

The Municipal Corporation of the Town of Fort Erie

By-law No. 77-2019

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

275 Gorham Road

Gil Shcolyar, Petrogold - Agent

2478838 Ontario Inc (Gil Shcolyar) – Owner

350309-0431

Whereas an application was received from Gil Shcolyar, Petrogold (Agent) on behalf of 2478838 Ontario Inc (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as Concession 1 Lake Erie Part Lot 25; Bertie and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on May 22, 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-26-2019 considered at the Council-in-Committee meeting of May 13, 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 "Highway Commercial (C3) Zone" to "Automotive Service Station (C4-634) Zone".
2. **That** By-law No. 129-90 as amended, is further amended by adding to "Section 23 – Automotive Service Station (C4) Zone" Subsection – "Exceptions to the Automotive Service Station (C4) Zone" the following exception:

"C4-634 (77-2019) 275 Gorham Road

These lands are zoned "Automotive Service Station (C4-634) Zone", and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Automotive Service Station (C4) Zone" by this by-law shall apply to those lands zoned "Automotive Service Station (C4-634) Zone" and shall be subject to the following provisions:

- a) Notwithstanding the list of Permitted Uses in Section 23.2, the lands may also be used for the following:
 - i. Eating establishment with a drive-thru

- b) Notwithstanding the Regulations for Automotive Service Stations and Motor Vehicle Repair Shops in Section 23.3, an automotive service station and underground fuel storage tank shall be subject to the following provisions:
 - i. Minimum front yard – 7.70 metres
- c) Notwithstanding the regulations for “Drive-Thru Lanes” in Section 18.6 (d) of the General Provisions for Commercial Zones, a landscaped strip having a minimum width of 1.50 metres shall be provided along the outer edge of the drive-thru facility for the length of the stacking lane along the southern lot line of the property.
- d) Notwithstanding the regulations of “Landscaping and Planting Strips” in Section 6.21 (b) of the General Provisions, a landscaped strip having a minimum width of 1.70 metres shall be provided along the western lot line and a landscaped strip having a minimum width of 0.84 metres shall be provided along the northern lot line.

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.

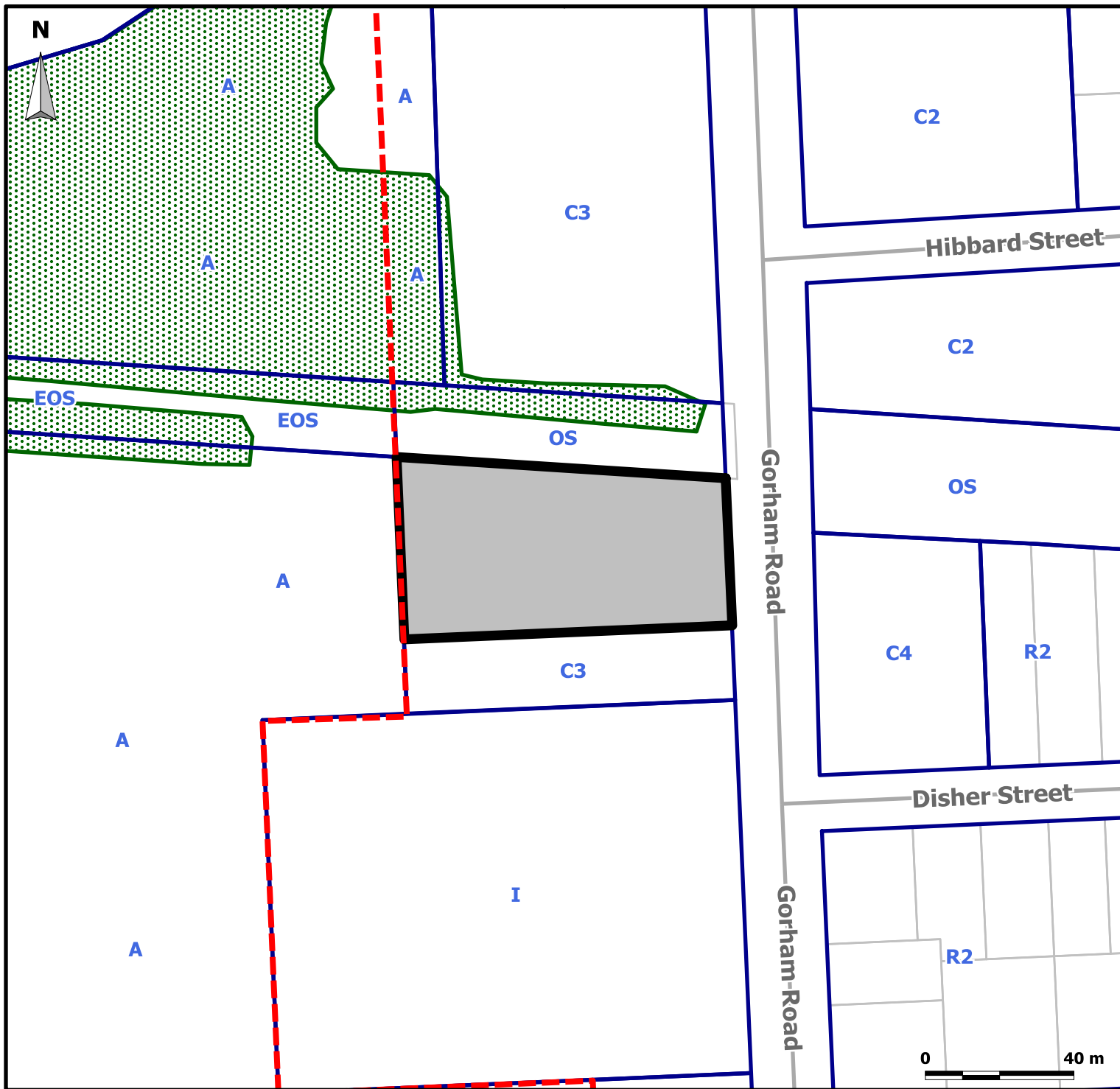
Read a first, second and third time and finally passed this 21st day of May, 2019.

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. 77-2019 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20



APPENDIX "1"



By-law No. 77-2019

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

PASSED THIS 21st DAY OF MAY, 2019

-  Subject Lands - 275 Gorham Road
-  Part 1 - Change from Highway Commercial (C3) Zone to Automotive Service Station (C4-634) Zone