



The Municipal Corporation of the Town of Fort Erie

By-law No. 42-2019

Being a By-law to Amend Zoning By-law No. 129-90 2651 Nigh Road

**Craig Rohe, Upper Canada Consultants - Agent
Susan and Joseph Passero – Owners**

350309-0465

Whereas an application was received from Craig Rohe, Upper Cnaada Consultants (Agent) on behalf of Susan and Joseph Passero (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as 2651 Nigh Road, 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 4, 2019, 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-16-2019 considered at the Council-in-Committee meeting of March 4, 2019 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 (RU-628) Zone" (Part 1), "Rural RU (RU-629) Zone" (Part 2) and "Environmental Protection EP (EP-630) Zone" (Part 3).
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-628 (42-2019) 0 Nigh Road (Part 1)

These lands are zoned "Rural RU (RU-628) Zone" (Part 1), 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 (RU-628) Zone" shown as Part 1 on the attached Appendix "1" and shall be subject to the following provisions:

- a) Minimum Lot Frontage – 70 m
- b) Minimum Lot Area – 1.0 ha

RU-629 (42-2019) 0 Nigh Road (Part 2)

These lands are zoned "Rural RU (RU-629) Zone" (Part 2), 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 (RU-629) Zone" shown as Part 2 on the attached Appendix "1" and shall be subject to the following provisions:

a) Minimum Lot Area – 1.0 ha"

3. **That** By-law No.129-90 as amended, is further amended by adding to "Section 35A– Environmental Protection (EP) Zone" Subsection – "Exceptions to the Environmental Protection (EP) Zone" the following exception:

"EP-630 (42-2019) 0 Nigh Road (Part 3)

These lands are zoned Environmental Protection EP (EP-630) Zone (Part 3), and all of the provisions of By-law 129-90 as amended that relate to lands zoned Environmental Protection (EP) Zone by this by-law shall apply to those lands zoned Environmental Protection EP-630 Zone shown as Part 3 on the attached Appendix "1" subject to the following provisions:

(a) Notwithstanding the requirements of Subsection 35A.2 –Permitted Uses, the subject lands shall only be used for the conservation of plant and wildlife."

4. **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.

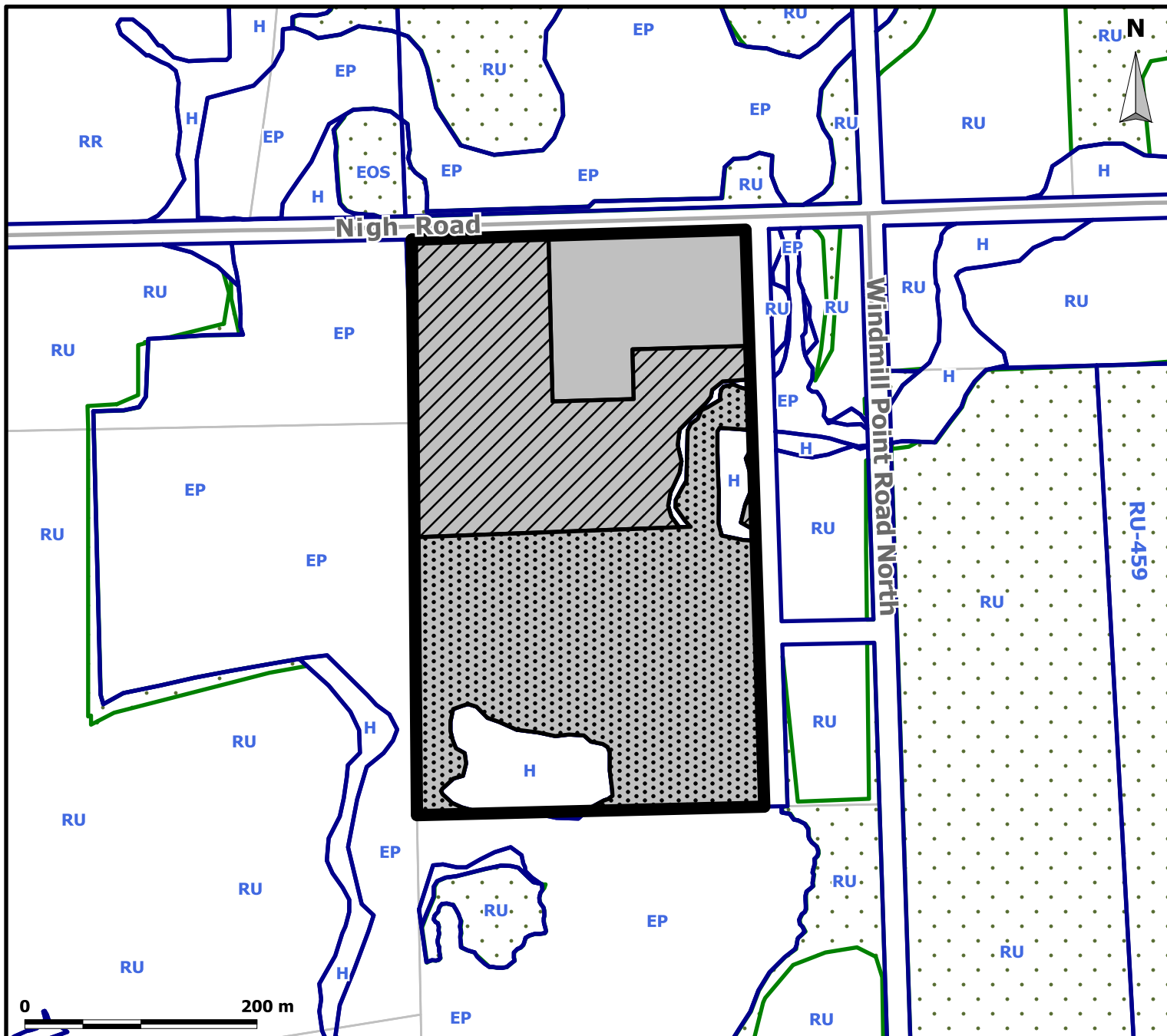
Read a first, second and third time and finally passed this 18th day of March, 2019.

Mayor

Clerk





I, Carol Schofield, Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 42-2019 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

APPENDIX "1"



By-law No. 42-2019

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 18th DAY OF MARCH, 2019**

-  Subject Lands - 2651 Nigh Road
-  Part 1 - Change from Rural RU Zone to Rural RU-628 Zone
-  Part 2 - Change from Rural RU Zone to Rural RU-629 Zone
-  Part 3 - Change from Environmental Protection EP Zone to Environmental Protection EP-630 Zone