



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 42-2018

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**Being a By-law to Amend Zoning By-law No. 129-90  
Harbourtown Village Subdivision  
800460 Ontario Inc. (Fred Costabile) – Owner  
Upper Canada Consultants (Jennifer Vida) - Agent**

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350309-0453

**Whereas** an application was received from Upper Canada Consultants (Agent) on behalf of the 800460 Ontario Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as Part of Lots 6 & 7 (south side of Victoria Street), Part of A. Woods Lot, Part of Lakeshore Road (closed by By-laws 978 and 1002), Part of 11 acre parcel, Plan 990, 991 and 992, Part of Block A, Plan 356 and Block 45 Plan 59M-319, Geographic Township of Bertie, Town of Fort Erie, Region 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 February 5, 2018, and

**Whereas** it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to the recommendations of Report No. PDS-18-2018 considered at the Council-in-Committee meeting of March 5, 2018, as amended 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 "Neighbourhood Development (ND) Zone" and "Environmental Conservation (EC) Overlay Zone" to "Residential 2 Holding (R2-619 (H)) Zone" (Part 1), "Residential Multiple 1 Holding (RM1-620 (H)) Zone" (Part 2), "Residential Multiple 2 Holding (RM2-621 (H)) Zone" (Part 3), "Open Space Holding (OS-622 (H)) Zone" (Part 4), "Environmental Protection (EP) Zone" (Part 5) and "Residential Multiple 1 RM1 (RM1-620 (H)) Zone" and "Environmental Conservation (EC) Overlay Zone" (Part 6).
- 2. THAT** By-law No.129-90 as amended, is further amended by adding to "Section 11– Residential 2 (R2) Zone" Subsection – "Exceptions to the Residential 2 (R2) Zone" the following exception:

**"R2-619 (42-2018) Harbourtown Village – Single Detached Dwellings**

These lands are zoned "Residential 2 Holding (R2-619 (H)) Zone", and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Residential Multiple 2 (R2) Zone" by this by-law shall apply to those lands zoned "Residential 2 Holding (R2-619 (H)) Zone" on the attached Appendix "1" shall be subject to the following special provisions:

- i) Minimum lot area – 500 sq m
- ii) Maximum lot coverage – 50%
- iii) Minimum front yard – 6 m to garage, 4.5 m to other parts of dwelling
- iv) Setback to rear covered porch – 5 m

3. **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 Multiple 1 (RM1) Zone” the following exception:

**“RM1-620(42-2018) Harbourtown Village – Street Townhouses**

These lands are zoned “Residential Multiple 1 Holding (RM1-620 (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 (RM1-620 (H)) Zone” on the attached Appendix “1” shall be subject to the following special provisions:

- i) Maximum lot coverage – 50% (exterior unit), 60% (interior unit)

4. **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 Multiple 2 (RM2) Zone” the following exception:

**“RM2-621(42-2018) Harbourtown Village – High Density Block**

These lands are zoned “Residential Multiple 2 Holding (RM2-621 (H)) 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 Holding (RM2-621 (H)) Zone” on the attached Appendix “1” shall be subject to the following special provisions:

- a) Notwithstanding the list of Permitted Uses in Section 15.2, the first storey of buildings located on the subject lands may also be used for commercial uses described in Section 19.2, except that no drive-thru establishments shall be permitted.
- b) Notwithstanding the “Regulations for Apartment Dwellings and assisted living house” in Section 15.3, the permitted uses shall be subject to the following provisions:
  - i) Minimum lot area – 98 sq m per unit
  - ii) Minimum southerly yard setback – 15 m
  - iii) Minimum westerly yard setback – 15 m
  - iv) Minimum easterly yard setback – 30 m
  - v) Minimum northerly yard setback – 25 m
  - vi) Maximum building height – 10 storeys, 30 m

5. **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-622(42-2018) Harbourtown Village – Open Space Areas**

These lands are zoned “Open Space Holding (OS-622 (H)) 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 Holding (OS-622 (H)) Zone” on the attached Appendix “1” shall be subject to the following special provisions:

- a) Notwithstanding the list of Permitted Uses in Section 33.2, the subject lands may also be used for a parking area.
- b) Notwithstanding the “Regulations” in Section 33.3, the permitted uses shall be subject to the following provisions:
  - i) Minimum lot area – 90 sq m
  - ii) Minimum lot frontage – 3 m

6. **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”.

7. **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 19<sup>th</sup> day of March, 2018.**

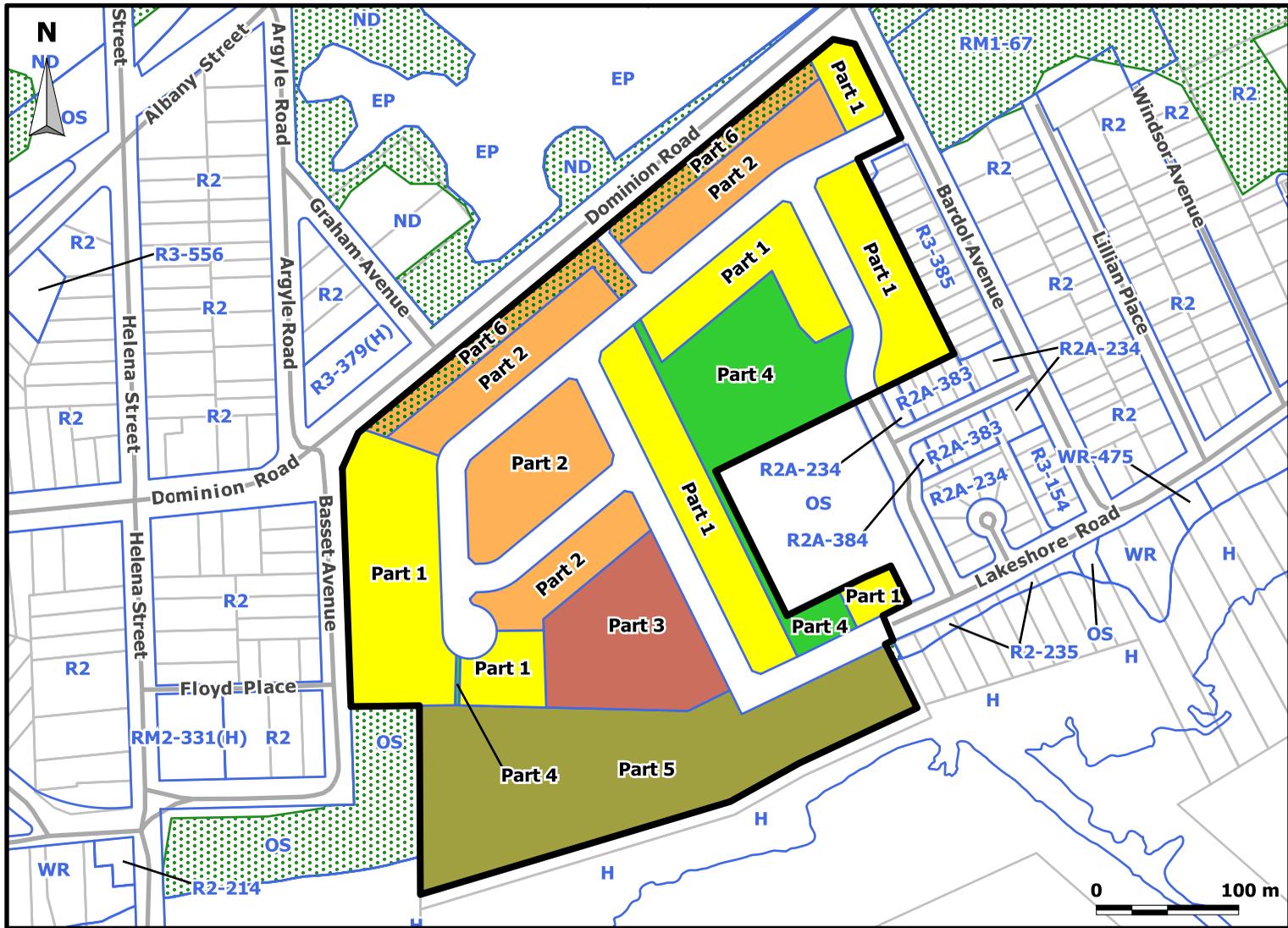
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No.42-2018 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"



## By-law No. 42-2018

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90  
PASSED THIS 19th DAY OF MARCH, 2018**

-  Subject Lands - Harbourtown Village
-  Part 1 - Change from Neighbourhood Development ND Zone and Environmental Conservation EC Overlay Zone to Residential 2 R2-619(H) Zone
-  Part 2 - Change from Neighbourhood Development ND Zone and Environmental Conservation EC Overlay Zone to Residential Multiple 1 RM1-620(H) Zone
-  Part 3 - Change from Neighbourhood Development ND Zone and Environmental Conservation EC Overlay Zone to Residential Multiple 2 RM2-621(H) Zone
-  Part 4 - Change from Neighbourhood Development ND Zone and Environmental Conservation EC Overlay Zone to Open Space OS-622(H) Zone
-  Part 5 - Change from Neighbourhood Development ND Zone, Environmental Conservation EC Overlay Zone and Hazard H Zone to Environmental Protection EP Zone
-  Part 6 - Change from Neighbourhood Development ND Zone and Environmental Conservation EC Overlay Zone to Residential Multiple 1 RM1-620(H) and Environmental Conservation EC Overlay Zone