



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 130-2022

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### Being a By-law to Amend Zoning By-law No. 129-90, as amended 260-262 Gorham Road & 3854 Disher Street Lucky Gas Inc. (Najeeb Quidwai) - Owner

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**Whereas** an application was received from Greg Taras of Urban & Environmental Management Inc. on behalf of Lucky Gas Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 260-262 Gorham Road and 3854 Disher 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 June 18, 2018 and March 9, 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-42-2020 considered and approved at the Council-in-Committee meeting held on August 22, 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 260-262 Gorham Road & 3854 Disher Street and shown on the attached Appendix "1" from "Automobile Service Station (C4) Zone" and "Residential 2 (R2) Zone" to "Automobile Service Station (C4-755) Zone" (Part 1) and "Residential 2 (R2-756) Zone" (Part 2).
2. **That** By-law No. 129-90, as amended, is further amended by adding to "Section 23 – Automobile Service Station (C4) Zone" Subsection – "Exceptions to the Automobile Service Station (C4) Zone" the following exception:

**"C4-755 (130-2022) 260-262 Gorham Road (Part 1)**

These lands are zoned "Automobile Service Station (C4-755) Zone", and all of the provisions that relate to lands zoned "Automobile Service Station (C4) Zone" by this by-law shall apply to those lands zoned "Automobile Service Station (C4-755) Zone" subject to the following special provisions:

- a) Notwithstanding the list of Permitted Uses in Section 23.2, the subject property may also be used for the following:
  - i. Restaurant with a drive-thru

- b) Notwithstanding the regulations of Automobile Service Stations and Motor Vehicle Repair Shops in Section 23.3, the following provisions shall apply:
    - i. Minimum front yard (Disher Street) – 2.00 m (to restaurant)
    - ii. Minimum exterior side yard (Gorham Road) – 2.00 m (to restaurant)
  - c) Notwithstanding the Regulations for Gasoline Bars in Section 23.4, the following provisions shall apply:
    - i. Maximum lot coverage (gasoline bars) – 7%
    - ii. Minimum setback from pump island canopy to property line – 3.66 m
  - d) Notwithstanding the Regulations for Car Washes in Section 23.5, the following provision shall apply:
    - i. Minimum rear yard setback – 1.15 m (to car wash)
  - e) Notwithstanding the regulations for Drive-thru Lanes in Section 18.6 (d) of General Provisions for Commercial Zones a landscaped strip having a minimum width of 2.00 m shall be provided along the outer edge of the drive-thru facility for the length of the stacking lane along Disher Street.
  - f) Notwithstanding the regulations for Drive-thru Lanes in Section 18.6 (e) of General Provisions for Commercial Zones a minimum setback of 3.00 m shall be provided from drive-thru lanes to lot lines to the east where the abutting lot contains a residential use.
  - g) Notwithstanding the Parking Area Regulations in Section 6.20 (d) (ii) of Section 6 - General Provisions the maximum width of the joint ingress and egress driveway ramps measured along the Gorham Road street line shall be 12.23 m.
  - h) Notwithstanding the regulations of Landscaping and Planting Strips in Section 6.21 (b) of Section 6 - General Provisions the following landscaped planting strip widths shall apply:
    - i. Northerly lot line - 0.00 m
    - ii. Southerly lot line - 2.00 m
    - iii. Westerly lot line - 1.00 m
3. **That** By-law No.129-90, as amended, is further amended by adding to “Section 11 – Residential 2 (R2) Zone” Subsection – “Exceptions to the Residential 2 (R2) Zone” the following exception:

**“R2-756 (130-2022) 3854 Disher Street (Part 2)**

These lands are zoned “Residential 2 (R2-756) Zone”, and all of the provisions that relate to lands zoned “Residential 2 (R2) Zone” by this by-law shall apply to those lands zoned “Residential 2 (R2-756) Zone” subject to the following special provisions:

- a) Minimum lot frontage – 14.00 m
- b) Minimum lot area – 357.00 sq m
- c) Minimum interior side yard setback on a lot where no attached garage or carport is provided – 1.20 m

d) Minimum rear yard – 7.50 m”

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 19th day of September, 2022.**

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Mayor

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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. 130-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_\_\_

# APPENDIX "1"



**By-law No. 130-2022**

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90**

**PASSED THIS 19th DAY OF SEPTEMBER, 2022**



Subject Lands - 260-262 Gorham Road & 3854 Disher Street



Part 1 - Change from Automobile Service Station (C4) Zone and Residential 2 (R2) Zone to Automobile Service Station (C4-755) Zone



Part 2 - Change from Residential 2 (R2) Zone to Residential 2 (R2-756) Zone