

SECTION 35A – ENVIRONMENTAL PROTECTION (EP) ZONE

35A.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Environmental Protection (EP) Zones.

35A.2 PERMITTED USES

- a) Passive non-structural conservation and resource management uses
- b) Flood and erosion control works
- c) Minor additions, enlargements and reconstruction of existing uses in compliance with the regulations of the Niagara Peninsula Conservation Authority

35A.3 REGULATIONS

Minimum Lot Frontage, Area and Yard Requirements	As existing
--	-------------

EXCEPTIONS TO THE ENVIRONMENTAL PROTECTION (EP) ZONE

EP-334 Zone (By-law 58-05) Dominion Woods Subdivision, south of Dominion Road, east of Prospect Point Road South

These lands are zoned Environmental Protection (EP) Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Environmental Protection (EP) Zone by this by-law shall apply to those lands zoned Environmental Protection EP-334 Zone subject to the following special provisions:

- a) Notwithstanding the list of permitted uses set out in Section 34.2 "Permitted Uses", the lands shown as EP-334 may only be used for:
 - Conservation and management of plant and wildlife;
 - Control structures to prevent flooding and/or erosion by water or wind; and
 - Public Parks

EP-448 (58-11) Gateway Secondary Plan Area

These lands are zoned "Environmental Protection EP-448 Zone" and all of the provisions that relate to lands zoned "Environmental Protection EP Zone" by this by-law shall apply to those lands zoned " Environmental Protection EP-448 Zone " on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 35A.2, the subject lands may also be used for operations carried on by or on behalf of the Niagara Parks Commission, including but not limited to open space, parkland, recreational uses, and all accessory uses to such operations, subject to compliance with applicable regulations of the Niagara Peninsula Conservation Authority.

EP-449 (58-11) Gateway Secondary Plan Area

These lands are zoned "Environmental Protection EP-449 Zone" and all of the provisions that relate to lands zoned "Environmental Protection EP Zone" by this by-law shall apply to those lands zoned " Environmental Protection EP-449 Zone " on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 35A.2, the subject lands may also be used for operations carried on by or on behalf of the Buffalo and Fort Erie Public Bridge Authority and all accessory uses to such operations, subject to compliance with applicable regulations of the Niagara Peninsula Conservation Authority.

EP-284 (129-1990) Abino Dunes Development, Point Abino (FORMERLY H-284)

That part of the land shown on Schedule "A" as "Environmental Protection EP-284 Zone" shall be subject to the following regulations:

- (a) No buildings, structures, pools, tennis courts or other man-made appurtenances shall be erected, constructed or placed on the said lands. Vegetation shall not be removed from the said lands and the lands shall not be graded or altered in any way whatsoever.

EP-329 (229-04) Houck Crescent (Ss) At Warwick Avenue (Formerly H-329)

These lands are zoned Environmental Protection EP-329, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Environmental Protection EP Zone by this by-law shall apply to those lands zoned Environmental Protection EP-329 Zone on the attached Schedule A subject to the following special provisions:

- b) Notwithstanding the requirements of Subsection 35A.2 – Permitted Uses, the subject lands shall only be used for the conservation of plant and wildlife.

EP-344 (164-05) 4777 Bowen Road and N/E Corner of Point Abino Road and Sherk Road (FORMERLY H-344)

These lands are zoned Environmental Protection EP-344 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Environmental Protection EP Zone by this by-law shall apply to these lands zoned Environmental Protection EP-344 Zone on the attached Schedule A subject to the following special provisions:

- (a) Notwithstanding the list of permitted uses set out in Section 35A.2 "Permitted Uses", the lands shown as EP-344 on Schedule A may be used for conservation and management of plant and wildlife and a television transmitter facility and associated equipment.

EP-354 (192-05) 1407 Bertie Street (FORMERLY H-354)

These lands are zoned Environmental Protection EP-354 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Environmental

Protection H Zone by this by-law shall apply to these lands zoned Environmental Protection EP-354 Zone on the attached Schedule A subject to the following special provisions:

- (a) Notwithstanding subsection 35A.2 “Permitted Uses” the use of the lands zoned Environmental Protection EP-354 Zone shall be limited to only “conservation and management of plant and wildlife”.

**EP-356(H) (226-05) DEE MC PROPERTIES LTED. (BRUNO DAMMIZIO), 3425
NIAGARA RIVER PARKWAY (DELETED)**

Repealed pursuant to the decisions of the Ontario Municipal Board, dated August 14, 2008 OMB File #PL050640

EP-400 (142-08) 2650 SIDER ROAD (FORMERLY H-400)

These lands are zoned Environmental Protection EP-400 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Environmental Protection EP Zone by this by-law shall apply to those lands zoned Environmental Protection EP-400 Zone on the attached Schedule A subject to the following special provisions:

- (a) Notwithstanding the requirements of Subsection 35A.2 –Permitted Uses, the subject lands shall only be used for the conservation of plant and wildlife.

**EP-430 (106-10) OMB ORDER PL100362, SOUTH WEST CORNER OF BOWEN
ROAD AND SUNSET DRIVE**

The lands are zoned Environmental Protection EP-430 Zone and all of the provisions that relate to lands zoned Environmental EP Zone by this By-law shall apply to those lands zoned Environmental Protection EP-430 Zone, which have been identified as Provincially Significant Wetlands by Ministry of Natural Resources and Critical Fish Habitat.

**EP-431 (106-10) OMB ORDER PL100362, SOUTH WEST CORNER OF BOWEN
ROAD AND SUNSET DRIVE**

These lands are zoned Environmental Protection EP-431 Zone and all of the provisions that relate to lands zoned Environmental EP Zone by this By-law shall apply to those lands zoned Environmental Protection EP-431 Zone, which have been identified as non-Provincially Significant Wetlands and Significant Woodlands.

EP-432 (106-10) OMB ORDER PL100362, SOUTH WEST CORNER OF BOWEN ROAD AND SUNSET DRIVE

These lands are zoned Environmental Protection EP-432 Zone and all of the provisions that relate to lands zoned Environmental EP Zone by this By-law shall apply to those lands zoned Environmental Protection EP-432 Zone, which have been identified as 100 year floodplain lands by the Niagara Peninsula Conservation Authority.

EP-433(H) (106-10) OMB ORDER PL100362, SOUTH WEST CORNER OF BOWEN ROAD AND SUNSET DRIVE

These lands are zoned Environmental Protection Holding EP-433 (H) Zone and all of the provisions that relate to lands zoned Environmental Protection EP Zone by this By-law shall apply to those lands zoned Environmental Protection Holding EP-433 (H) Zone, which have been identified as lands for ecological enhancement and restoration of the natural environment and subject to the following additional provisions:

a) Pursuant to Section 36(1) of the *Planning Act* the “H” Holding Symbol shall be removed upon the approval and execution of a Site Plan Agreement, pursuant to Section 41 of the *Planning Act*, by the Town of Fort Erie for the subject lands. Prior to the removal of the Holding Provision the owner shall provide a detailed restoration and enhancement plan to the Niagara Peninsula Conservation Authority for approval and the owner shall have acquired title to the following lands:

1. PIN: 64239-0308 (LT) Pt. Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376; Fort Erie municipally known as 2154 Laur Road, ON
2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

EP-460 (104-11) 2434 Dominion Road (FORMERLY OS-460)

These lands are zoned Environmental Protection EP-460 Zone, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned Environmental Protection EP Zone by this by-law shall apply to those lands zoned Environmental Protection EP-460 Zone on Schedule A subject to the following special provisions:

a) Notwithstanding the requirements of Subsection 35A.2- Permitted Uses, these lands may only be used for the conservation and management of plant and wildlife.

EP-576 (53-2017) Fort Erie Hills Subdivision

These lands are zoned “Environmental Protection (EP-576) Zone” (Part 3), and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Environmental Protection (EP) Zone” by this by-law shall apply to those lands zoned “Environmental Protection (EP-576) Zone” shown as Part 3 on the attached Appendix “1” and shall be subject to the following provisions:

S E C T I O N 35A – EP ZONE
TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90
OFFICE CONSOLIDATION

35A.5

- a) Notwithstanding the list of Permitted Uses in Section 35A.2, the subject lands may also be used for pedestrian trails.