

The Municipal Corporation of the Town of Fort Erie

By-law No. 51-2023

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

214 Windmill Point Road South Joseph Moore and Irene Moore - Owners

Whereas an application was received from Joseph and Irene Moore (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 214 Windmill Point Road South; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on January 16th, 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-13-2023 considered and approved at the Special Council-in-Committee meeting held on February 22, 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 214 Windmill Point Road South and shown on the attached Appendix "1" from "Rural (RU) Zone" to "Rural (RU-773) Zone" (Part 1), and "Rural (RU) Zone" to "Environmental Conservation Overlay (EC-774) Zone" (Part 2).
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-773 (51-2023) 214 Windmill Point Road South (Part 1)

These lands are zoned "Rural (RU-773) Zone", 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-773) Zone" subject to the following special provisions:

- (a) Notwithstanding the list of Permitted Uses in Subsection 8.2, the lands may only be used for one single detached dwelling, one accessory apartment dwelling, home occupations, and uses, buildings and structures accessory thereto.
- (b) Notwithstanding the "Regulations" in Subsection 8.3, the following regulations shall apply:

- i. Minimum Lot Frontage (Lots 2 & 3) – 46.0 m
- ii. Minimum Lot Area (Lot 1) – 3.5 ha
- iii. Minimum Lot Area (Lots 2 & 3) – 0.5 ha”

3. **That** By-law No.129-90, as amended, is further amended by adding to “Section 35B Environmental Conservation (EC) Zone” Subsection – “Exceptions to the Environmental Conservation (EC) Overlay Zone” the following exception:

“EC-774 (51-2023) 214 Windmill Point Road South (Part 2)

These lands are zoned “Environmental Conservation (EC-774) Overlay Zone”, and all of the provisions of By-law 129-90, as amended, that relate to lands zoned Environmental Conservation (EC) Overlay Zone by this by-law shall apply to those lands zoned “Environmental Conservation (EC-774) Overlay Zone”, subject to the following special provisions:

- (a) Notwithstanding the Permitted Uses in Subsection 35B.2, these lands shall be used for no other purpose than a 30 m Vegetation Protection Zone associated with the adjacent Significant Woodlot”

4. **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.

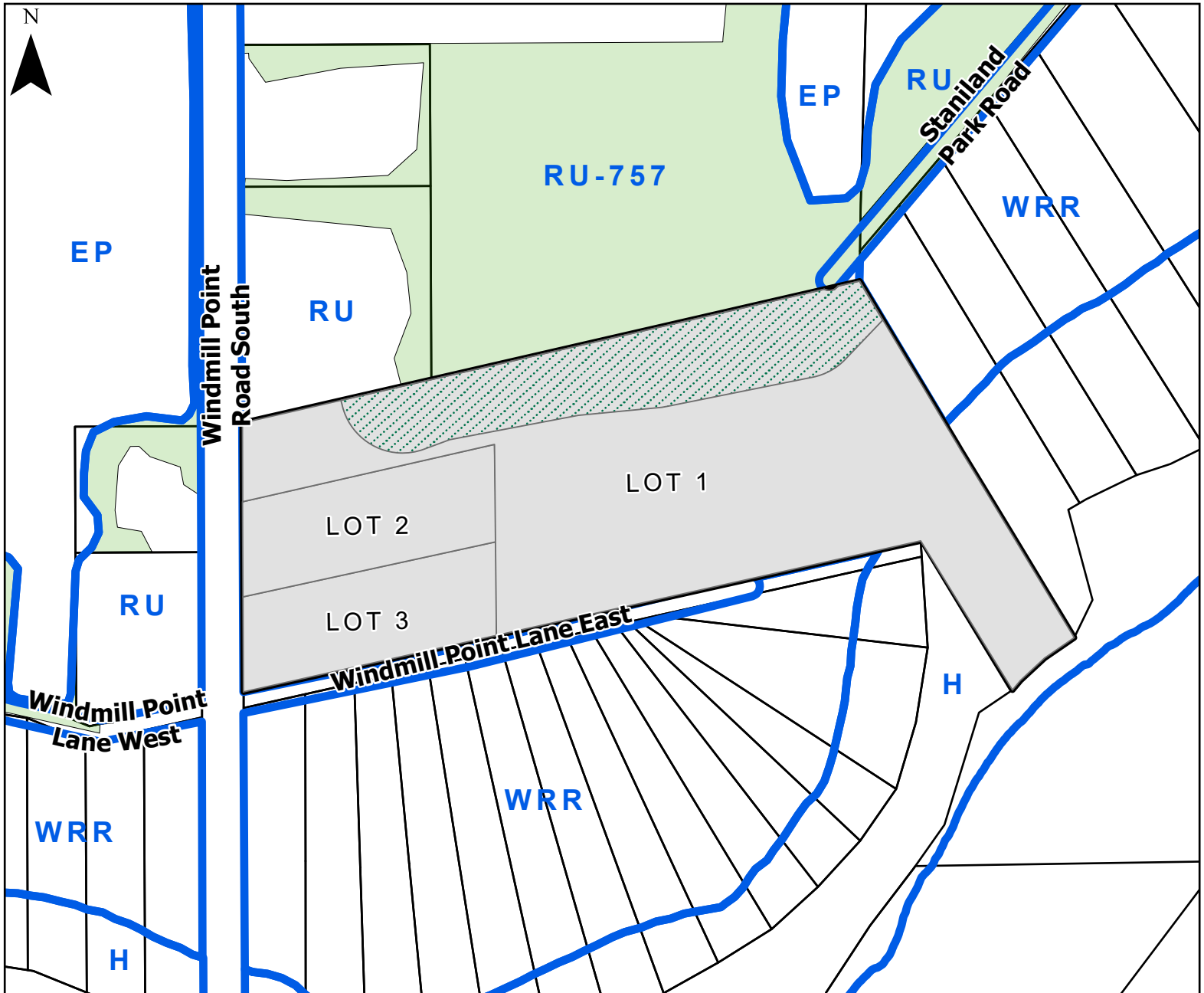
Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

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. 51-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

APPENDIX "1"



By-law No. 51-2023

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

0 30 60
Meters



Subject Lands - 214 Windmill Point Road South



Part 1 - Change from Rural (RU) Zone to Rural (RU-773) Zone



Part 2 - Change from Rural (RU) Zone to Environmental Conservation Overlay (EC-774) Zone