



The Municipal Corporation of the Town of Fort Erie

By-law No. 95-2019

**Being a By-law to Amend Zoning By-law No. 129-90
Lots 1 to 35 and 38 to 44 inclusive, Registered Plan M-65
Stephen Fraser, A.J. Clarke and Associates - Agent
Dan Gabrielle, Marz Homes (Crystal Beach) Inc. – Owners**

File No. 350309-0458

Whereas an application was received from Stephen Fraser, A.J. Clarke and Associates (Agent) on behalf of Marz Homes (Crystal Beach) Inc. (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as Lots 1 to 35 and 38 to 44 inclusive, Registered Plan M-65, and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on April 8, 2019, 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-38-2019 considered at the Council-in-Committee meeting of June 10, 2019 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 2 Zone", "Residential 2A (R2A-182) Zone", "Residential 2A (R2A-186) Zone", "Residential 2A (R2A-187) Zone" and Environmental Conservation Overlay to "Residential 2 (R2-637) Zone" (Part 5), "Residential 2A (R2A-638) Zone" (Parts 1 to 4) and "Residential 2A (R2A-639) Zone" (Parts 6 & 7).
- 2. That** By-law No.129-90 as amended, is further amended by adding to "Section 11– Residential 2 (R2) Zone" Subsection – "Exceptions to the Residential 2 (R2) Zone" the following exception:

"R2-637 (95-2019) JETMAR Subdivision (ES Schooley Road)

These lands are zoned "Residential 2 (R2-637) Zone" and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Residential 2 (R2) Zone" by this by-law shall apply to those lands zoned "Residential 2 (R2-637) Zone" and shall be subject to the following provisions:

- a) Maximum lot coverage – 45%
- b) Minimum interior yard setback - 1.2 m, except on an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3.0 m
- c) Minimum rear yard – 6.0 m
- d) Maximum building height – 2.0 storeys / 10.5 m
- e) Minimum rear yard setback to covered or uncovered porch between 0.5 m and 1.5 m above grade – 2.5 m
- f) Minimum setback of ornamental structures from interior side lot line – 0.6 m ”

3. **That** By-law No.129-90 as amended, is further amended by adding to “Section 12– Residential 2A (R2A) Zone” Subsection – “Exceptions to the Residential 2A (R2A) Zone” the following exception:

“R2A-638 (95-2019) JETMAR Subdivision

These lands are zoned “Residential 2A (R2A-638) Zone” and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Residential 2A (R2A) Zone” by this by-law shall apply to those lands zoned “Residential 2A (R2A-638) Zone” and shall be subject to the following provisions:

- a) Minimum lot frontage (corner lots) – 14.0 m
- b) Maximum lot coverage – 62%
- c) Minimum exterior side yard setback – 1.5 m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6.0 m to the exterior side lot line
- d) Minimum setback to daylight triangle – 1.5 m
- e) Minimum front yard setback to covered or uncovered porch between 0.5 m and 1.5 m above grade – 0.5 m
- f) Minimum exterior side yard setback to covered or uncovered porch between 0.5 m and 1.5 m above grade - 1.0 m
- g) Minimum rear yard setback to covered or uncovered porch between 0.5 m and 1.5 m above grade – 2.5 m
- h) Minimum setback of ornamental structures from exterior side lot line – 0.75 m
- i) Minimum setback of ornamental structures from interior side lot line – 0.6 m ”

4. **That** By-law No.129-90 as amended, is further amended by adding to “Section 12– Residential 2A (R2A) Zone” Subsection – “Exceptions to the Residential 2A (R2A) Zone” the following exception:

“R2A-639 (95-2019) JETMAR Subdivision

These lands are zoned “Residential 2A (R2A-6XY) Zone” and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Residential 2A (R2A) Zone” by this by-law shall apply to those lands zoned “Residential 2A (R2A-6XY) Zone” and shall be subject to the following provisions:

- a) Maximum lot coverage – 62%
- b) Maximum height – 2.0 storeys / 9.0 m

- c) Minimum front yard setback to covered or uncovered porch between 0.5 m and 1.5 m above grade – 0.5 m
- d) Minimum setback of ornamental structures from interior side lot line – 0.6 m "

- 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.

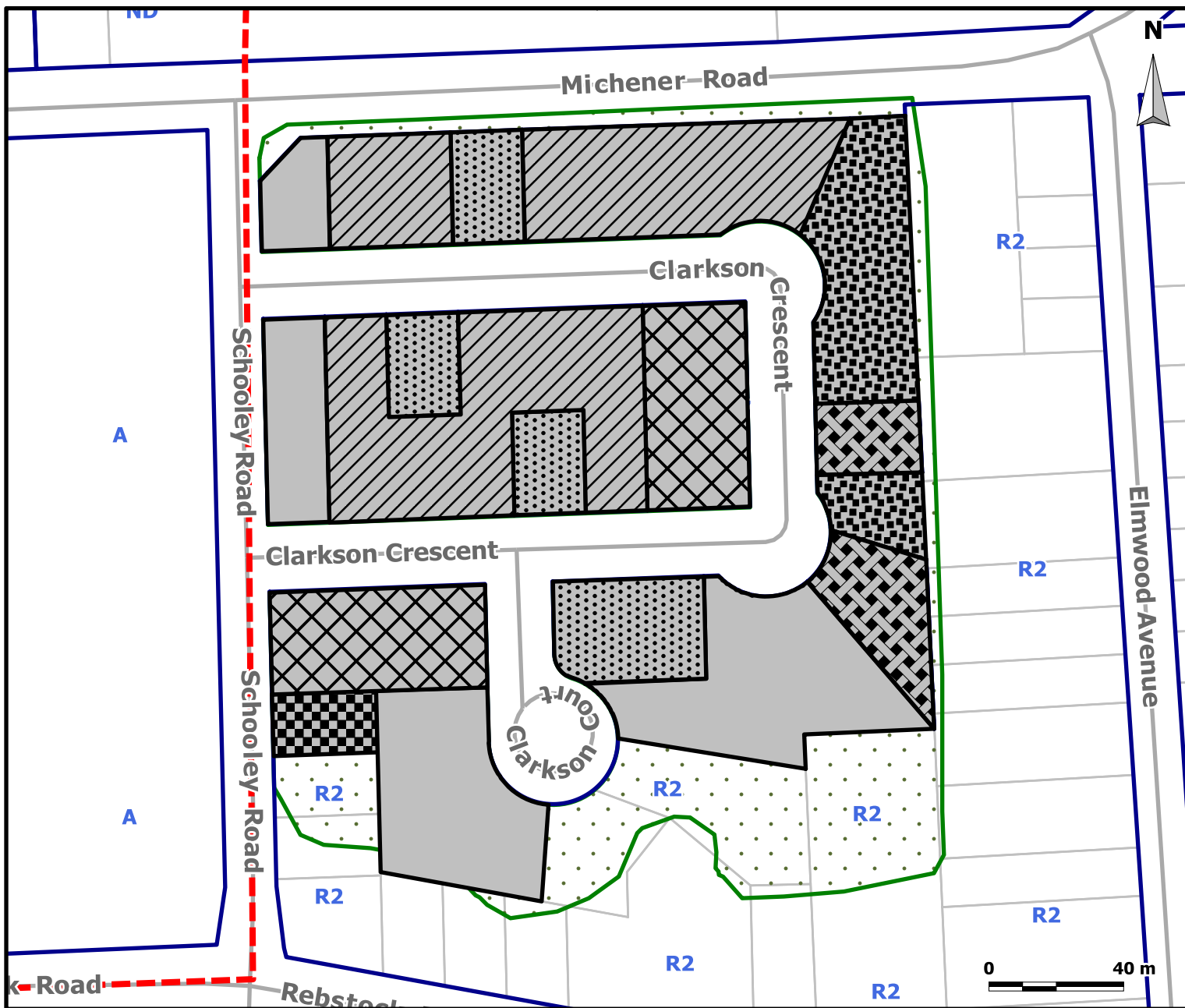
Read a first, second and third time and finally passed this 17th day of June, 2019.

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. 95-2019 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

APPENDIX "1"










By-law No. 95-2019

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

PASSED THIS 17th DAY OF JUNE, 2019



Subject Lands - Schooley Road Subdivision

-  Part 1 - Change from Residential 2 R2 Zone to Residential 2A R2A-638 Zone
-  Part 2 - Change from Residential 2A R2A-182 Zone to Residential 2A R2A-638 Zone
-  Part 3 - Change from Residential 2A R2A-186 Zone to Residential 2A R2A-638 Zone
-  Part 4 - Change from Residential 2A R2A-187 Zone to Residential 2A R2A-638 Zone
-  Part 5 - Change from Residential 2 R2 Zone to Residential 2 R2-637 Zone
-  Part 6 - Change from Residential 2 R2 Zone to Residential 2A R2A-639 Zone
-  Part 7 - Change from Residential 2A R2A-186 Zone to Residential 2A R2A-639 Zone