

The Municipal Corporation of the Town of Fort Erie

By-law No. 127-2021

**Being a By-law to Amend Zoning By-law No. 129-90,
as amended
4002 Erie Road
Upper Canada Consultants (Matt Kernahan) – Agent
5017064 Ontario Limited (Chris Hawkswell) – Owner**

350309-0523

Whereas an application was received from Matt Kernahan of Upper Canada Consultants (Agent) on behalf of 5017064 Ontario Limited (Chris Hawkswell) (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 4002 Erie Road; and

Whereas a Public Meeting pursuant to subsection 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on August 23, 2021; 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-94-2021 considered and approved at the Council-in-Committee meeting held on October 18, 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 known municipally as 4002 Erie Road and as shown on the attached Appendix "1" from "Core Mixed Use 2 (CMU-272) Zone", to "Core Mixed Use 2 (CMU-717) Zone".
2. **That** "Section 5- Definitions" of By-law No. 129-90, as amended, is amended by inserting the following definition immediately after Subsection 5.211:

" 5.212 "**MICROBREWERY**" means an establishment where a maximum of 10,000 hectolitres of beer is produced per annum. Beer produced at the establishment may be sold for consumption on site and/or sold for consumption off-site"

and the remainder of Section 5 is renumbered accordingly.
3. **That** By-law No.129-90, as amended, is further amended by adding to "Section 26B- Core Mixed Use 2 (CMU2) Zone" Subsection – "Exceptions to the Core Mixed Use 2 (CMU2) Zone" the following exceptions:

"CMU2-717 (127-2021) 4002 Erie Road

These lands are zoned "Core Mixed Use 2 (CMU2-717) Zone", and all of the provisions that relate to lands zoned "Core Mixed Use (CMU2) Zone" by this by-law shall apply to those lands zoned "Core Mixed Use 2 (CMU2-717) Zone", subject to the following special provisions:

- a) In addition to subsection 26B) the following additional use shall be permitted subject to additional regulatory compliance and approval where required.
 - i) Microbrewery
 - b) Minimum Rear Yard 1.5 m
 - c) Maximum Building Height
 - i) 4 storey
 - ii) 15 m
 - d) Notwithstanding the provisions of "Section 6.50 (a) Outdoor Patios Associated with Eating Establishments and/or Taverns", an outdoor patio used for the purpose of providing entertainment or amusement is permitted within 40 metres of a Residential zone.
 - e) Notwithstanding the provisions of "Section 6.50 (c) Outdoor Patios Associated with Eating Establishments and/or Taverns", the maximum seating capacity of the outdoor patio shall be 75% of the seating capacity of the eating establishment and/or tavern with which the patio is associated."
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.

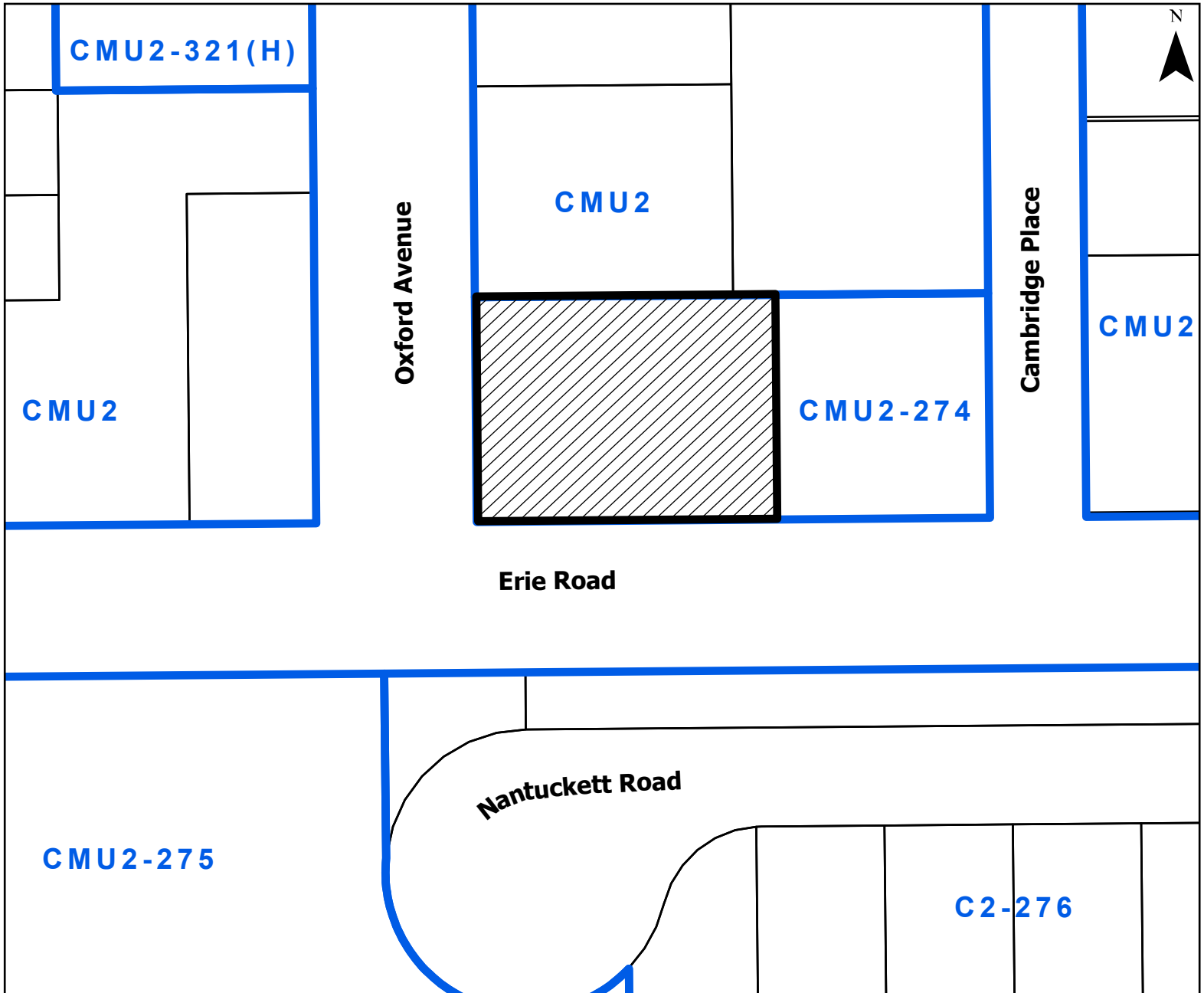
Read a first, second and third time and finally passed this 25th day of October, 2021.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 127-2021 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

APPENDIX "1"



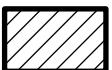
By-law No. 127-2021

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 25th DAY OF OCTOBER, 2021**

0 5 10
Meters



Subject Lands - 4002 Erie Road



Change from Core Mixed Use 2 (CMU2-272) Zone to Core Mixed Use 2 (CMU2-717) Zone