

# **The Municipal Corporation of the Town of Fort Erie**

## **By-law No. 146-2021**

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**Being a By-law to Amend Zoning By-law No. 129-90,  
as amended  
3399 North Shore Drive  
Upper Canada Consultants Planning & Engineering Ltd. (Matt  
Kernahan) - Agent  
Sider Bros. Builders Ltd. (Shawn Sider) / Paul Philip & Susana  
Philip - Owners**

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**Whereas** an application was received from Matt Kernahan of Upper Canada Consultants Planning and Engineering Ltd. (Agent) on behalf of Sider Bros. Builders Ltd., Paul Philip and Susana Philip (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 3399 North Shore Drive; and

**Whereas** a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on September 13, 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-97-2021 considered and approved at the Council-in-Committee meeting held on November 8, 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 3399 North Shore Drive and as shown as Parts 1, 2 and 3 on the attached Appendix "1" from "Waterfront Residential (WR) Zone" to "Waterfront Residential (WR-736) Zone" (Part 1), "Waterfront Residential (WR-737) Zone" (Part 2) and "Waterfront Residential (WR-738) Zone" (Part 3).
- 2. That** By-law No. 129-90, as amended, is further amended by adding to "Section 16 – Waterfront Residential (WR) Zone" Subsection – "Exceptions to the Waterfront Residential (WR) Zone" the following exceptions:

**"WR-736 (146-2021) 0 North Shore Drive (Part 1)**

These lands are zoned "Waterfront Residential (WR-736) Zone" (Part 1), and all of the provisions that relate to lands zoned "Waterfront Residential (WR) Zone" by this by-law shall apply to those lands zoned "Waterfront Residential (WR-736) Zone", subject to the following special provisions:

- a) Minimum Lot Frontage - 12.48 m
- b) Minimum Front Yard Setback - 15.00 m
- c) Prohibited Uses           Short-Term Rental is prohibited. For the purpose of this provision, "Short-Term Rental" means "all or part of a dwelling unit, subject to licencing by the Town, to provide sleeping accommodation for any period of thirty (30) calendar days at a time or less in exchange for payment, but does not include any type of institutional dwelling, hotels, or other similar uses."

**"WR-737       (146-2021) 3399 North Shore Drive (Part 2)**

These lands are zoned "Waterfront Residential (WR-737) Zone" (Part 2), and all of the provisions that relate to lands zoned "Waterfront Residential (WR) Zone" by this by-law shall apply to those lands zoned "Waterfront Residential (WR-737) Zone", subject to the following special provisions:

- a) Notwithstanding the provisions of "Section 16.5 Regulations for Accessory Structures Along Lake Erie" the Minimum Front Yard of the existing accessory structure shall be 0.00 m.
- b) Notwithstanding the provisions of "Section 6.1 (a) Accessory Uses - General" the continued use of the existing accessory structure containing sleeping and eating accommodations and human habitation is permitted.
- c) Notwithstanding the provisions of "Section 6.1 (c) Accessory Uses - Maximum Height" the maximum height of the existing accessory structure shall be 2 storeys.
- d) Prohibited Uses           Short-Term Rental is prohibited. For the purpose of this provision, "Short-Term Rental" means "all or part of a dwelling unit, subject to licencing by the Town, to provide sleeping accommodation for any period of thirty (30) calendar days at a time or less in exchange for payment, but does not include any type of institutional dwelling, hotels, or other similar uses."

**"WR-738       (146-2021) 0 North Shore Drive (Part 3)**

These lands are zoned "Waterfront Residential (WR-738) Zone" (Part 3), and all of the provisions that relate to lands zoned "Waterfront Residential (WR) Zone" by this by-law shall apply to those lands zoned "Waterfront Residential (WR-738) Zone", subject to the following special provisions:

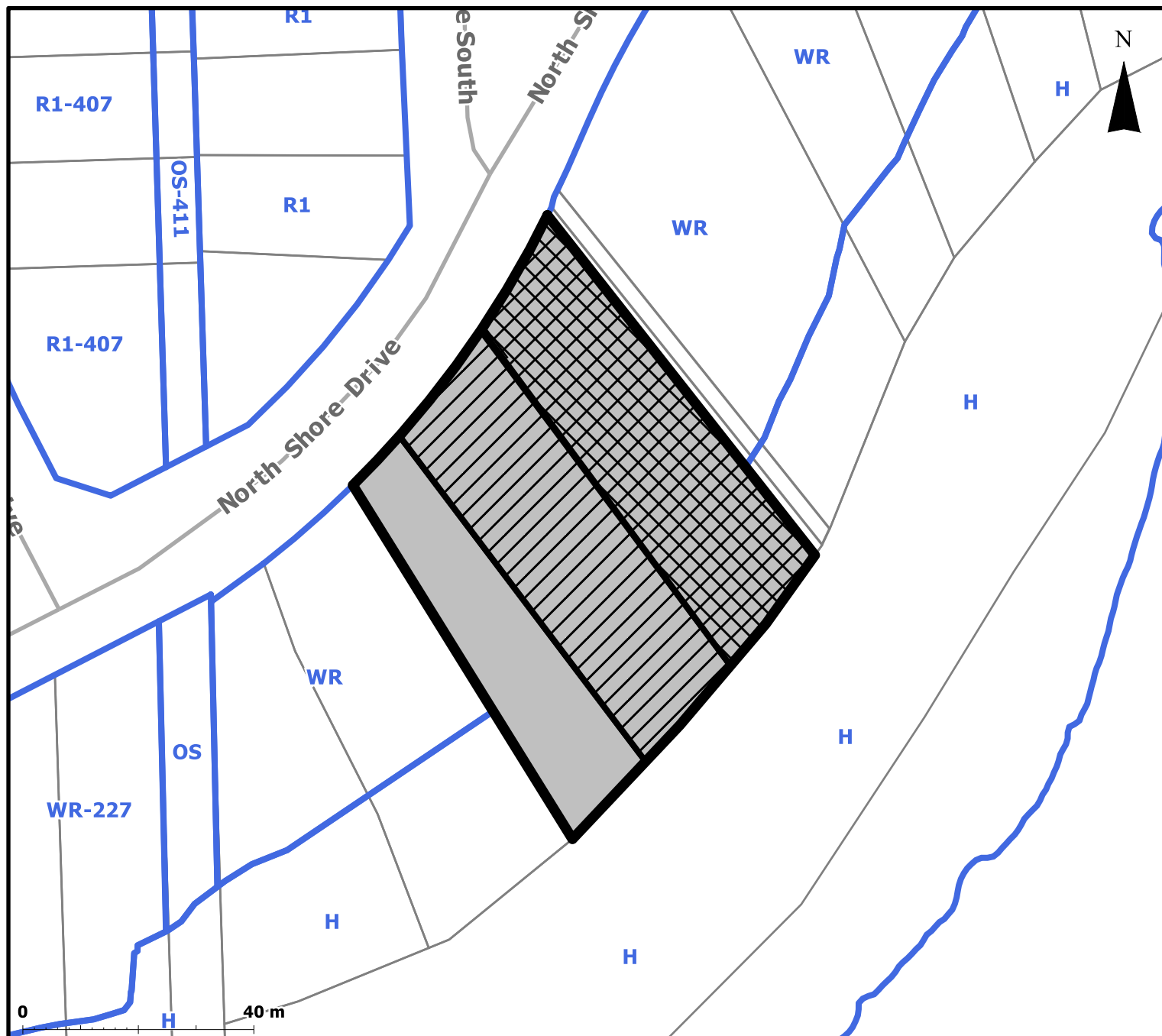
- a) Notwithstanding the provisions of "Section 6.1 (h) Accessory Uses – Main Use", the continued use of the existing pool and pool house shall be permitted prior to the construction of a main use for a period of one year from the date of final consent for Part 3.
- b) Prohibited Uses           Short-Term Rental is prohibited. For the purpose of this provision, "Short-Term Rental" means "all or part of a dwelling unit, subject to licencing by the Town, to provide sleeping accommodation for any period of thirty (30) calendar days at a time or less in exchange for payment, but does not include any type of institutional dwelling, hotels, or other similar uses."

- Read a first, second and third time and finally passed this 22nd day of November, 2021.**

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. 146-2021 of the said Town. Given under my hand and the seal of the said Corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

# APPENDIX "1"



**By-law No. 146-2021**

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

-  Subject Property - 3399 North Shore Drive
-  Part 1 - Change from Waterfront Residential (WR) Zone to Waterfront Residential (WR-736) Zone
-  Part 2 - Change from Waterfront Residential (WR) Zone to Waterfront Residential (WR-737) Zone
-  Part 3 - Change from Waterfront Residential (WR) Zone to Waterfront Residential (WR-738) Zone