

The Municipal Corporation of the Town of Fort Erie

By-law No. 35-2021

**Being a By-law to Amend Zoning By-law No. 129-90
Leigh Whyte- Agent
Compass Heights Development Ltd &
Buffalo & Fort Erie Peace Bridge Authority(PBA) (Owners)
7 Central Avenue and a portion of 100-1 Queen Street**

350309-0509

Whereas an application was received from P. Leigh Whyte, (Agent) on behalf of Compass Heights Development Ltd and Buffalo & Fort Erie Peace Bridge Authority(PBA). (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as 7 Central Avenue and a portion of 100-1 Queen Street, and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on November 2, 2020, 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-16-2021 considered and approved at the Regular Council meeting of February 22, 2021;

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 "Public (P) Zone" (Part 1) and "Core Mixed-Use 1(CMU1-447) Zone" (Part 2) to "Core Mixed-Use 1 Holding (CMU-659) (H) Zone".
2. **That** By-law No.129-90 as amended, is further amended by adding to "Section 26 – "Core Mixed Use 1 (CMU1) Zone" Subsection – "Exceptions to the Core Mixed Use 1 (CMU1) Zone" the following exceptions:

"CMU1-659 (35-2021) 7 Central Avenue and a portion of 100-1 Queen Street (Parts 1 and 2)

These lands are zoned "Core Mixed Use 1 (CMU1-659) Zone", 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 (CMU1-659) Zone" subject to the following special regulation:

- | | | |
|----|----------------------|----------------------|
| a) | Minimum Lot Frontage | 27 metres |
| b) | Minimum Lot Area | 5733.5 square metres |

| | | |
|----|--|---|
| c) | Minimum Front Yard | 0 metre for 1 to 4 storeys 4 metres for 5 to 9 storeys 45 metres for 10 to 12 storeys |
| d) | Minimum Interior Side (westerly) | 1 metres for 1 -12 storeys |
| | Minimum Interior Side Yard (southerly) | 0 metre for 1 to 4 storeys 6.5 metres for 5 to 12 storeys |
| e) | Minimum Exterior Side Yard | 0 metre for 1 to 4 storeys 4 metres for 5 to 12 storeys |
| f) | Minimum Rear Yard | 4.5 metres |
| g) | Maximum Height of the Building | 12 storeys (42 metres) |
| h) | Maximum Number of Dwelling Units | 200" |

3. That pursuant to Section 36(1) of the Planning Act the "H" Holding Symbol shall be removed upon the upgrade to the sanitary sewer system to support the permitted uses to the satisfaction of the Town of Fort Erie for the lands shown on Appendix "1". No person shall use the Lands shown on Appendix "1" for any purpose, prior to the "H" Holding symbol being removed pursuant to the *Planning Act*.
4. The owner of the lands is required pursuant to subsection 37(3) of the Planning Act, the applicability of which is preserved by the transitional provisions in section 37.1 of the Planning Act, to enter into one or more agreements with the Town to provide a monetary contribution toward the facilities, services and matters referred to below. The height of the buildings or structures permitted by the "Core Mixed Use 1 Holding (CMU-659) (H) Zone" shall only be permitted subject to the execution of the agreement, whereby the owner of the lands agrees to:

Provide a \$150,000 contribution towards the funding of the Town's future Community Improvement Plan for affordable housing, subject to the terms of the Agreement entered into with the Town. The funding shall be used in the vicinity of the subject lands, as detailed in the agreement.

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.

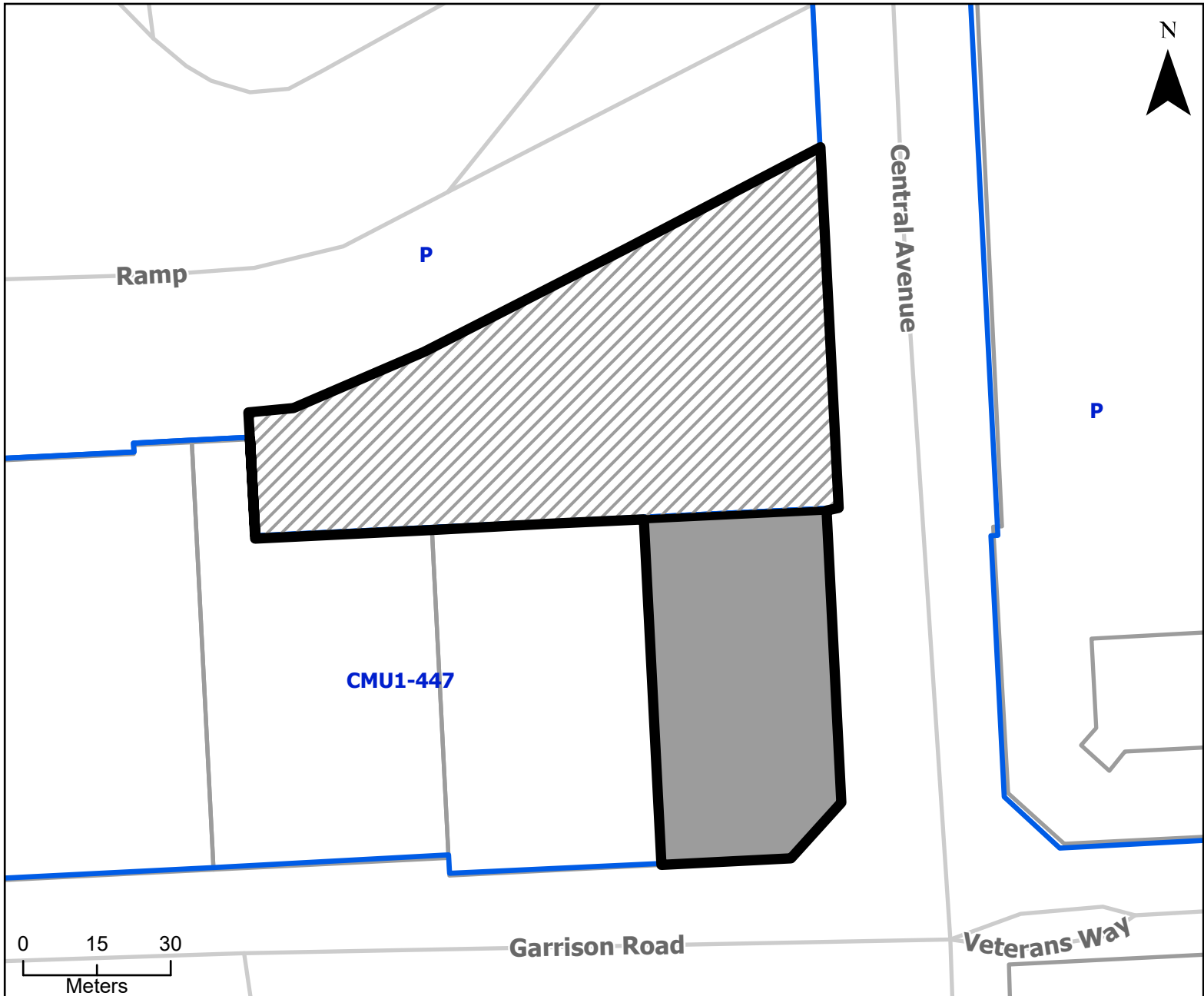
Read a first, second and third time and finally passed this 22 day of March, 2021.

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. 35-2021 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____

APPENDIX "1"

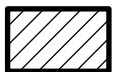


By-law No. 35-2021

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 22nd DAY OF MARCH, 2021**



Subject Lands



Part 1 - Change from Public (P) Zone to Core Mixed Use 1 Holding (CMU1-659 (H)) Zone



Part 2 - Change from Core Mixed Use 1 (CMU1-447) to Core Mixed Use 1 Holding (CMU1-659 (H)) Zone

PLAN 9218 PT LOT 1 NP 505 OFF GARRISON

BERTIE CON 1 PT LOTS 1 AND 2 PT WATER LOT PT BED NIAGARA RIVER LOC CL4452 PLAN 504
LOT 1 S PRINCESS ST LOTS 2 TO 4 W NIAGARA ST PT LOT 1 W

Planning and Development Services
Map Created March 9, 2021