

The Municipal Corporation of the Town of Fort Erie

By-law No. 16-2023

**Being a By-law to Amend Zoning By-law No. 129-90,
as amended**

**0-17482 and 0-17484 Black Creek Road
5009823 Ontario Inc. and Black Creek Comprop Inc.
(Mitch Williams and Mike Colosimo) - Owners**

Whereas an application was received from Mitch Williams and Mike Colosimo of 5009823 Ontario Inc. and Black Creek Comprop Inc. (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 0-17482 and 0-17484 Black Creek Road; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on May 30th, 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-78-1-2022 considered and approved at the Regular Council meeting held on January 23rd, 2023;

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 0-17482 and 0-17484 Black Creek Road and shown as Parts 1, 2, 3 and 4 on the attached Appendix "1" from "Residential Multiple 2 (RM2-549) Zone" to "Residential Multiple 2 (RM2-762) Zone" (Part 1), from "Residential Multiple 2 (RM2-549) Zone" to "Residential Multiple 1 (RM1-763) Zone" (Part 2), from "Residential 2 (R2) Zone" to "Residential Multiple 1 (RM1-763) Zone" (Part 3), and from "Residential Multiple 1 (RM1-548) Zone" to "Residential Multiple 1 (RM1-763) Zone" (Part 4).
2. **That** By-law No. 129-90, as amended, is further amended by adding to "Section 15 – Residential Multiple 2 (RM2) Zone" Subsection – "Exceptions to the Residential Multiple 2 (RM2) Zone" the following exceptions:

"RM2-762 (16-2023) 0-17482 and 0-17484 Black Creek Road (Part 1)

These lands are zoned "Residential Multiple 2 (RM2-762) Zone", and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential Multiple 2 (RM2) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 2 (RM2-762) Zone" subject to the following special provisions:

- (a) Notwithstanding the list of “Permitted Uses” in Subsection 15.2, the lands may also be used for block townhouse dwellings, subject to the regulations of Subsection 14.3
- (b) The overall density for this zone shall be a minimum of 17 units per hectare and a maximum of 75 units per hectare
- (c) Notwithstanding the “Regulations for Apartment Dwellings and Assisted Living House” in Section 15.3, apartment dwellings shall be subject to the following special provisions:
 - I. Minimum Lot Frontage – 12 m
 - II. Minimum Lot Area – 129 m² per unit
 - III. Maximum Height – 4 storeys (14 m)
 - IV. Minimum Interior Side Yard – 5 m
 - V. Minimum Setback from Netherby Road – 14 m”

“RM1-763 (16-2023) 0-17482 and 0-17484 Black Creek Road (Parts 2, 3 & 4)

These lands are zoned “Residential Multiple 1 (RM1-763) Zone”, and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned “Residential Multiple 1 (RM1) Zone” by this by-law shall apply to those lands zoned “Residential Multiple 1 (RM1-763) Zone” subject to the following special provisions:

- (a) Notwithstanding the list of “Permitted Uses” in Subsection 14.2, the lands may also be used for a stormwater management pond and open space uses
- (b) The overall density for this zone shall be a minimum of 17 units per hectare and a maximum of 50 units per hectare
- (c) Notwithstanding the Zone Regulations in Subsection 13.4, semi-detached dwellings shall be subject to the following special provision:
 - I. Minimum Interior Side Yard – 1.5 m, except where no private garage or carport is provided a side yard of not less than 3.0m on one side of such semi-detached dwelling is required
- (d) Notwithstanding the Zone Regulations in Subsection 12.3, single detached dwellings shall be subject to the following special provision:
 - I. The maximum lot coverage regulation is deleted.

(e) Notwithstanding the Zone Regulations in Subsection 14.3, street townhouse dwellings shall be subject to the following special provisions:

- I. The maximum lot coverage regulation is deleted
- II. Minimum Lot Area – 180 m² for a street townhouse lot and 215 m² for a street townhouse corner lot”

3. **That** the Clerk of the Town is authorized to affect 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.

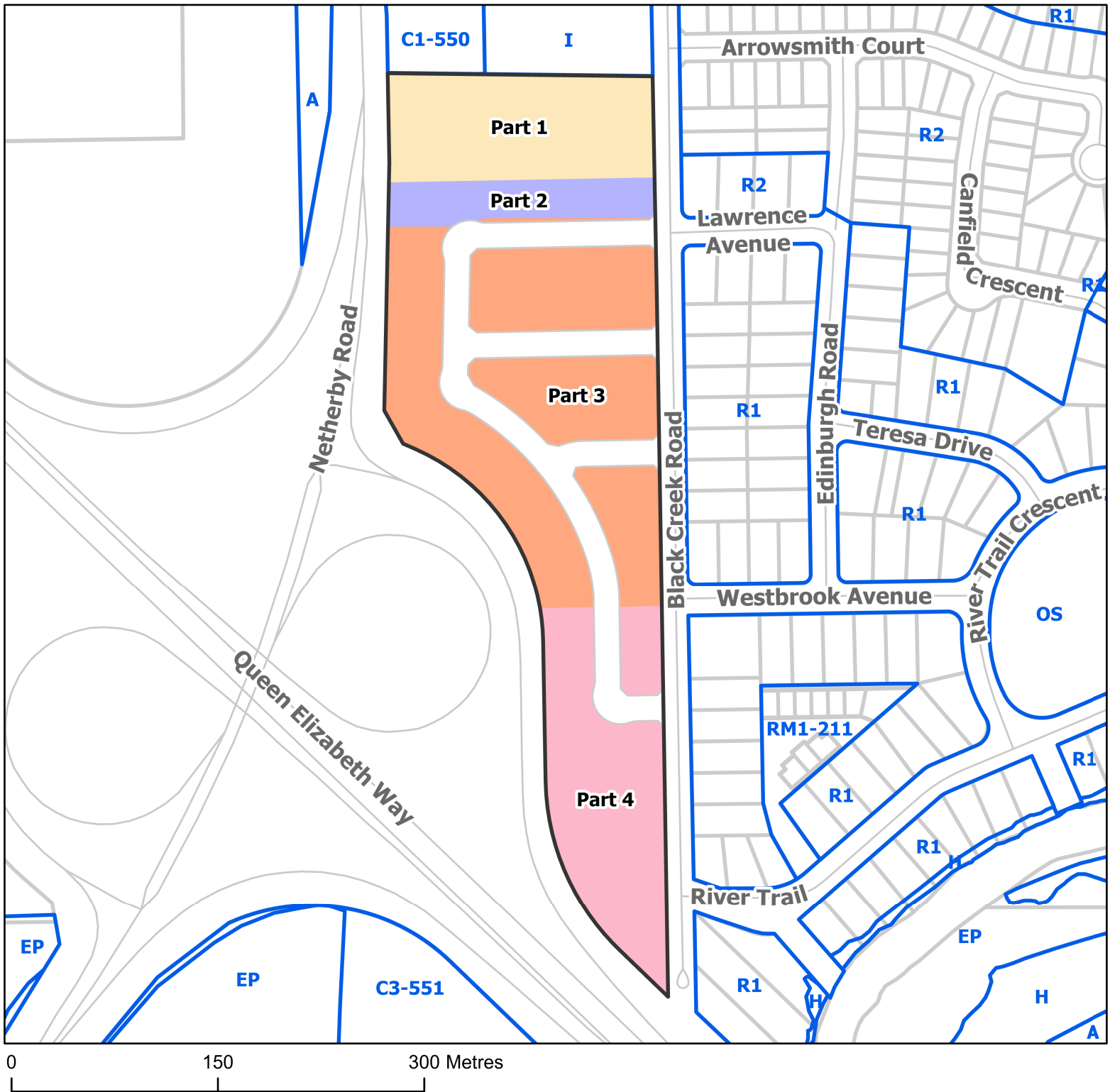
Read a first, second and third time and finally passed this 13th day of February, 2023.

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. 16-2023 of the said Town. Given under my hand and the seal of the said Corporation, this
day of _____, 20

APPENDIX "1"



By-law No. 16-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 13th DAY OF FEBRUARY, 2023**

Subject Lands - Spring Creek Estates (0-17482 and 0-17484 Black Creek Road)

Zoning Boundary

Part 1 - Change from Residential Multiple 2 (RM2-549) Zone to Residential Multiple 2 (RM2-762) Zone

Part 2 - Change from Residential Multiple 2 (RM2-549) Zone to Residential Multiple 1 (RM1-763) Zone

Part 3 - Change from Residential 2 (R2) Zone to Residential Multiple 1 (RM1-763) Zone

Part 4 - Change from Residential Multiple 1 (RM1-548) Zone to Residential Multiple 1 (RM1-763) Zone

Planning and Development Services. Map Created February 2, 2023