



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 104-2016

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### Being a By-law to Amend Zoning By-law No. 129-90 223-227 Gilmore Road 1591709 Ontario Inc. (Karen Minhas)

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350309-0413

**Whereas** an application was received from 1591709 Ontario Inc. (Karen Minhas) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands described as Part of Lots 98-101, Plan 511, Town of Fort Erie, Regional Municipality of Niagara, known municipally as 223-227 Gilmore Road, and

**Whereas** Public Meetings pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 were held on June 13, 2016 and August 8, 2016, and

**Whereas** it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to Report No. PDS-72-2016 considered at the Council-in-Committee meeting of September 6, 2016, and subsequently authorized and approved by Council;

**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 as described above and shown on the attached Appendix "1" (Part 1) from "Residential 2 (R2) Zone" to "Residential Multiple 2 (RM2-565) Zone".
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 exception:

**"RM2-565 (104-2016) 223-227 Gilmore Road**

These lands are zoned "Residential Multiple 2 (RM2-565) 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 (RM2-565) Zone" and shall be subject to the following provisions:

- a) Notwithstanding the zone Regulations for Apartment Dwellings and Assisted Living Houses in Section 15.3, apartment dwellings shall be subject to the following provisions:
  - i) Minimum front yard setback – 0.41 metres
  - ii) Minimum interior side yard setback- 1.73 metres
  - iii) Minimum landscaped area – 4%

- iv) Minimum dwelling unit floor area – 39 square metres
  - b) Notwithstanding the zone Regulations for Minimum Distance between any abutting Residential Zone and Driving Lanes or Parking Areas in Section 15.4, 223-227 Gilmore Road shall be subject to the following provisions:
    - i) No driving lane shall be closer than 0 metres to any lot line abutting any Residential Zone.
    - ii) No parking area shall be closer than 0 metres to any lot line abutting any Residential Zone
  - c) Notwithstanding the Regulations for Covered or Uncovered Porches, Balconies, Steps and Patios in Section 6.40, apartment dwellings shall be subject to the following provisions:
    - i) Minimum front yard setback to steps – 0 metres
    - ii) Minimum interior side yard setback to steps – 0.5 metres”
3. **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 12<sup>th</sup> day of September, 2016.**

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Mayor

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Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 104-2016 of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_\_\_

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# APPENDIX "1" TO BY-LAW NO. 104-2016



By-law No. 104-2016

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

PASSED THIS 12th DAY OF SEPTEMBER, 2016



Subject Lands - 223-227 Gilmore Road



Part 1 - Change from Residential 2 R2 Zone to Residential Multiple 2 RM2-565 Zone