

SECTION 26B – CORE MIXED USE 2 (CMU2) ZONE

26B.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 2 (CMU2) Zones.

26B.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

S E C T I O N 26B – CMU2 ZONE
TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90
OFFICE CONSOLIDATION

26B.2

- Service Shops
- Spa Services
- Studios
- Supermarkets
- Taverns
- Video Outlet Sales and Rental Establishments
- Stand alone single detached dwelling units, and one accessory apartment dwelling
- Stand alone semi detached dwelling units, and one accessory apartment dwelling
- Home occupations
- Dwelling Units
- Uses, buildings and structures accessory to any permitted commercial use or single detached or semi detached dwelling use.

26B.3 ZONE REGULATIONS FOR ALL OTHER USES

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) 3 storeys ii) 12 m
Parking Exceptions	Commercial uses within the CMU2 Zone shall be exempted from the parking and loading requirements of this By-law with the exception of buildings containing dwelling units where the provisions of Subsection 26B.4 (iii) shall apply..
Parking Requirements for Properties with Frontage on Ridgeway Road	See Section 6.20.

26B.4 REGULATIONS FOR DWELLING UNITS

- (i) The regulations of Section 12B.3 shall apply to single detached dwelling units located on a separate lot.
- (ii) The regulations of Section 13.4 shall apply to semi detached dwelling units located on a separate lot.

- (iii) All of the provisions of Subsection 18.3 shall apply to other dwelling units, except that notwithstanding the regulations contained in Section 18.3 (c), a minimum of one (1) 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 licence 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.
- (iv) Notwithstanding the regulations in Section 11.3, 12B.3 or 13.4 the side yard setback from a restaurant or tavern shall be a minimum of 3 m.

EXCEPTIONS TO THE CORE MIXED USE 2 (CMU2) ZONE

CMU2-155 (FORMERLY R2-155) (145-1996) Erie Road, south side, east of Schooley Road

These lands are zoned "Core Mixed Use CMU2 -155 Zone" and all of the provisions that relate to lands zoned "Core Mixed Use CMU2 Zone" by this by-law shall apply to those lands zoned "Core Mixed Use CMU2-155 Zone" except that notwithstanding the requirements of Subsection 26B.2, this property may continue to be used for the 41 existing cottage dwellings and not more than 2 additional cottage dwellings may be erected on the subject property to replace those destroyed by fire prior to July 25th, 1983; and that notwithstanding the requirements of Subsection 11.3, the 2 additional cottages may be rebuilt in the locations shown as A and B on Schedule A to By-law 145-1996.

CMU2-241(H) (184-2001) 56 Belfast Road South

These lands are zoned "Core Mixed Use Holding 2 CMU2-241(H) Zone" and all of the provisions that relate to lands zoned Core Mixed Use 2 CMU2 Zone by this by-law shall apply to those lands zoned Core Mixed Use Holding 2 CMU2-241(H) Zone on Schedule A. Once the Holding has been removed, after the Town has approved a Site Plan Agreement these lands shall comply to all of the provisions that relate to lands zoned "Core Mixed Use 2 CMU2 Zone " except:

- (a) Notwithstanding the provisions of Subsection 26B.2, the lands may also be used for an apartment building containing not more than four (4) dwelling units subject to the provisions in Subsection 15.3, and;

- (b) Notwithstanding the provisions of Subsection 15.3, the lot area, lot coverage, landscaped area and yard setbacks for the building shall be as existing on the day of passing of this zoning by-law.

CMU2-250 (FORMERLY R2-250) (143-2001) Lincoln Road East, south side, east of Derby Road

These lands are zoned “Core Mixed Use CMU2 -250 Zone” and all of the provisions that relate to lands zoned “Core Mixed Use CMU2 Zone” by this By-law shall apply to those lands zoned “Core Mixed Use CMU2-250 Zone”, except that notwithstanding the provisions of Subsection 11.3(b) the subject parcel shall have a lot area of not less than 409 square metres

CMU2-261 (129-1990, 55-08) 381 Ridgeway Road (FORMERLY R2-261)

Nothing shall prevent the continued use of the lands indicated as Core Mixed Use CMU2 -261 on Schedule "A" for the rental of holiday cottages and uses, buildings and structures accessory thereto, and;

- a) That notwithstanding the requirements of Subsection 11.3, the minimum southerly side yard setback shall not be less than 0.93 metres.

CMU2-272 (FORMERLY R2-272) (236-1991) Erie Road, south side, east of Schooley Road

These lands referred to as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 are zoned "Core Mixed Use 2 CMU2-272 Zone" and all of the provisions 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 CMU2-272 Zone" except:

- (a) that notwithstanding the requirements of Subsection 11.3, the minimum lot frontage for:
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| Part 1 | shall not be less than 10.8 metres; |
| Part 6 | shall not be less than 9.4 metres; |
| Part 7 & 9 | shall not be less than 10.3 metres; |
| Part 8 | shall not be less than 9.9 metres; |
| Part 10 | shall not be less than 12.4 metres; |
- (b) that notwithstanding the requirements of Subsection 11.3, the minimum lot area for:
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| Part 9 | shall not be less than 299.4 sq. metres; |
| Part 10 | shall not be less than 384.4 sq. metres |
- (c) that notwithstanding the requirements of Subsection 11.3, the minimum side yard on one side where no attached garage or attached carport is provided for:
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| Part 1 & 3 | shall not be less than 2.1 metres; |
| Part 2 | shall not be less than 2.4 metres; |
| Part 6 | shall not be less than 1.8 metres; |
- (d) that notwithstanding the requirements of Subsection 11.3, the minimum westerly side yard setback for:

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| | Part 7 | shall not be less than .3 metres; |
| | Part 8 | shall not be less than 1.8 metres; |
| | Part 9 | shall not be less than .9 metres; |
- the minimum easterly side yard setback for
- | | | |
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| | Part 7 | shall not be less than .9 metres; |
| | Part 8 | shall not be less than .6 metres; |
| | Part 9 | shall not be less than 2.1 metres; |
- (e) that notwithstanding the requirements of Subsection 11.3, the minimum rear yard for:
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|--|---------|-------------------------------------|
| | Part 1 | shall not be less than 5.5 metres; |
| | Part 2 | shall not be less than 3.2 metres; |
| | Part 3 | shall not be less than 2.7 metres; |
| | Part 4 | shall not be less than 3.5 metres; |
| | Part 5 | shall not be less than 5.7 metres; |
| | Part 9 | shall not be less than 6.7 metres; |
| | Part 10 | shall not be less than 5.1 metres; |
| | Part 11 | shall not be less than 2.74 metres; |
- (f) that notwithstanding the requirements of Subsection 11.3, the minimum floor area for a one storey dwelling for:
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| | Part 1, 2, 3, 9 & 10 | shall not be less than 62 square metres; |
| | Part 6 & 7 | shall not be less than 78 square metres; |
- (g) that notwithstanding the requirements of Subsection 6.1 (b) for Parts 4 & 5, the existing detached garage shall be permitted to remain in its existing location in the front yard.
- (h) that notwithstanding the requirements of Subsection 6.5 for Part 9 & 10, these lots shall not be required to have frontage on a public highway.
- (i) that notwithstanding the requirements of Subsection 5.151, the northerly lot line of Parts 9 & 10 shall be deemed to be the front lot line.

CMU2-274 (FORMERLY C2A-274) (167-1992) 4002 Erie Road

Deleted by Amending By-law No. 127-2021.

CMU2-275 (FORMERLY C2-275) (129-1990) Erie Road (south side) west of Ridgeway Road

In addition to the uses permitted in the CMU2 Zone, the lands indicated as CMU2-275 on Schedule "A" may also be for apartment houses in accordance with the provisions of Section 15 "RM2 Zone" of this By-law and in addition, the following special regulations shall apply:

- (a) More than one apartment building shall be permitted on the same lot.
- (b) The total number of dwelling units of both properties situate on the east and west side of Ridgeway Road shall not exceed 550.
- (c) Maximum building height shall not exceed 3 storeys.

CMU2-321(H) (FORMERLY C2A-321) (22-04) 4020 Erie Road @ Oxford Avenue

These lands are zoned Core Mixed Use Holding CMU2-321(H) Zone and all of the provisions of By-law 129-90 as amended that relate to lands zoned Core Mixed Use CMU2 Zone by this by-law shall apply to those lands zoned Core Mixed Use Holding CMU2-321(H) Zone on Schedule A subject to the following special provisions.

- a) That notwithstanding the requirements of subsection 26B.2 Permitted Uses the lands shall be limited to a commercial parking lot and an accessory building.
- b) That notwithstanding the requirements of subsection 6.20(I) no part of the parking area other than the point of ingress/egress shall be located closer to any residential zone than 1.8 metres and to any street line closer than 1.0 metres.
- c) That notwithstanding the requirements of subsection 6.20(J) and Schedule D parking stall length shall not be less than 5.8 metres and parking aisle width shall not be less than 5.8 metres.

CMU2-325 (By-law 188-04, Holding Zone removed by By-law 176-06)
Cambridge Road East NS, east of Derby Road (FORMERLY RM1-325)

These lands are zoned Core Mixed Use Holding CMU2-325 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Core Mixed Use Holding CMU2 Zone by this by-law shall apply to those lands zoned Core Mixed Use Holding CMU2-325 Zone on the attached Schedule A subject to the following special provisions:

- a) That notwithstanding the requirements of subsection 26B.2 Permitted Uses the lands may also be used for street townhouses subject to the provisions in 14.3.
- b) Notwithstanding the requirements of Subsection 14.3 – Minimum Ground Floor Area for Dwellings, the minimum ground floor area for two storey dwellings shall not be less than 43 square metres, and;
- c) Notwithstanding the requirements of Subsection 14.3 – Maximum Density, the maximum density shall not be more than 42.7 units per hectare.
- d) Notwithstanding the requirements of Subsection 14.3 - Minimum Front Yard shall not be less than 6.0 metres.

CMU2-338 (FORMERLY R3-338)(107-05) 56-58 Queen’s Circle

These lands are zoned “Core Mixed Use 2 CMU2-338 Zone” and all of the provisions of By-law 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 CMU2-338 Zone” on Schedule A, except:

(a) that notwithstanding the requirements of Subsections 13.4, the following regulations shall apply:

- Minimum Exterior Side Yard 2.13 m

CMU2-388 (55-08) 385 Ridgeway Road (FORMERLY R2-388)

These lands are zoned Core Mixed Use 2 CMU2-388 Zone, and all of the provisions of By-law 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 CMU2-388 Zone on the attached Schedule A except that the minimum northerly interior side yard shall not be less than 0.50 metres.

CMU2-397 (FORMERLY C1-397) (141-08) 74 QUEEN'S CIRCLE

These lands are zoned Core Mixed Use 2 CMU2-397 Zone, and all of the provisions of By-law 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 CMU2-397 Zone on the attached Schedule A subject to the following additional special provisions:

- A minimum easterly interior side yard setback shall not be less than 0.64 metres
- A minimum rear yard setback shall not be less than 0.82 metres.
- A minimum front yard setback shall not be less than 2.5 metres.
- A minimum westerly exterior side yard setback shall not be less than 1.08 metres
- That in addition to the permitted uses set out in Subsection 26B.2, these lands may also be used for an eating establishment and take-out restaurant.
- That notwithstanding the requirements of Subsection 18.2 General Commercial Provisions, one dwelling unit shall be permitted on the ground floor with a maximum floor area of 176 square metres.
- That notwithstanding the requirements of Subsection 6.20 (I) Parking Area Location on the Lot, the parking area shall not be located closer than 0 metres to the northerly property line and 1.1 metres to the easterly street line.

CMU2-463 (05-12) East side of Ridgeway Road, at Erie Road (South Coast Village at Crystal Beach)

These lands are zoned Core Mixed-Use 2 CMU2 CMU2-463 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 CMU2-463 Zone on the attached Appendix 1 shall be subject to the following special provisions:

- a) In addition to the Permitted Uses in Section 26B.2 the lands shown on Appendix 1 shall permit single detached dwellings and uses, buildings and structures accessory thereto subject to the regulations in Section 11.3 and the following special provisions:
 - i) Minimum lot frontage -10 metres and 13 metres corner lot.
 - ii) Minimum lot area-290 sq.metres.
 - iii) Maximum lot coverage 50%.
 - iv) Minimum front yard 6.0 metres to the front face of the garage and 4.5 metres to the front face of the dwelling unit.
 - v) Minimum interior side yard setback-1.2 metres anything above one storey.
 - vi) Minimum rear yard setback- 7.0 metres.
 - vii) Minimum floor area for dwellings-0 sq.metres.

CMU2-535(H) (151-2015) South Coast Village Subdivision

These lands are zoned “Core Mixed Use 2 Holding (CMU2-535(H)) 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 Holding (CMU2-535(H)) Zone” on the attached Appendix “1” and shall be subject to the following special provisions:

- a) Notwithstanding the Zone Regulations in Section 26B.4 i), single detached dwellings shall be subject to the following special provisions:
 - i) Minimum lot frontage – 10 metres, 13 metres for a corner lot
 - ii) Minimum lot area-270 sq. metres
 - ii) Maximum lot coverage -50%.
 - iii) Minimum front yard setback-6.0 metres to the front face of garage and 3.2 metres to front face of dwelling.
 - iv) Minimum Interior side yard setback -1.2 metres for dwellings, 0.6 metres for accessory structures.
 - v) Minimum Exterior side yard setback -1.5 metres.
 - vi) Minimum floor area for dwelling – 0 sq. metres.
 - vii) Minimum rear yard setback-5.2 metres.
 - viii) Maximum Building Height- 2.5 storeys, 10.5 metres.

- ix) Unenclosed porches, decks, steps and risers with maximum height of 1.0 m:
 - a) Unenclosed porches may project a maximum of 2.0 m into the required front yard
 - b) Unenclosed porches must be setback a minimum of 1.0 m from the exterior side lot line
 - c) Steps/risers must be setback a minimum of 1.0 m from any lot line
 - d) Uncovered porches and decks with a maximum area of 20 sq m may project 3.5 m into the required rear yard.

- x) Minimum Setback from Daylighting Triangle – 1.5 metres

CMU2-584 (71-2017) 3823 Terrace Lane

These lands are zoned “Core Mixed Use 2 (CMU2-584) 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 (CMU2-584) Zone” shown as Part 1 on the attached Appendix “1” and shall be subject to the following provisions:

- a) Maximum height – 5 storeys, 20 metres.
- b) Minimum rear yard – 0 m.
- c) Minimum easterly interior side yard – 1.2 m.
- d) Minimum westerly interior side yard – 0 m.
- e) Notwithstanding the requirements of Section 18.2 (d), a minimum of one parking space per dwelling unit may be provided in a dedicated area in a municipal lot through a long-term lease agreement.
- f) Notwithstanding the requirements of Section 6.20 (D)(i), a parking area may be located in the front yard, 0 m from the front lot line.

CMU2-626 (89-2018) East Side of Ridgeway Road, North of Graeber Avenue

These lands are zoned “Core Mixed Use 2 (CMU2-626) 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 (CMU2-626) Zone” on the attached Appendix “1” shall be subject to the following special provision:

- a) Notwithstanding the “Regulations for Dwelling Units” in Section 26B.4, the regulations of Section 12B.3 shall apply to single detached dwelling units located on a separate lot

CMU2-636 (93-2019) 63 Belfast Road South

These lands are zoned “Core Mixed Use 2 (CMU2-636) 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 (CMU2-636) Zone” and shall be subject to the following provisions:

- a) Notwithstanding the “Regulations for Dwelling Units” in Section 26B.4, all of the regulations of Section 12B.3 shall apply to single detached dwelling units located on a separate lot, except the following regulations:
 - i. Maximum lot coverage (2 storey dwelling) – 46%
 - ii. Minimum interior side yard setback – 1.2 m
 - iii. Maximum height – 2 storeys, 7.6 m
- b) Notwithstanding the “Regulations Covered or Uncovered Porches, Balconies, Decks and Patios” in Section 6.40, the minimum front yard setback to a covered porch less than 1.5 m above grade shall be 2.0 m.

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.

CMU2-717 (127-2021) 4002 Erie Road

These lands are zoned “Core Mixed Use 2 (CMU2-717) Zone”, and all of the provisions that relate to lands zoned “Core Mixed Use (CMU2) Zone” by this by-law shall apply to those lands zoned “Core Mixed Use 2 (CMU2-717) Zone”, subject to the following special provisions:

- a) In addition to subsection 26B) the following additional use shall be permitted subject to additional regulatory compliance and approval where required.
 - i) Microbrewery

- b) Minimum Rear Yard 1.5 m
- c) Maximum Building Height
 - i) 4 storey
 - ii) 15 m
- d) 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 40 metres of a Residential zone.
- e) 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 75% of the seating capacity of the eating establishment and/or tavern with which the patio is associated