



The Municipal Corporation of the Town of Fort Erie

By-law No. 140-2019

Being a By-law to Amend By-law No. 133-86 Designated Site Plan Control Area Shipping/Cargo Containers

Whereas By-law No. 133-86, as amended, being the By-law to designate the Town of Fort Erie as a site plan control area was passed on the 23rd day of June, 1986 and

Whereas it is deemed desirable to proceed with amendments to the site plan control By-law No. 133-86, as amended, pursuant to Report No. PDS-45-2019, as amended, considered and approved at the Council-in-Committee meeting of October 7, 2019;

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

1. **That** Section 1 of By-law No. 133-86, as amended, is repealed and replaced with the following:

“1. In this section:

- (a) "development" means the construction, erection or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot, or of sites for the location of three or more trailers as defined in Clause (a) of paragraph 95 of Section 210 of the Municipal Act or of sites for the location of three or more mobile homes as defined in Clause 45(l)(a) of the Planning Act, 1983;
- (b) "Converted Shipping/Cargo Container" means shipping/cargo container(s) that have since been converted to a new use from their intended purpose of shipping of goods and materials.
- (c) "Corporation" means the Corporation of the Town of Fort Erie;
- (d) "owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper Registry or Land Titles Office; and
- (e) "person" includes an owner.”

2. **That** Section 3 of By-law No. 133-86, as amended, is repealed and replaced with the following:

“ 3. Notwithstanding any of the provisions of any By-law which may be inconsistent with this By-law, no person shall undertake any development or use any converted shipping/cargo container in the site plan control area unless the Corporation, or the Ontario Municipal Board in the case of a referral pursuant to subsection 40(12) of the Planning Act, 1983, has approved one or both as council may determine of the following:

- a. Plans showing the location of all buildings and structures to be erected (save and except for those buildings and structures mentioned in Section 11 of this by-law) and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under Clause (a) of Section 4.
- b. Drawings showing plan, elevation and cross-section views for each building to be erected, (save and except those buildings mentioned in Section 11 of this by-law), which drawings are sufficient to display:
 - i. the massing and conceptual design of the proposed buildings;
 - ii. the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
 - iii. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

but which exclude the layout of interior areas, other than the interior walkways, stairs, elevators and escalators referred to in Clause (iii), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.”

3. That Section 11 of By-law No. 133-86, as amended, is repealed and replaced with the following:

“11. The provisions of this By-law do not apply to:

- (a) any residential building containing less than four dwelling units except for converted shipping/cargo containers;
- (b) any alteration or addition to an existing single family dwelling duplex, triplex, or semi-detached building except for converted shipping/cargo containers;
- (c) any building or structure accessory to the uses described in paragraph (a) hereof except for converted shipping/cargo containers;
- (d) an in-ground or above-ground swimming pool accessory to the uses described in paragraph (a) hereof;
- (e) any agricultural buildings or structures except for greenhouses and additions thereto.”

- 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 21st day of October, 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. 140-2019 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____
