shop
 - Motor Vehicle Repair Shop
 - Manufacturing
 - Printing establishments
- c) All of the uses permitted in (a) and (b) are subject to the separation distances identified in the Ministry of Environment's D-6 Guidelines.
- d) Notwithstanding the requirements of Subsection 29.3 no outside storage shall be permitted."

- 3. 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.

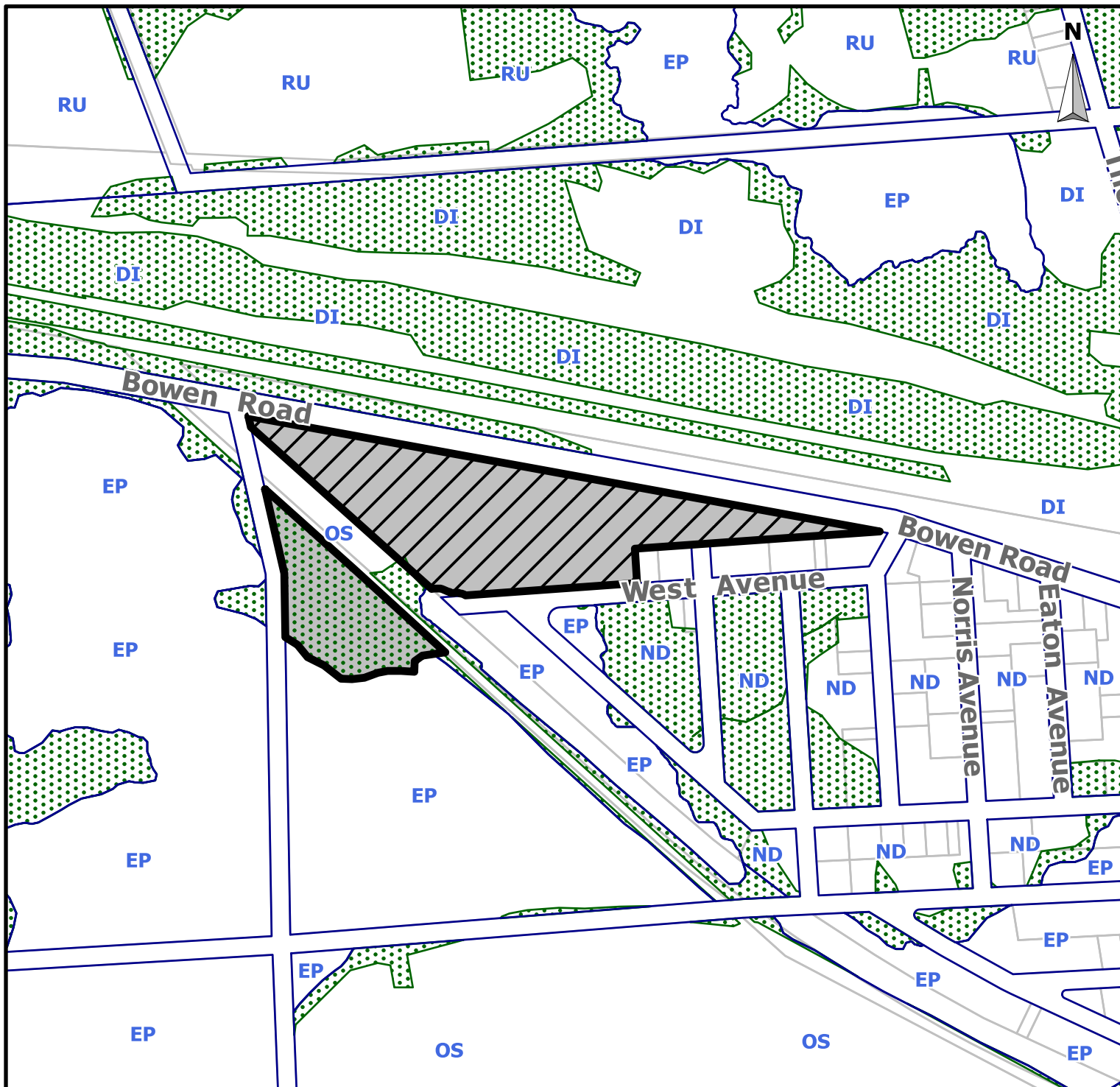
Read a first, second and third time and finally passed this 10th day of April, 2017.

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. 36-2017 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____

APPENDIX "1" TO BY-LAW NO. 36-2017



By-law No. 36-2017

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 10th DAY OF APRIL, 2017**

-  Subject Lands - Former Bowen Road Industrial Lands
-  Part 1 - Change from Neighbourhood Development (ND) Zone to Dry Industrial (DI-573) Zone
-  Part 2 - Change from Open Space (OS) Zone to Dry Industrial (DI-573) Zone
-  Environmental Conservation EC Overlay Zone

* Existing Environmental Conservation EC Overlay Zone is to be Maintained