



The Municipal Corporation of the Town of Fort Erie

By-law No. 70-2016

Being a By-law to Amend Zoning By-law No. 129-90 Fence Regulations Town of Fort Erie

350309-0410

Whereas Report No.CD-17-2016 was considered at the Council-in-Committee meeting of February 1, 2016, and subsequently authorized and approved by Council to initiate an amendment to the Comprehensive Zoning By-law No. 129-90 to remove the regulation of fences in the Comprehensive Zoning By-law No. 129-90, and

Whereas Open House session was held on April 19, 2016, and

Whereas in accordance with Subsection 34 (12) of the *Planning Act*, R.S.O. 1990, c.P.13, a Public Meeting was held respecting the proposed amendments to Comprehensive Zoning By-law No. 129-90, as amended on May 2, 2016 and notice of such was published in the Fort Erie Times on April 7, 2016, and

Whereas to satisfy the notification requirements for Town initiated amendments approved by Council on May 6, 2013, the following additional measures were undertaken to notify the public of the proposed amendment:

- Notice of the proposed amendments was posted on the Town's website;
- Notice of the proposed changes was posted on the Town's Twitter and Facebook page;
- Notice of the public meeting was sent to the Ridgeway, Bridgeburg and Crystal Beach Business Improvement Associations;
- Notice of the amendments was advertised on the billboard at the corner of Municipal Centre Drive and Garrison Road;
- Notice of the amendments was posted at the Library Branches, Leisureplex, Museum and in the Town Hall Atrium, and

Whereas Report No.PDS-53-2016 was considered at the Council-in-Committee meeting of June 13, 2016 and subsequently approved by Council to approve the removal of fence regulations from the Comprehensive Zoning By-law No. 129-90, and, determine that in accordance with Section 34(17) of the *Planning Act*, further notice is not required as a result of the changes to the Comprehensive Zoning By-law No. 129-90 and Fence By-law No. 70-2013 since the holding of the Public Meeting on May 2, 2016, and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to Report No. PDS-53-2016;

Now therefore the Council of the Town of Fort Erie enacts as follows:

1. **That** By-law No. 129-90 as amended, is further amended by adding thereto in alphabetical sequence the following definitions to "Section 5-Definitions":

“STREET, ARTERIAL” means roads that are mainly under the jurisdiction of the Region which are designed to carry moderate volumes of medium distance inter-regional and inter-municipal traffic as well as traffic enroute to or from the Provincial highway system.

“STREET, COLLECTOR” means roads which are mainly under the Town’s jurisdiction, are designed to carry moderate volumes of inter-neighbourhood and inter-district traffic and to function as links between Arterials or Provincial Highways and Local Roads. Intersections are at grade. Direct access from abutting properties is normally permitted unless deemed undesirable.

“STREET, LOCAL” means roads that are designed to carry relatively low volumes of traffic travelling at low speeds from abutting properties to Collector Roads, Arterial Roads or Provincial Highways. Such roadways should not provide through traffic. Intersections are at grade. Direct access from abutting properties is permitted except near major intersections.”

and that the definitions in Section 5 are re-lettered accordingly.

2. **That** “Section 5.311 ” of By-law No. 129-90, as amended, is repealed and replaced with the following:

“SITE TRIANGLE” means the triangular shape formed by street lines of a corner lot where such lot is located at the intersection of two or more streets and the line drawn from a point in one street to a point in the other street, each such point being the distance specified in Section 6.31 of Zoning By-law No. 129-90 from the point of intersection of the streets measured along the said street lines provided that where the two streets do not intersect at a point, the point of the intersection of the street lines shall be deemed to be the intersection of the projected tangents to the street lines drawn through the extremities of the interior lot lines. Such triangular shape may also be called a daylighting triangle.”

3. **That** “Section 5.324” of By-law No. 129-90, as amended, is repealed and replaced with the following:

“STRUCTURE” means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include a septic system, the permanent way of a railway, any paved surface located directly on the ground, a fence or a privacy screen.”

4. **That** “Section 6.31” of By-law No. 129-90, as amended, is amended by deleting the word “fence” in the third line of the second paragraph.

- 5. **That** “Section 6.54”, “Section 6.55”, and “Section 6.56” of By-law No. 129-90, as amended, are repealed.

- 6. **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, 2016.

Mayor

Clerk

I, Laura Bubanko , the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 70-2016 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20
