

SECTION 26A – CORE MIXED USE 1 (CMU1) ZONE

26A.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Core Mixed-Use 1 (CMU1) Zones.

26A.2 PERMITTED USES

- Animal Hospital
- Bake shops
- Banks and Financial Institutions
- Brewer's Retail Outlets
- Business or Professional Offices
- Building Supply and Sales
- Candy Kitchen
- Catering Establishment
- Clinics
- Commercial Schools
- Custom Brokers
- Custom Workshops
- Day Nursery
- Department Stores
- Dry Cleaning Outlets
- Eating Establishments
- Fitness Centres
- Garden Centres
- Hotels
- Laundries and Laundromats
- LCBO Outlets
- Motels
- Personal Service Shops
- Pharmacies
- Places of Entertainment, Recreation or Assembly
- Post Offices
- Printing Establishments
- Private parking lots
- Private or Commercial Clubs
- Public Libraries
- Public Parking Garages
- Public Parking Lots
- Public Transportation depots including Bus Stations and Rail Stations
- Religious, Fraternal or Public Institutions
- Retail Stores

- Service Shops
- Short-Term Rental, Dedicated
- Spa Services
- Studios
- Supermarkets
- Taverns
- Video Outlet Sales and Rental Establishments
- Dwelling Units
- Uses, buildings and structures accessory to any permitted commercial use

26A.3 ZONE REGULATIONS

Minimum Lot Frontage	0m
Minimum Lot Area	0 sq. m.
Minimum Front Yard	0m
Minimum Interior Side Yard	0m, except the minimum side yard abutting a residential zone shall be 2.5m
Minimum Exterior Side Yard	0m
Minimum Rear Yard	4.5m except the minimum rear yard abutting a residential zone shall be 10m
Maximum Building Height	i) 4 storeys ii) 15m
Required Parking	See section 6.20 – Shopping Centres (All off-street parking shall be provided in the rear or side yard and screened from street line by decorative fencing and/or landscaping at least 1.2m in height.

26A.4 REGULATIONS FOR DWELLING UNITS

All of the provisions of Subsection 18.2 shall apply, except that notwithstanding the regulations contained in Section 18.2 (d), a minimum of one parking space shall be provided for each dwelling unit via one, or a combination of the following means:

- a) On the same lot as the dwelling unit, or
- b) In a dedicated area within a municipal parking lot through a licensing agreement or paid permitting system for a municipal parking lot that is located within 200 m of the property containing the dwelling unit, or
- c) In an area of a private parking lot that contains an easement in favour of the owner of the dwelling unit that is located within 200 m of the property containing the dwelling unit.

EXCEPTIONS TO THE CORE MIXED USE (CMU) ZONE

CMU1-447 (58-11) Gateway Secondary Plan Area

These lands are zoned "Core Mixed-Use 1 CMU1-447 Zone" and all of the provisions that relate to lands zoned "Core Mixed-Use 1 CMU1 Zone" by this by-law shall apply to those lands zoned "Core Mixed-Use 1 CMU1-447 Zone" on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Section 26A and any additional requirements set out in By-law 58-11, uses lawfully existing as of the date of passing of By-law 58-11 shall be deemed to be permitted uses, and the location of existing buildings and parking areas shall be deemed to be compliant with this By-law. Any proposed uses, additions and/or expansions to existing buildings shall be required to conform to the requirements of this By-law.
- b) Notwithstanding the requirements of Section 26A, buildings used solely for residential purposes as described in Section 14 of this By-law shall be permitted, provided they are setback a minimum of 65m from Garrison Road. All other Zone regulations of Section 14 shall apply to such uses.
- c) Notwithstanding the requirements of Section 26A, buildings used solely for residential purposes as described in Section 15 of this By-law shall be permitted, provided they are setback a minimum of 65m from Garrison Road and are no greater than four (4) stories in height. All other Zone regulations of Section 15 shall apply to such uses.
- d) Notwithstanding the requirements of Section 26A, for buildings in this Zone with exterior walls that front upon Garrison Road, the use of the ground floor shall be restricted to commercial use in accordance with this By-law. Floors above the ground floor may be used for either commercial use or residential use.

CMU1-456 (58-11) Gateway Secondary Plan Area

These lands are zoned "Core Mixed-Use 1 CMU1-456 Zone" and all of the provisions that relate to lands zoned "Core Mixed-Use 1 CMU1 Zone" by this by-law shall apply to those lands zoned "Core Mixed-Use 1 CMU1-456 Zone" on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Section 26A and any additional requirements set out in By-law 58-11, uses lawfully existing as of the date of passing of By-law 58-11 shall be deemed to be permitted uses, and the location of existing buildings and parking areas shall be deemed to be compliant with this By-law. Any proposed uses, additions and/or expansions to existing buildings shall be required to conform to the requirements of this By-law.

**TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90
OFFICE CONSOLIDATION**

- b) Notwithstanding the requirements of Section 26A, buildings used solely for residential purposes as described in Section 14 of this By-law shall be permitted, provided they are setback a minimum of 65m from Garrison Road. All other Zone regulations of Section 14 of this By-law shall apply to such uses.
- c) Notwithstanding the requirements of Section 26A, buildings used solely for residential purposes as described in Section 15 of this By-law shall be permitted, provided they are setback a minimum of 65m from Garrison Road and are no greater than four (4) stories in height. All other Zone regulations of Section 15 of this By-law shall apply to such uses.
- d) Notwithstanding the requirements of Section 26A, for buildings in this Zone with exterior walls that front upon Garrison Road, the use of the ground floor shall be restricted to commercial use in accordance with this By-law. Floors above the ground floor may be used for either commercial use or residential use in accordance with this By-law.
- e) Notwithstanding the requirements of Section 26A.2 and Section 26A.3 of this by-law, the subject property may also be used for a gasoline bar and a convenience store, in accordance with the following additional regulations:
 - i) Gasoline Pumps, pump islands, and canopies associated with the gasoline bar shall be set back a minimum of 6 metres from any lot line and any building.
 - ii) The height of any canopy including any sign appended to a canopy associated with a gasoline bar shall be no greater than 6 metres.
 - iii) Any building used for the purposes of a convenience store shall be located in accordance with the provisions of Section 26A.3 of this By-law.
 - iv) Any outdoor refuse container associated with the gasoline bar and/or the convenience store shall be set back a minimum of 3 metres from Garrison Road, shall be constructed of solid masonry, and shall be screened from view from Garrison Road by landscape material with a minimum height of 1.5 metres.
 - v) No mechanical equipment or utility appurtenance associated with the convenience store shall be located along any building wall facing Garrison Road.

CMU1-574(H) (53-2017) Fort Erie Hills Subdivision

These lands are zoned “Core Mixed Use 1 Holding (CMU1-574) (H) Zone” (Part 1), and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Core Mixed Use 1 (CMU1) Zone” by this by-law shall apply to those lands zoned “Core Mixed Use 1

Holding (CMU1-574) (H) Zone”, shown as Part 1 on the attached Appendix “1” and shall be subject to the following provisions:

- a) Notwithstanding “Regulations for dwelling units permitted in commercial zones C1, C2, CMU-1, CMU-3, C3, C5 and C7” in Section 18.2 (b), the subject lands shall permit residential uses on the ground floor up to 50%.
- b) Notwithstanding the “zone regulations” in Section 26A.3, permitted uses shall be subject to the following provisions:
 - Minimum Exterior Side Yard Setback(Thompson and Phipps Street)- 35 metres
 - Maximum Building Height 8 storeys
 - Maximum Commercial Floor Space 50% on ground floor”

CMU1-575 (H) (53-2017) Fort Erie Hills Subdivision

These lands are zoned “Core Mixed Use 1 Holding (CMU1-575)(H) Zone” (Part 2), and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Core Mixed Use 1 (CMU1) Zone” by this by-law shall apply to those lands zoned “Core Mixed Use 1 Holding (CMU1-575) (H) Zone, shown as Part 2 on the attached Appendix “1” and shall be subject to the following provisions:

- a) Notwithstanding “Regulation for dwellings units permitted in commercial zones C1, C2, CMU-1, CMU-3, C3, C5 and C7” in Section 18.2 (b) the subject lands shall permit residential uses on the ground floor up to 50%.
- b) Notwithstanding the zone regulations in Section 26A.3, the subject lands shall be regulated by the following provisions:
 - i) Maximum Building Height 4 storeys
 - ii) Maximum Commercial Floor Space 50% on ground floor

CMU1-659 (35-2021) 7 Central Avenue and a portion of 100-1 Queen Street (Parts 1 and 2)

These lands are zoned “Core Mixed Use 1 (CMU1-659) Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Core Mixed Use 1 (CMU1) Zone” by this by-law shall apply to those lands zoned “Core Mixed Use 1 (CMU1-659) Zone” subject to the following special regulation:

- a) Minimum Lot Frontage 27 metres
- b) Minimum Lot Area 5733.5 square metres
- c) Minimum Front Yard 0 metre for 1 to 4 storeys 4 metres for 5 to 9 storeys 45 metres for 10 to 12 storeys
- d) Minimum Interior Side (westerly) Minimum Interior Side Yard (southerly) 1 metres for 1 -12 storeys 0 metre for 1 to 4 storeys 6.5 metres for 5 to 12 storeys
- e) Minimum Exterior Side Yard 0 metre for 1 to 4 storeys 4 metres for 5 to 12 storeys
- f) Minimum Rear Yard 4.5 metres
- g) Maximum Height of the Building 12 storeys (42 metres)

h) Maximum Number of Dwelling Units 200

CMU1-746 (65-2022) Central Avenue and a portion of 100-1 Queen Street

These lands are zoned “Core Mixed Use 1 (CMU1-746)(H) Zone”, and all of the provisions that relate to lands zoned “Core Mixed Use 1 (CMU1-659)(H) Zone” by this by-law shall apply to those lands zoned “Core Mixed Use 1(CMU1-746) (H) Zone”, subject to the following special provisions:

- a) Minimum Interior Side Yard (westerly) – 0 metres
- b) Maximum Number of Dwelling Units – 230