



The Municipal Corporation of the Town of Fort Erie

By-law No. 82-2016

Being a By-law to Amend Zoning By-law No. 129-90 Black Creek Signature Draft Plan of Subdivision (Formerly Black Creek Meadows) 9136916 Canada Ltd. (Gary Lau and Simon Mou)

350308-0100 & 350309-0397

Whereas an application was received from Upper Canada Consultants (Agent) for 9136916 Canada Ltd. (Simon Mou and Gary Lau) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands described as Part of Lot Z, Cross Concession, Part of Broken Front Lot 19, Broken Front Concession at the southeast angle, Geographic Township of Willoughby, Town of Fort Erie, Regional Municipality of Niagara, and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on December 7, 2015, and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to Report No. PDS-63-2016 approved at the Council-in-Committee meeting of July 11, 2016;

Now therefore the Council 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 as described above and shown on the attached Appendix "1" (Part 1) from "Residential Multiple 1 Holding (RM1) (H) Zone" to "Residential 2A Holding (R2A) (H) Zone".
2. **That** Schedule "A" of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix "1" (Part 2) from "Residential 2 Holding (R2) (H) Zone" to "Residential 2A Holding (R2A) (H) Zone".
3. **That** Schedule "A" of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix "1" (Part 3) from "Open Space OS-337 Zone" to "Open Space OS-336 Zone".
4. **That** Schedule "A" of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix "1" (Part 4 and Part 5) from "Residential 2 Holding (R2) (H) Zone and Residential Multiple 1 Holding (RM1) (H) Zone" to "Residential Multiple 1 Holding RM1-560 (H) Zone".

5. **That** Schedule “A” of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix “1” (Part 6) from “Residential 2 Holding (R2) (H) Zone” to “Open Space OS-561 Zone”.
6. **That** Schedule “A” of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix “1” (Part 7) from “Open Space OS-337 Zone” to “Residential 2A Holding (R2A) (H) Zone”.
7. **That** Schedule “A” of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix “1” (Part 8) from “Residential 2 Holding (R2) (H) Zone” to “Open Space OS-562 Zone”.
8. **That** Schedule “A” of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix “1” (Part 9) from “Residential 2 Holding (R2) (H) Zone” to “Residential 2A Holding R2A-563(H) Zone”.
9. **That** By-law No.129-90 as amended, is further amended by adding to “Section 14– Residential Multiple 1 (RM1) Zone” Subsection – “Exceptions to the Residential Multiple 1 (RM1) Zone” the following exception:

“RM1-560(H) (82-2016) Black Creek Signature

These lands are zoned “Residential Multiple 1 Holding RM1-560 (H) 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 Holding RM1-560 (H) Zone” and shall be subject to the following provisions:

- a) Notwithstanding the zone Regulations for townhouse dwellings in Section 14.3, townhouse dwellings shall be subject to the following provisions:
 - i) Minimum lot area – 180 sq. m and 270 sq.m for corner lot
 - ii) Maximum Lot Coverage- 55% for block and exterior street townhouses
- b) Notwithstanding the zone Regulations for semi-detached dwellings in Section 14.5, semi-detached dwellings shall be subject to the following provisions:
 - i) Minimum Lot Frontage- 9.0 m
 - ii) Minimum Lot Area- 300 sq.m
 - iii) Minimum Interior Side Yard- 1.2 m
 - iv) Maximum Height -2.5 storeys and 10.5m”

10. **That** By-law No.129-90 as amended, is further amended by adding to “Section 33– Open Space (OS) Zone” Subsection – “Exceptions to the Open Space (OS) Zone” the following exception:

“OS-561 (82-2016) Black Creek Signature

These lands are zoned “Open Space OS-561 Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Open Space OS Zone” by this by-

law shall apply to those lands zoned “Open Space OS-561 Zone” and shall be subject to the following provisions:

- a) Notwithstanding the permitted uses set out in Section 33.2 Permitted Uses the lands shown as OS-561 on Schedule “A” may only be used for a stormwater management facility.
- b) Notwithstanding the zone Regulations in Section 33.3, the stormwater management facility shall be subject to the following provision:
 - i) Minimum lot area -6000 sq.m ”

11. **That** By-law No 129-90 as amended, is further amended by adding to “Section 33-Open Space (OS) Zone” Subsection – “Exceptions to the Open Space (OS) Zone” the following exception:

“OS-562 (82-2016) Black Creek Signature

These lands are zoned “Open Space OS-562 Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Open Space (OS) Zone” by this by-law shall apply to those lands zoned “Open Space OS-562 Zone” and shall be subject to the following provision:

- a) Notwithstanding the permitted uses set out in Section 33.2 “Permitted Uses”, the lands shown as OS-562 on Schedule “A” may only be used for a municipal park.

12. **That** By-law No.129-90 as amended, is further amended by adding to “Section 12– Residential 2A (R2A) Zone” Subsection – “Exceptions to the Residential 2A (R2A) Zone” the following exception:

“R2A-563(H) (563-2016) Black Creek Signature

These lands are zoned “Residential 2A Holding R2A-563(H) Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Residential 2A (R2A) Zone” by this by-law shall apply to those lands zoned “Residential 2A Holding R2A-563(H) Zone” and shall be subject to the following provisions:

- a) Notwithstanding the zone Regulations for Dwellings in Section 12.3, single detached dwellings shall be subject to the following provision:
 - i) Maximum height of a building – 2.5 storeys, 9 metres”

13. **That** pursuant to Section 36(1) of the *Planning Act* the “H” Holding Symbol shall be removed upon the approval by the Council of the Town of Fort Erie of a Subdivision Agreement for all of the lands shown on the attached Appendix “1”.

14. **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.

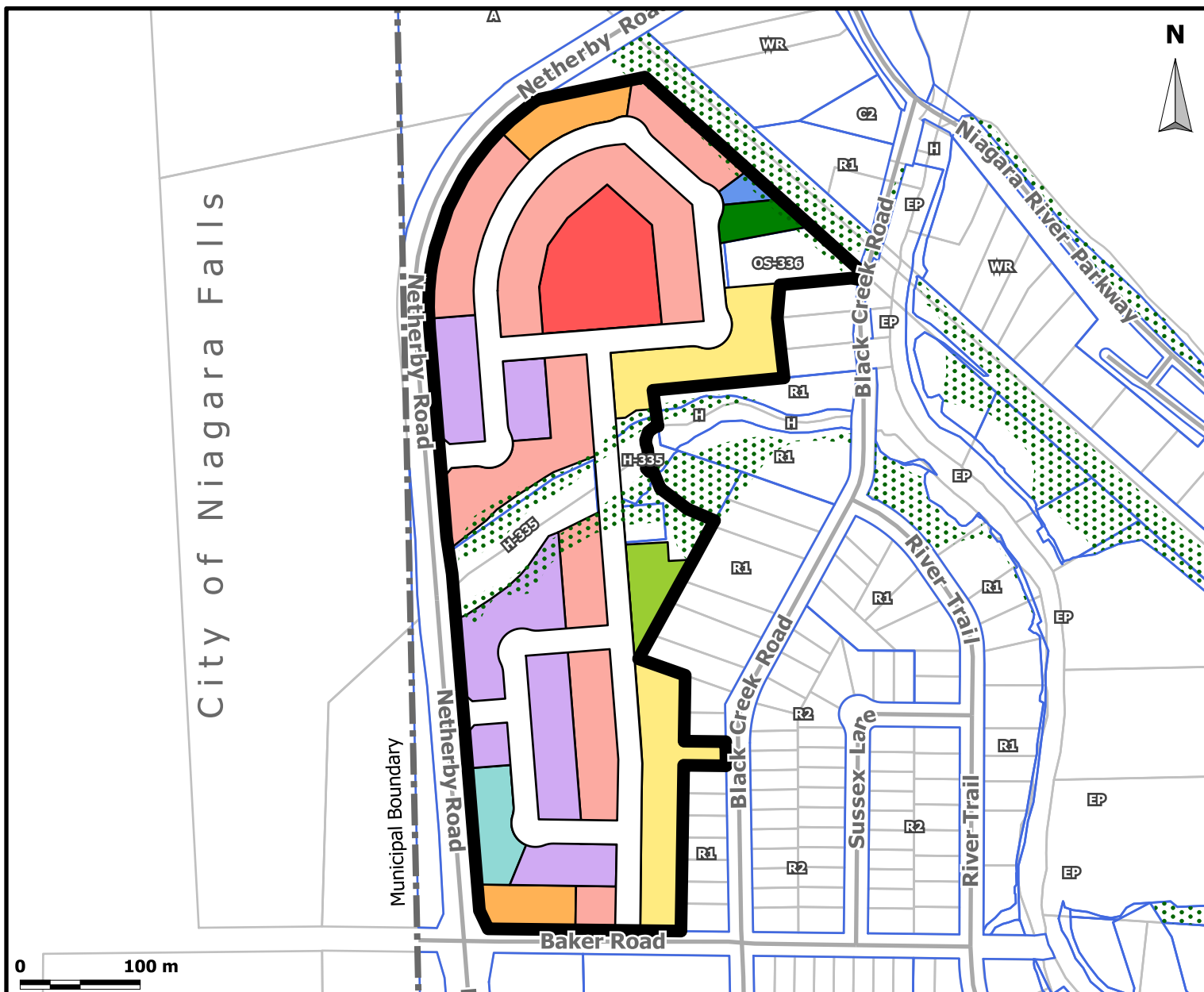
Read a first, second and third time and finally passed this 18th day of July, 2016.

Mayor

Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true copy of By-law No. 82-2016 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20

APPENDIX "1" TO BY-LAW NO. 82-2016



By-law No. 82-2016

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

PASSED THIS 18th DAY OF JULY, 2016



Subject Lands - Black Creek Signature Subdivision

- Part 1 - Change from Residential Multiple 1 Holding RM1(H) Zone to Residential 2A Holding R2A(H) Zone
- Part 2 - Change from Residential 2 Holding R2(H) Zone to Residential 2A Holding R2A(H) Zone
- Part 3 - Change from Open Space OS-337 Zone to Open Space OS-336 Zone
- Part 4 - Change from Residential 2 Holding R2(H) Zone to Residential Multiple 1 RM1-560(H) Zone
- Part 5 - Change from Residential Multiple 1 Holding RM1(H) to Residential Multiple 1 Holding RM1-560(H) Zone
- Part 6 - Change from Residential 2 Holding R2(H) Zone to Open Space OS-561 Zone
- Part 7 - Change from Open Space OS-337 Zone to Residential 2A Holding R2A(H) Zone
- Part 8 - Change from Residential 2 Holding R2(H) Zone to Open Space OS-562 Zone
- Part 9 - Change from Residential 2 Holding R2(H) Zone to Residential 2A Holding R2A-563(H) Zone