

# The Municipal Corporation of the Town of Fort Erie

## By-law No. 43-2023

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**Being a By-law to Amend Zoning By-law No. 129-90,  
as amended  
0-17100, 0-17101 & 0-17102 Schooley Road  
2277587 Ontario Inc. (Phil Smith) and  
Marz Homes (Crystal Beach) Inc. (Dan Gabriele) - Owners**

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**Whereas** an application was received from Stephen Fraser of A.J. Clarke and Associates Ltd. on behalf of Marz Homes (Crystal Beach) Inc. and 2277587 Ontario Inc. (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 0-17100, 0-17101 & 0-17102 Schooley 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 March 6<sup>th</sup>, 2023; 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-19-2023 considered and approved at the Special Council-in-Committee meeting held on March 6<sup>th</sup>, 2023;

**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 known municipally as 0-17100, 0-17101 & 0-17102 Schooley Road and shown on the attached Appendix "1" from "Residential 2 (R2-637) Zone" to "Residential 2 (R2-770) Zone" (Part 1), and "Residential 2 (R2) Zone" and "Environmental Conservation Overlay (EC) Overlay Zone" to "Residential 2 (R2-770) Zone" (Part 2).
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 exceptions:

**"R2-770 (43-2023) 0-17100, 0-17101 & 0-17102 Schooley Road**

These lands are zoned "Residential 2 (R2-770) Zone", and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential 2 (R2) Zone" by this by-law shall apply to those lands zoned "Residential 2 (R2-770) Zone" subject to the following special provisions:

- (a) Notwithstanding the "Regulations for Dwellings" in Subsection 11.3, singled detached dwellings shall be subject to the following regulations:

- i. Minimum Lot Frontage – 13.00 m
- ii. Minimum Lot Area – 390.0 m<sup>2</sup>
- iii. Maximum Lot Coverage – 45.0%
- iv. Minimum Interior Side Yard Setback - 1.2 m, except on an interior lot where no attached garage or carport is provided, the minimum side yard setback on one side shall be 3.0 m
- v. Minimum Rear Yard Setback – 6.0 m
- vi. Maximum Height of Building – 2.0 storeys / 10.5 m

(b) Notwithstanding the requirements of Subsection 6.40 “Covered or Uncovered Porches, Balconies, Decks and Patios”, covered or uncovered porches between 0.5 m and 1.5 m above grade shall be setback a minimum of 2.5 m from the rear lot line

(c) Notwithstanding the requirements of Subsection 6.41 a) “Ornamental Structures”, ornamental structures may project 0.6 m into any required yard, but shall not be closer than 0.5 m to any lot line”

3. **That** the Clerk of the Town is authorized to affect 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 27th day of March, 2023.**

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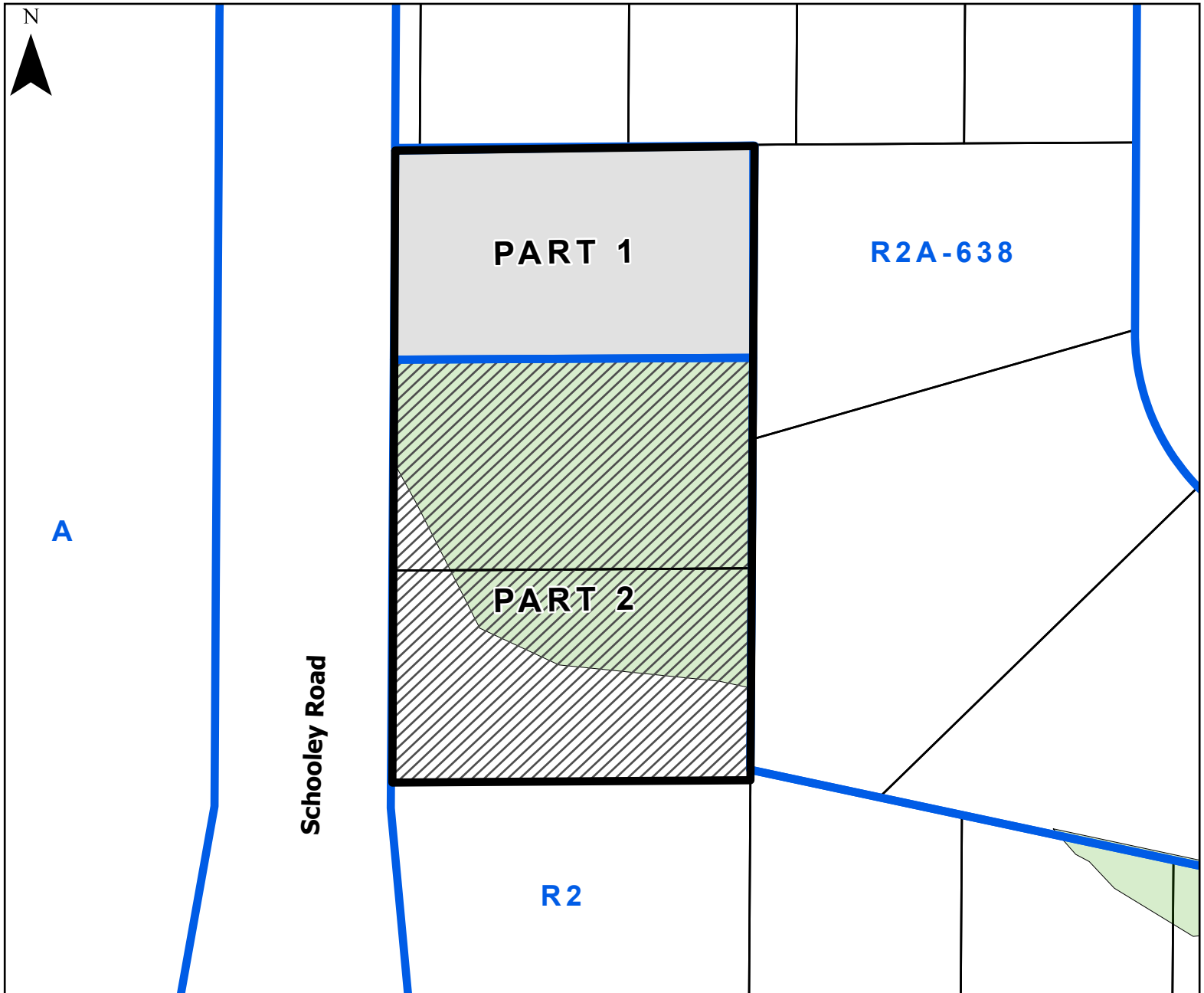
Mayor

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Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 43-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_\_\_

# APPENDIX "1"



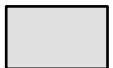
## By-law No. 43-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90  
PASSED THIS 27th DAY OF MARCH, 2023**

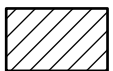
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Meters



Subject Lands - 0-17100, 0-17101 & 0-17102 Schooley Road



Part 1 - Change from Residential 2 (R2-637) Zone to Residential 2 (R2-770) Zone



Part 2 - Change from Residential 2 (R2) Zone and Environmental Conservation (EC) Overlay Zone to Residential 2 (R2-770) Zone