



The Municipal Corporation of the Town of Fort Erie

By-law No. 127-2019

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

4130 Erie Road

(Greg Taras) - Agent

(Kimberly Alvarez) – Owner

350309-0490

Whereas an application was received from Greg Taras (Agent) on behalf of Kimberly Alvarez (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as 4130 Erie 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 August 12, 2019, and

Whereas Council considered recommendations contained in Report No. PDS-48-2019 on August 12, 2019 and postponed the report to the next Council-in-Committee Meeting of September 9, 2019 so that an information report could be prepared on the questions raised by Council, and

Whereas Council received for information purposes Report PDS-48-1-2019 which provided the supplemental information requested by Council on August 12, 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-48-2019 considered and approved at the Council-in-Committee meeting of September 9, 2019;

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 "Core Mixed Use 2 (CMU2) Zone" to "Core Mixed Use 2 (CMU2-644) Zone".
2. **That** By-law No. 129-90 as amended, is further amended by adding to "Section 26B– Core Mixed Use 2 (CMU2) Zone" Subsection – "Exceptions to the Core Mixed Use 2 (CMU2) Zone" the following exception:

"CMU2-644 (127-2019) 4130 Erie Road

These lands are zoned "Core Mixed Use 2 (CMU2-644) Zone", and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned "Core Mixed Use 2 (CMU2) Zone" by this by-law shall apply to those lands zoned "Core Mixed Use 2 (CMU2-644) Zone" and shall be subject to the following provisions:

- a) Notwithstanding the provisions of “Section 6.50 (a) Outdoor Patios Associated with Eating Establishments and/or Taverns,” an outdoor patio used for the purpose of providing entertainment or amusement is permitted within 22 metres of a Residential Zone.
- b) Notwithstanding the provisions of “Section 6.50 (a) Outdoor Patios Associated with Eating Establishments and/or Taverns,” no part of any outdoor patio shall be used for the amplification of sound for entertainment or amusement created by radio, television or any other musical or sound producing source of whatever kind.
- c) Notwithstanding the provisions of “Section 6.50 (c) Outdoor Patios Associated with Eating Establishments and/or Taverns, the maximum seating capacity of the outdoor patio shall be 90 persons.”

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 23rd day of September, 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. 127-2019 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____



By-law No. 127-2019

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

PASSED THIS 23rd DAY OF SEPTEMBER, 2019

 Subject Lands - 4130 Erie Road

 Part 1 - Change from Core Mixed Use CMU2 Zone to Core Mixed Use CMU2-644 Zone