The Municipal Corporation of the Town of Fort Erie

By-law No. 65-2022

**Being a By-law to Amend Zoning By-law No. 129-90,
as amended
7 Central Avenue and a Portion of 100-1 Queen Street
Cengar Developments Inc. & Cengar Developments LP
(Anthony Di Battista and Sebastian Mizzi)- Owners**

Whereas an application was received from P.Leigh Whyte of PLW Consulting (Agent) on behalf of Cengar Developments Inc. & Cengar Developments LP (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally 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 April 11, 2022; 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-37-2022 considered and approved, as amended, at the Council-in-Committee meeting held on June 13, 2022;

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 7 Central Avenue and a portion of 100-1 Queen Street and shown on the attached Appendix "1" from "Core Mixed-Use 1 Holding (CMU1-659) (H) Zone " to "Core Mixed-Use 1 Holding (CMU1-746) (H) Zone".

2. **That** By-law No.129-90, as amended, is further amended by adding to "Section 26A– Core Mixed-Use 1(CMU1) Zone" Subsection – "Exceptions to the Core Mixed Use (CMU) Zone" the following exception:

   "**CMU1-746   (65-2022) Central Avenue and a portion of 100-1 Queen Street**

   These lands are zoned "Core Mixed Use 1 (CMU1-746)(H) Zone", and all of the provisions that relate to lands zoned "Core Mixed Use 1 (CMU1-659)(H) Zone" by this by-law shall apply to those lands zoned "Core Mixed Use 1(CMU1-746) (H) Zone", subject to the following special provisions:

   a) Minimum Interior Side Yard (westerly) – 0 metres
   b) Maximum Number of Dwelling Units – 230"

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 (CMU1-746) (H) Zone" shall only be permitted subject to the execution of the agreement, whereby the owner of the lands agrees to:

   a) Provide a $190,000.00 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.

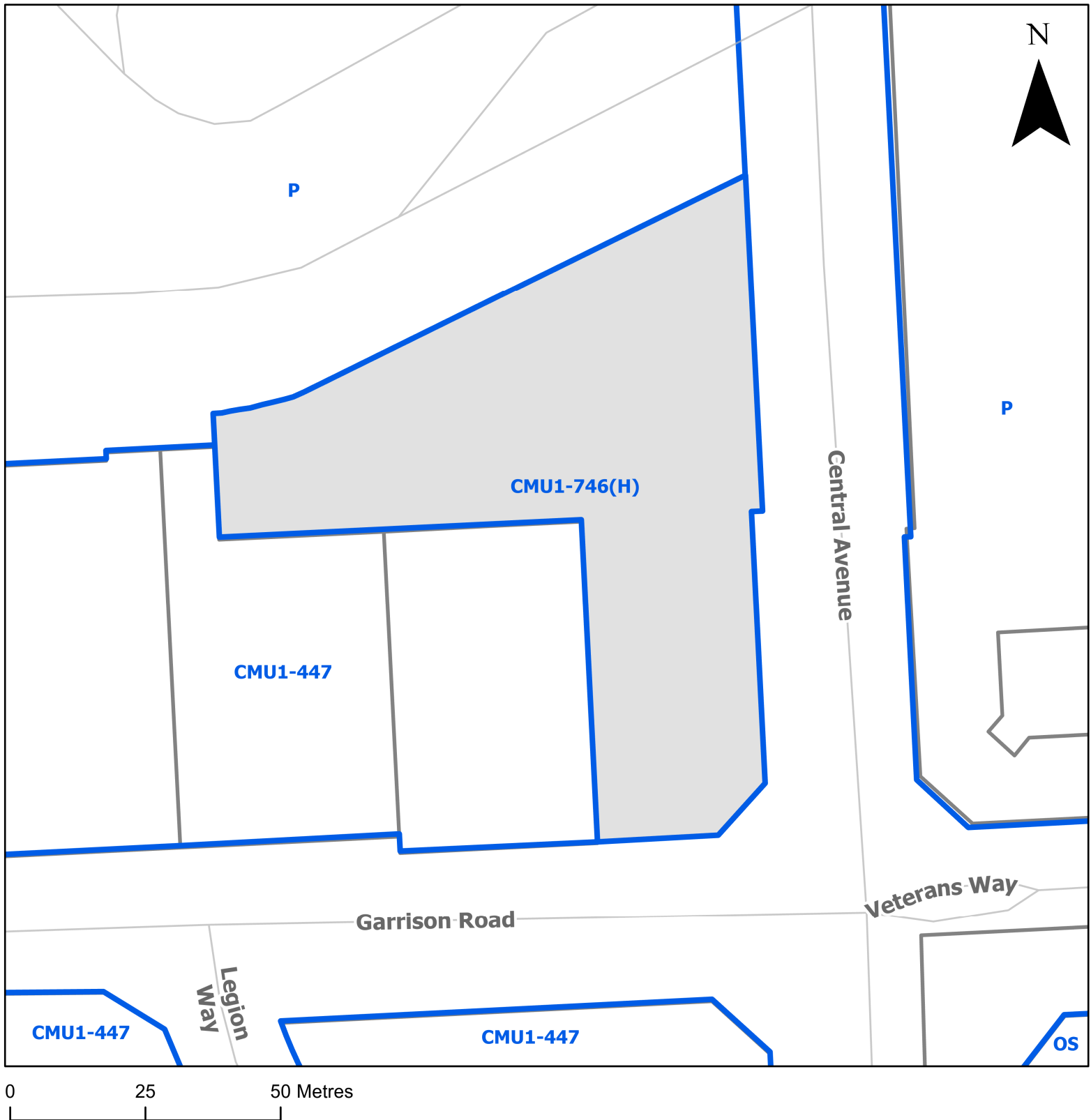**Read a first, second and third time and finally passed this 20th day of June, 2022.**

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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. 65-2022 of the said Town. Given under my hand and the seal of the said Corporation, this   day of   , 20

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N

P

CMU1-746(H)

Central Avenue

P

CMU1-447

Garrison Road

Veterans Way

Legion Way

CMU1-447

CMU1-447

OS

0   25   50 Metres

By-law No. 65-2022
THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 20th DAY OF JUNE, 2022

☐ Zoning Boundary

☐ Subject Lands - Change from Core Mixed Use 1 Holding CMU1-659 (H) Zone to Core Mixed Use 1 Holding CMU1-746 (H) Zone

FORT ERIE
ONTARIO
Our Focus: Your Future

Planning and Development Services
Map Created June 14, 2022