



The Municipal Corporation of the Town of Fort Erie

By-law No. 53-2017

Being a By-law to Amend Zoning By-law No. 129-90 Fort Erie Hills Subdivision (87 Crooks Street And 0 Thompson Road) Fort Erie Hills International Canada Inc. Dan Lane- Owner

350309-0416

Whereas an application was received from Fort Erie Hills International Canada Inc. (Dan Lane) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands described as Lot 84 and Block R and Part of Block S, west of Crooks Street, Registered Plan 525, geographic village of Bridgeburg, and Part of Lot 8, Concession 2, Niagara River, Geographic Township of Bertie in the Town of Fort Erie, Regional Municipality of Niagara, and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on December 5, 2016, and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No.129-90 as amended, pursuant to Report No. PDS-034-2017 considered at the Council-in-Committee meeting of May 1, 2017 and subsequently authorized and 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 Open Space (OS) Zone, Environmental Protection (EP) Zone, Hazard (H) Zone and Environmental Conservation (EC) Overlay to "Core Mixed Use 1 Holding (CMU1-574) (H) Zone" (Part 1), "Core Mixed Use 1 Holding (CMU1-575) (H) Zone" (Part 2), "Environmental Protection (EP-576) Zone" (Part 3), "Open Space (OS-577) Zone" (Part 4), "Open Space Holding (OS-578) (H) Zone" (Part 5), "Residential Multiple 1 Holding (RM1) (H) Zone" (Part 6), "Residential Multiple 2 Holding (RM2-579) (H) Zone" (Part 7), Residential Multiple 2 Holding (RM2-580) (H) Zone" (Part 8), and "Residential Multiple 2 Holding (RM2-581) (H) Zone" (Part 9).
2. **That** By-law No.129-90 as amended, is further amended by adding to "Section 26A – Core Mixed Use 1 (CMU1) Zone" Subsection – "Exceptions to the Core Mixed Use 1 (CMU1) Zone" the following exceptions:

"CMU1-574(H) (53-2017) Fort Erie Hills Subdivision

These lands are zoned "Core Mixed Use 1 Holding (CMU1-574) (H) Zone" (Part 1), and all of the provisions of By-law No. 129-90 as amended 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 Holding (CMU1-574) (H) Zone", shown as Part 1 on the attached Appendix "1" and shall be subject to the following provisions:

- a) Notwithstanding “Regulations for dwelling units permitted in commercial zones C1, C2, CMU-1, CMU-3, C3, C5 and C7” in Section 18.2 (b), the subject lands shall permit residential uses on the ground floor up to 50%.
- b) Notwithstanding the “zone regulations” in Section 26A.3, permitted uses shall be subject to the following provisions:
 - i) Minimum Exterior Side Yard Setback(Thompson and Phipps Street)- 35 metres
 - ii) Maximum Building Height 8 storeys
 - iii) Maximum Commercial Floor Space 50% on ground floor”

“CMU1-575 (H) (53-2017) Fort Erie Hills Subdivision

These lands are zoned “Core Mixed Use 1 Holding (CMU1-575)(H) Zone” (Part 2), and all of the provisions of By-law No. 129-90 as amended 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 Holding (CMU1-575) (H) Zone, shown as Part 2 on the attached Appendix “1” and shall be subject to the following provisions:

- a) Notwithstanding “Regulation for dwellings units permitted in commercial zones C1, C2, CMU-1, CMU-3, C3, C5 and C7” in Section 18.2 (b) the subject lands shall permit residential uses on the ground floor up to 50%.
- b) Notwithstanding the zone regulations in Section 26A.3, the subject lands shall be regulated by the following provisions:
 - i) Maximum Building Height 4 storeys
 - ii) Maximum Commercial Floor Space 50% on ground floor”

3. **That** By-law No.129-90 as amended, is further amended by adding to “Section 35A – Environmental Protection (EP) Zone” Subsection – “Exceptions to the Environmental Protection (EP) Zone” the following exceptions:

“EP-576 (53-2017) Fort Erie Hills Subdivision

These lands are zoned “Environmental Protection (EP-576) Zone” (Part 3), and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Environmental Protection (EP) Zone” by this by-law shall apply to those lands zoned “Environmental Protection (EP-576) Zone” shown as Part 3 on the attached Appendix “1” and shall be subject to the following provisions:

- a) Notwithstanding the list of Permitted Uses in Section 35A.2, the subject lands may also be used for pedestrian trails.”

4. **That** By-law No.129-90 as amended, is further amended by adding to “Section 33 – Open Space (OS) Zone” Subsection – “Exceptions to the Open Space (OS) Zone” the following exceptions:

“OS-577 (53-2017) Fort Erie Hills Subdivision

These lands are zoned “Open Space (OS-577) Zone” (Part 4), and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Open Space (OS) Zone” by this

by-law shall apply to those lands zoned "Open Space (OS-577) Zone shown as Part 4 on the attached Appendix "1" and shall be subject to the following provision:

- a) Notwithstanding the list of "Permitted Uses" in Section 33.2, the subject lands may only be used for parkland."

5. **That** By-law No.129-90 as amended, is further amended by adding to "Section 33 – Open Space (OS) Zone" Subsection – "Exceptions to the Open Space (OS) Zone" the following exceptions:

"OS-578 (H) (53-2017) Fort Erie Hills Subdivision

These lands are zoned "Open Space Holding (OS-578) (H) Zone" (Part 5), and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Open Space (OS) Zone" by this by-law shall apply to those lands zoned "Open Space Holding (OS-578) (H) Zone shown as Part 5 on the attached Appendix "1" and shall be subject to the following provisions:

- a) Notwithstanding the list of "Permitted Uses" in Section 33.2, the subject lands may only be used for a stormwater management pond."

6. **That** By-law No.129-90 as amended, is further amended by adding to "Section 14 – Residential Multiple 2 (RM2) Zone" Subsection – "Exceptions to the Residential Multiple 2 (RM2) Zone" the following exceptions:

"RM2-579(H) (53-2017) Fort Erie Hills Subdivision

These lands are zoned "Residential Multiple 2 Holding (RM2-579) (H) Zone" (Part 7), and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Residential Multiple 2 (RM2) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 2 Holding (RM2-579) (H) Zone shown as Part 7 on the attached Appendix "1" and shall be subject to the following provisions:

- a) Notwithstanding the "Regulations for apartment Dwellings and assisted living house" in Section 15.3, the permitted uses shall be subject to the following provisions:
 - i) Maximum building height 8 storeys
 - ii) Minimum Exterior Side Yard (Thompson and Phipps Street) -35 metres"

7. **That** By-law No.129-90 as amended, is further amended by adding to "Section 15– Residential Multiple 2 (RM2) Zone" Subsection – "Exceptions to the Residential Multiple 2 (RM2) Zone" the following exceptions:

"RM2-580 (H) (53-2017) Fort Erie Hills Subdivision

These lands are zoned "Residential Multiple 2 Holding (RM2-580) (H) Zone" (Part 8), and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Residential Multiple 2 (RM2) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 2 Holding (RM2-580) (H) Zone", shown as Part 8 on the attached Appendix "1" and shall be subject to the following provisions:

- a) Notwithstanding the list of “Permitted Uses” in Section 15.2, the subject lands may also be used for a stormwater management facilities and/or pumping station.
- b) Notwithstanding the “Regulations for apartment dwellings and assisted living house” in Section 15.3, the permitted uses shall be subject to the following provision:
 - i) Maximum building height 6 storeys”

8. **That** By-law No.129-90 as amended, is further amended by adding to “Section 14 – Residential Multiple 2 (RM2) Zone” Subsection – “Exceptions to the Residential Multiple 2 (RM2) Zone” the following exceptions:

“RM2-581 (H) (53-2017) Fort Erie Hills Subdivision

These lands are zoned “Residential Multiple 2 Holding (RM2-581) (H) Zone” (Part 9), and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Residential Multiple 2 (RM2) Zone” by this by-law shall apply to those lands zoned “Residential Multiple 2 Holding (RM2-581) (H) Zone, shown as Part 9 on the attached Appendix “1” and shall be subject to the following provisions:

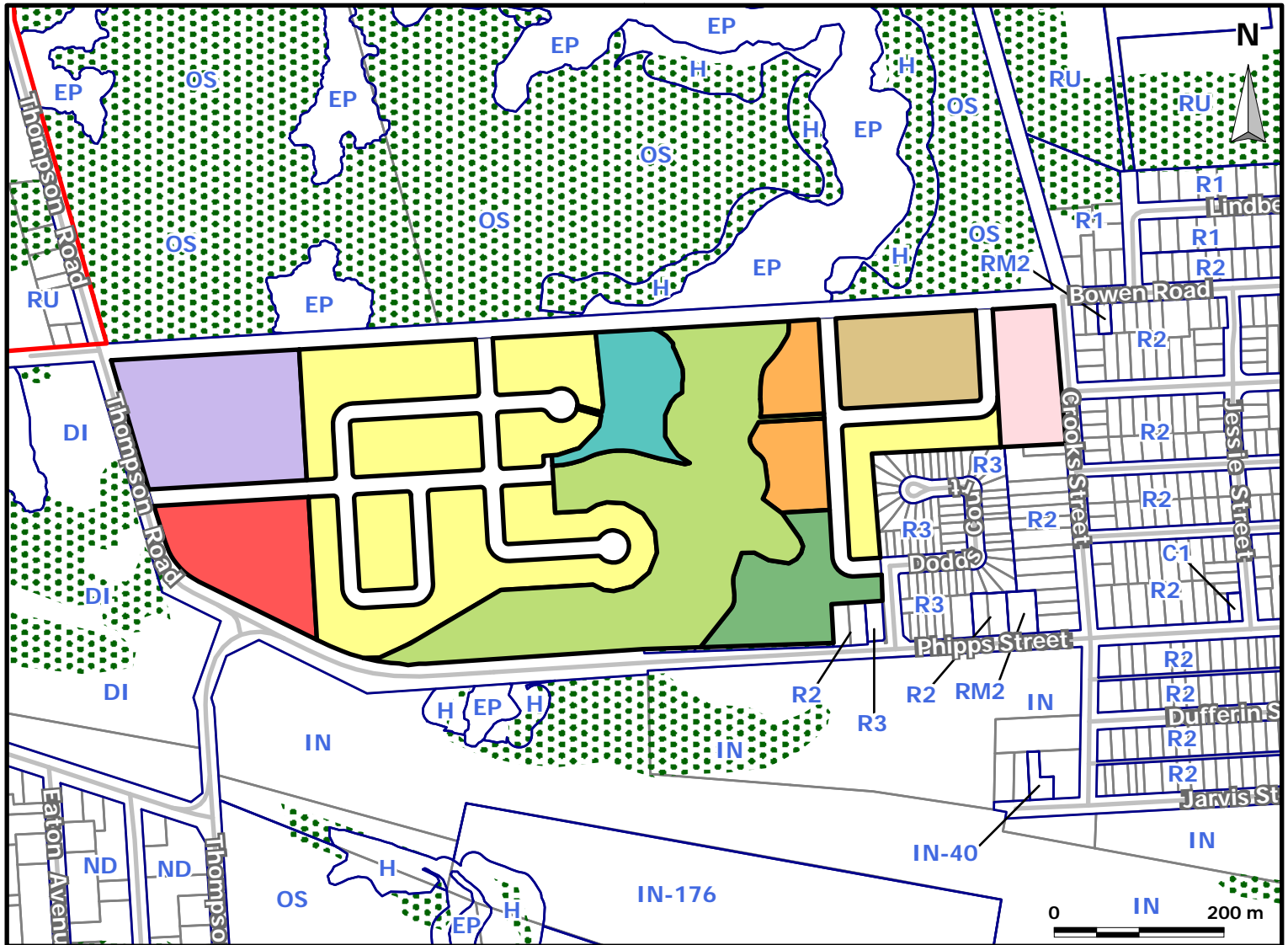
- a) Notwithstanding the “Regulations for apartment dwellings and assisted living house” in Section 15.3, the permitted uses shall be subject to the following provision:
 - i) Maximum building height 6 storeys”
9. **That** pursuant to Section 36(1) of the *Planning Act* the “H” Holding Symbol shall be removed upon the approval by the Council of the Town of Fort Erie of a Subdivision Agreement for all of the lands shown on the attached Appendix “1” and a noise and air quality study to assess the impact of a pumping station for Parts 8 and 9 shown on the attached Appendix “1”.
10. **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 8th day of May, 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. 53-2017 of the said Town. Given under my hand and the seal of the said Corporation, this
day of _____, 20____



By-law No. 53-2017

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 8th DAY OF MAY, 2017**

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|  Part 1 - Change to Core Mixed Use 1 Holding CMU1-574(H) Zone |  Part 6 - Change to Residential Multiple 1 RM1 (H) Zone |  Environmental Conservation EC Overlay Zone |
|  Part 2 - Change to Core Mixed Use 1 Holding CMU1-575(H) Zone |  Part 7 - Change to Residential Multiple 2 Holding RM2-579(H) Zone |  Existing Zone Boundary |
|  Part 3 - Change to Environmental Protection EP-576 Zone |  Part 8 - Change to Residential Multiple 2 Holding RM2-580(H) Zone |  Urban Boundary |
|  Part 4 - Change to Open Space OS-577 Zone |  Part 9 - Change to Residential Multiple 2 Holding RM2-581(H) Zone |  Zone Label |
|  Part 5 - Change to Open Space Holding OS-578(H) Zone | | |