

The Municipal Corporation of the Town of Fort Erie

By-law No. 46-2018

Being a By-law to Amend Zoning By-law No. 129-90
672 Edgemere Road
John Henricks, Niagara Planning Group - Agent
Niagara Innovative Living Inc. (Renzo Giancaterino) – Owner

350309-0450

Whereas an application was received from John Henricks (Agent) on behalf of Niagara Innovative Living Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as Lot 6 to Lot 8, Part Lot 5, NP 351 being Part 1, RP59R-3823, and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on February 20, 2018, and

Whereas on March 20, 2018, Council determined that in accordance with Section 34(17) of the *Planning Act*, further notice is not required as a result of the proposed reduced setback to the parking area along Floyd Place, reduced exterior side yard setback, reduced number of tandem parking spaces and increased setback from Floyd Place since the holding of the Public Meeting on February 20, 2018, and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to the recommendations of Report No. PDS-20-2018 considered at the Council-in-Committee meeting of March 19, 2018 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 "Residential Multiple 2 Holding (RM2-331(H))" to "Residential Multiple 2 Holding (RM2-624(H)) Zone".
2. **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 exception:

"RM2-624(H) (46-2018) 672 Edgemere Road

These lands are zoned "Residential Multiple 2 Holding (RM2-624 (H)) Zone", 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 (RM2-624 (H)) Zone" on the attached Appendix "1" shall be subject to the following special 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) Minimum lot area – 101 sq m per unit
 - ii) Minimum easterly side yard setback – 6.1 m
 - iii) Minimum westerly yard setback – 7.4 m
 - iv) Minimum southerly yard setback – 2.2 m
 - v) Minimum northerly yard setback – 6.9 m
 - vi) Maximum height – 4 storeys, 16 m
 - vii) Maximum Lot Coverage – 46 percent
 - b) Notwithstanding the “Parking Area Regulations” in Section 6.20, the minimum number of parking spaces shall be 1.5 spaces per dwelling unit with a maximum of 8 parking spaces being provided in tandem.
 - c) Notwithstanding the “Parking Area Location on Lot” regulation in Section 6.20 (I), the minimum distance of the parking areas from Helena Street and Floyd Place shall be 0 metres.”
3. **That** pursuant to Section 36(1) of the Planning Act the “H” Holding Symbol shall be removed upon the approval by the Town of Fort Erie of a Site Plan Agreement for all of the lands shown on the attached Appendix “1”
4. **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.

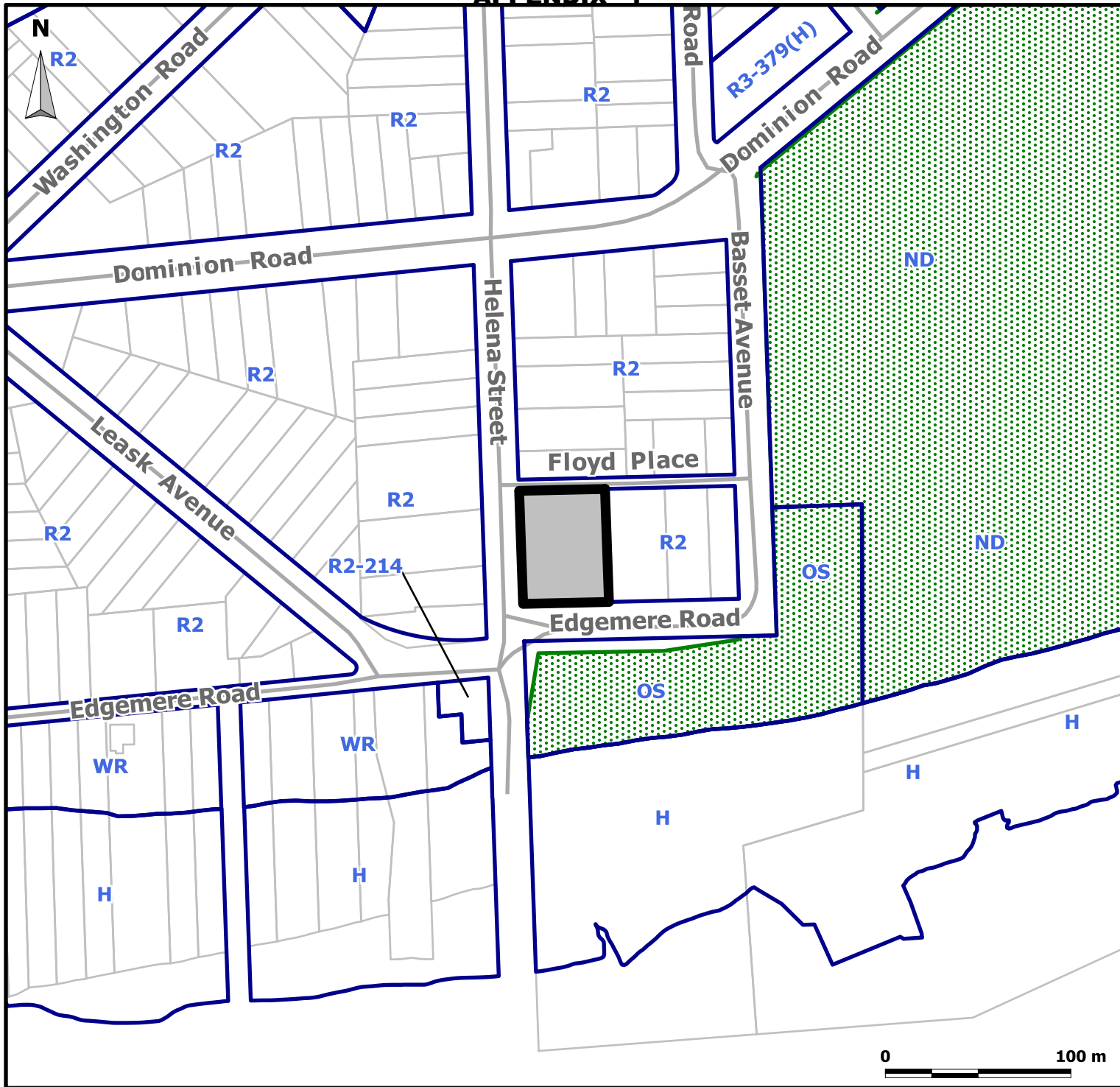
Read a first, second and third time and finally passed this 26th day of March, 2018.

Mayor

Clerk

I, Carol Schofield, Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 46-2018 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____



APPENDIX "1"



By-law No. 46-2018

THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90

PASSED THIS 26th DAY OF MARCH, 2018

-  Subject Lands - 672 Edgemere Road
-  Part 1 - Change from Residential Multiple 2 RM2-331(H) Zone to Residential Multiple 2 RM2-624(H) Zone