



The Municipal Corporation of the Town of Fort Erie

By-law No. 132-2016

Being a By-law to Amend Zoning By-law No. 129-90 5045 Michener Road Doug Darbyson - Owner

350309-0423

Whereas an application was received from Doug Darbyson to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands described as Part of Lot 33, Broken Front Concession Lake Erie, 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 November 7, 2016, and

Whereas on November 28, 2016, Council determined that in accordance with Section 34(17) of the *Planning Act*, further notice is not required with respect to the removal of the Environmental Conservation Overlay on Part 2 subsequent to the holding of the Public Meeting on November 7, 2016, and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to the amendment to the recommendation contained in Report No. PDS-87-2016 considered at the Council-in-Committee meeting of November 7, 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" from "Rural (RU) Zone" to "Rural (RU-564) Zone" (Part 1) and "Rural (RU-565) Zone" (Part 2).
2. **That** By-law No. 129-90 as amended, is further amended by adding to "Section 8— Rural (RU) Zone" Subsection – "Exceptions to the Rural (RU) Zone" the following exceptions:

"RU-564 (132-2016) 5045 Michener Road

These lands are zoned "Rural (RU-564) Zone", and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Rural (RU) Zone" by this by-law shall apply to those lands zoned "Rural (RU-564) Zone" on the attached Appendix "1" and shall be subject to the following provisions:

- i) Minimum lot frontage – 70 metres
- ii) Minimum lot area – 4.7 hectares

RU-565 (132-2016) South side of Michener Road, east of Mathews Road South

These lands are zoned "Rural (RU-565) Zone", and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Rural (RU) Zone" by this by-law shall apply to those lands zoned "Rural (RU-565) Zone" on the attached Appendix "1" and shall be subject to the following provisions:

- a) Notwithstanding the list of Permitted Uses in Section 8.2, the lands shown on Appendix "1" may only be used for the following:
 - Single detached dwelling on tertiary sewage treatment system
 - Accessory apartment
 - Home occupations
 - Agricultural uses
 - Agriculturally related uses
- b) Notwithstanding the zone Regulations for Dwellings in Section 8.3, the following provisions shall apply:
 - iii) Minimum lot frontage – 60 metres
 - iv) Minimum lot area – 1.4 hectares
 - v) Minimum westerly interior side yard setback to accessory building – 3.0 metres
 - vi) Minimum easterly interior side yard setback to accessory building – 18.9 metres"
 - vii) Minimum rear yard setback to accessory building – 3.0 metres"

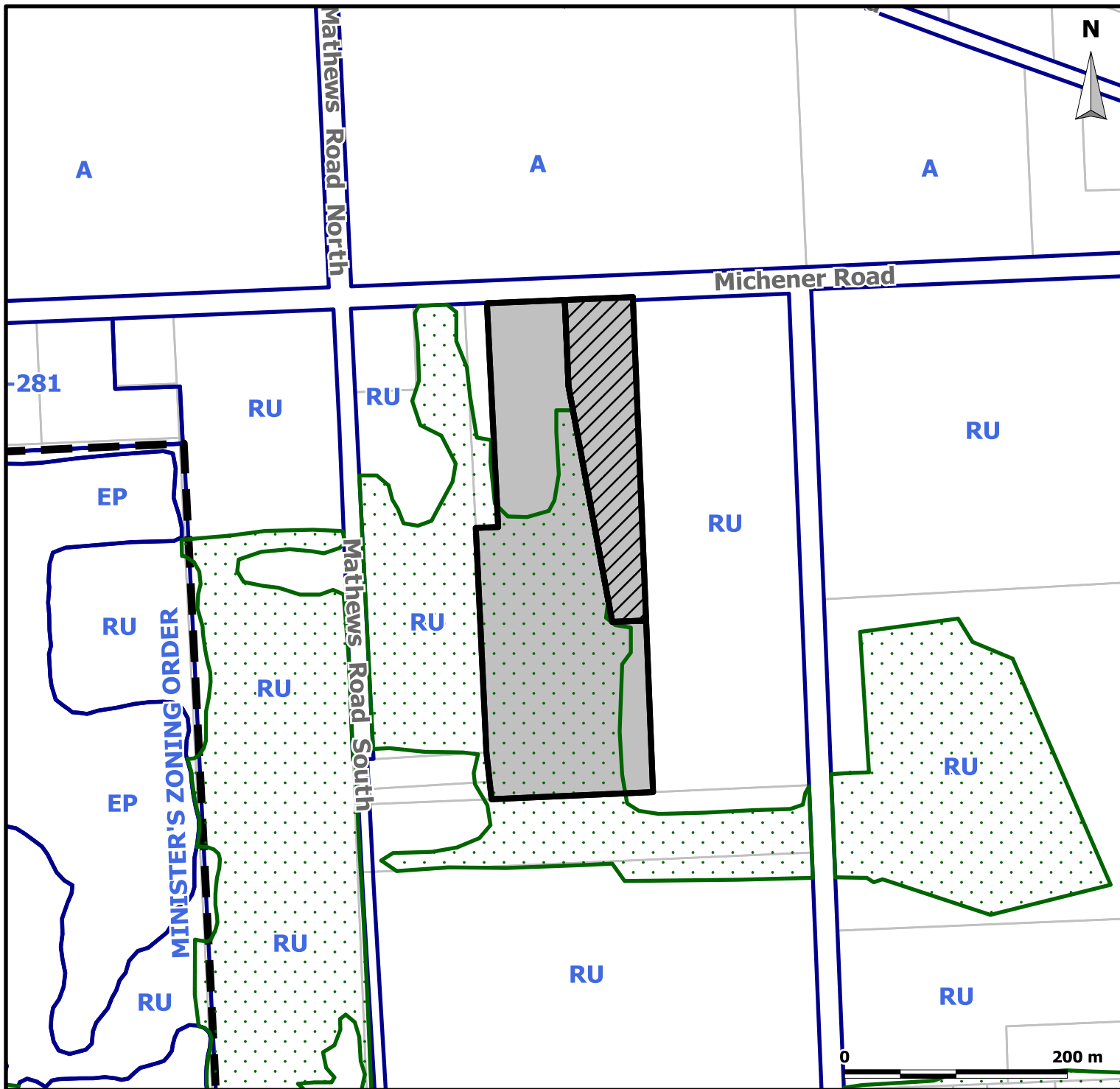
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 28th day of November, 2016.

Mayor

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. 132-2016 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____



By-law No. 132-2016

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

PASSED THIS 28th DAY OF NOVEMBER, 2016

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|--|---|--|--|
|  | Subject Lands - 5045 Michener Road |  | Environmental Conservation EC Overlay Zone |
|  | Part 1 - Change from Rural RU Zone to Rural RU-566 Zone |  | Minister's Zoning Order Boundary |
|  | Part 2 - Change from Rural RU Zone to Rural RU-567 Zone |  | Zone Boundary |