

TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90

As amended by the following by-laws:

162-90, 163-90, 164-90, 167-90, 191-90, 192-90, 200-90, 212-90, 214-90, 216-90, 234-90, 235-90, 236-90, 237-90, 252-90, 262-90, 269-90, 270-90, 271-90, 272-90, 275-90

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BY-LAW 123-03, BEING A MAJOR HOUSEKEEPING AMENDMENT TO BY-LAW 129-90, INCLUDING NEW MAPPING SCHEDULES, WAS APPROVED BY COUNCIL ON JUNE 16, 2003.

1-04, 10-04, 13-04, 22-04, 88-04, 89-04, 90-04, 123-04, 152-04, 153-04, 163-04, 169-04, 171-04, 188-04, 190-04, 229-04

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OFFICE CONSOLIDATION – November 2008 – This copy is a consolidation of Zoning By-law 129-90 and subsequent amendments. It is intended for office use and convenience

SECTION 1 - APPLICATION AND INTERPRETATION
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only. For accuracy, reference should be made to the amending by-laws and schedules on file in the office of the Town Clerk.

05-09, 07-09, 26-09, 90-09, 92-09, 107-09, 139-09, 148-09, 165-09

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BY-LAW 120-11, BEING A MAJOR HOUSEKEEPING AMENDMENT TO BY-LAW 129-90, INCLUDING NEW MAPPING SCHEDULES, WAS APPROVED BY COUNCIL ON NOVEMBER 14, 2011.

OFFICE CONSOLIDATION – December 2011 – This copy is a consolidation of Zoning By-law 129-90 and subsequent amendments. It is intended for office use and convenience only. For accuracy, reference should be made to the amending by-laws and schedules on file in the office of the Town Clerk.

05-12, 68-12, 69-12, 101-12, 110-12

11-13, 31-13, 33-13

BY-LAW 38-13, BEING A MAJOR HOUSEKEEPING AMENDMENT TO BY-LAW 129-90, INCLUDING NEW MAPPING SCHEDULES, WAS APPROVED BY COUNCIL ON MARCH 18, 2013.

BY-LAW 65-13, BEING PART OF A MAJOR HOUSEKEEPING AMENDMENT TO BY-LAW 129-90, INCLUDING NEW MAPPING SCHEDULES, WAS APPROVED BY COUNCIL ON JUNE 17, 2013.

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70-2013, 93-2013, 108-2013, 118-2013

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BY-LAW 94-2014, BEING PART OF A MAJOR HOUSEKEEPING AMENDMENT TO BY-LAW 129-90, INCLUDING NEW MAPPING SCHEDULES, WAS APPROVED BY COUNCIL ON JUNE 16, 2014

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Being a By-law under the provision of Section 34 of The Planning Act, R.S.O. 1990, as amended, to regulate the use of lands and the character, location and use of buildings and structures in the Town of Fort Erie.

WHEREAS the Council of the Corporation of the Town of Fort Erie deems it advisable to implement the Official Plan of the Town of Fort Erie;

AND WHEREAS the Council of the Town of Fort Erie has deemed it to be in the public interest that such a by-law be enacted;

AND WHEREAS in accordance with Section 34(16), changes have been made to the By-law after the holding of the public meeting held in accordance with Section 34(12) and Council has determined that no further notice is to be given in respect to the proposed by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF FORT ERIE ENACTS AS FOLLOWS:

APPLICATION AND INTERPRETATION

1.1 TITLE OF BY-LAW

This by-law shall be known as the "Zoning By-law of the Corporation of the Town of Fort Erie".

1.2 SCOPE OF THE BY-LAW

(a)LANDS SUBJECT TO BY-LAW

The provisions of this By-law shall apply to all those lands lying within the corporate limits of the Town of Fort Erie.

(b)CONFORMITY WITH BY-LAW

No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be changed, in whole or in part, except in accordance with the provisions of this By-law.

(c)EXISTING USES CONTINUED

Nothing in this By-law shall prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

(d) BUILDING PERMIT ISSUED

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved by the Chief Building Official prior to the date of passing of this By-law, provided that:

- (i) when the building or structure is commenced within one year of the date of passing of this By-law and is completed within six months after the erection thereof is commenced, and provided such building permit has not been revoked under Section 8 of The Building Code Act, 1992, as amended.

(e) COMPLIANCE WITH OTHER RESTRICTIONS

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the most restrictive, or the By-law imposing the higher standards, shall govern and apply.

Nothing in this by-law shall be construed to exempt any person from complying with the requirements of any by-law of the municipality or the Regional Municipality of Niagara including any regulation under the provisions of the Conservation Authorities Act, R.S.O. 1990 or any regulation or any other applicable Act of the Province of Ontario or Canada, including the Niagara Parks Act, R.S.O. 1990 and any amendments thereto in any successor legislation.

(f) GENERAL PROHIBITION

All uses of land and the erection or use of any building or structure for a purpose not included within the provisions of the "Permitted Uses" section of each zone established in this By-law are prohibited in said zone, save and except for those uses of land and the erection or use of any building for a purpose permitted in accordance with any applicable provisions of this By-law.

1.3 INTERPRETATION OF THE BY-LAW

(a) DEFINED AREAS

The extent and boundaries of all zones are shown on Schedule "A" and all such zones are hereby defined as areas to which the provisions of this By-law shall respectively apply.

(b) ZONE BOUNDARIES

When determining the boundary of any zone as shown on any schedule forming part of this By-law, the following provisions shall apply:

- (i) A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane. In the event that a street or lane which forms the boundary between such zones is closed, the boundary between such zones shall be construed as the former centre line of the said closed street or lane.
- (ii) A boundary indicated as following a right-of-way of a railway or any electrical, gas or oil transmission line shall be the centre line of such right-of-way.
- (iii) A boundary indicated as following a shoreline shall be the greater of the flooding hazard, erosion hazard or dynamic beach hazard associated with Lake Erie.
- (iv) A boundary indicated as following a wetland shall be the edge of the wetland.
- (v) A boundary indicated as following a watercourse shall be the greater of the stable top of bank or the 100 year floodline of a watercourse.
- (vi) A boundary indicated as approximately following lot lines shown on a registered plan of subdivision or lot and concession lines shall follow such lines.
- (vii) A boundary indicated as following a closed road, lane or railway shall imply that the property formerly in the said road, lane or railway shall be included within the zone of the adjoining property on either side of the said closed road, land or railway. In the event that the said road, lane or railway was a zone between two or more different zone, the new boundary shall be the former centre line of the said closed road, lane or railway.
- (viii) Where a boundary is indicated as approximately parallel to a street line or other feature indicated in clauses (i), (ii),(iii), (vi) or (v) of this Subsection, and the distance from such street line or other feature is not indicated, and clause (vi) or (vii) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature and the distance therefrom shall be determined according to the scale shown on Schedule "A".

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- (ix) A boundary indicated as following the limits of the Municipality shall follow such limits.
- (x) Where a “Hazard (H) Zone” line is shown in reference to a watercourse on Schedule “A” zoning map it is intended to follow the greater of the stable top of bank or the 1-in-100 year flood line of a watercourse as determined by the Niagara Peninsula Conservation Authority.
- (xi) Where a “Hazard (H) Zone” line is shown in reference to Lake Erie on Schedule “A” zoning map it is intended to follow the greater of the flooding hazard, erosion hazard or dynamic beach hazard associated with Lake Erie. as determined by the Niagara Peninsula Conservation Authority.
- (xii) Where an “Environmental Protection EP Zone” line is shown in reference to a wetland or area of natural and scientific interest on Schedule “A” zoning map it is intended to follow the boundaries as determined by the Ministry of Natural Resources.
- (xiii) Where an “Environmental Protection EP Zone” line is shown in reference to other environmental lands on Schedule “A” zoning map it is intended to follow the boundaries determined in the field as a result of an approved Environmental Impact Study.
- (xiv) Where an “Environmental Conservation Overlay” line is shown in reference to environmental lands on Schedule “A” zoning map it is intended to follow the boundaries determined by the Council approved recommendation of the Environmental Advisory Committee or by resolution of Council.

(c) **DEFINITIONS**

In this By-law, unless the context requires otherwise, the definitions and interpretations set out in Section 5 hereof shall apply.

(d) **SINGULAR AND PLURAL WORDS AND GENDERS**

In this By-law, unless the context requires otherwise,

- (i) words used in the singular include the plural;
- (ii) words used in the plural include the singular number; and
- (iii) words used in the masculine gender shall include the feminine.

(e) "SHALL" IS MANDATORY

In this By-law, the word "shall" is mandatory.

(f) "USE" AND "OCCUPY"

In this By-law, unless the context requires otherwise,

(i) the verb "use" shall include "design to be used", "arrange to be used" and "permit to be used"; and

(ii) the verb "occupy" shall include "design to be occupied", and "permit to be occupied".

(g) References herein to any statute or any provision thereof includes such statute, regulation, or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and successor statute or regulation thereto.