

SECTION 34 – HAZARD (H) ZONE

34.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply in all “Hazard (H) Zones” on Schedule “A”.

34.2 PERMITTED USES

- Agricultural uses except dwelling units, livestock operations or poultry operations and medical marihuana grow and production facilities
- Conservation and management of plant and wildlife.
- Control structures to prevent flooding and/or erosion by water or wind.
- Accessory buildings and structures associated with an existing use subject to approval from the Niagara Peninsula Conservation Authority.
- Uses permitted under the Niagara Parks Act, R.S.O. 1990 and amendments thereto in any successor legislation, or for Niagara Parks Commission purposes, only on lands under the jurisdiction of The Niagara Parks Commission

34.3 REGULATIONS

Minimum Lot Frontage	As existing or as created by consent
Minimum Lot Area	As existing or as created by consent
Maximum Lot Coverage	20 percent
Minimum Front Yard	10 metres
Minimum Side Yard	5 metres
Minimum Rear Yard	7.5m

34.4 REQUIREMENTS FOR CONTROL STRUCTURES

All Yards and Other Provisions	No municipal requirements except for compliance with the regulations of the appropriate federal and provincial government agencies
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34.5 REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES FOR DWELLINGS

Maximum Lot Coverage	10 percent
Minimum Side Yard	1m
Minimum Rear Yard	1m

Maximum Building Height	i) 4.5 m ii) 1 storey
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34.6 REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURE FOR OTHER PERMITTED USES

Maximum Lot Coverage	20 percent
Minimum Front Yard	7.5 metres
Minimum Side Yard	5 metres
Minimum Rear Yard	7.5m
Maximum Building Height	i) 3 storeys ii) 12m

EXCEPTIONS TO THE HAZARD (H) ZONE

H-19 (252-1990) Winger Road, east side, south of Eagle Street

Deleted by Amending By-law No. 38-2013.

H-105 (140-1993) Bowen Road, north side, east of Point Abino Road North

Deleted by Amending By-law No. 38-2013.

H-284 (129-1990) Abino Dunes Development (RELOCATED TO EP-284)

H-304(H) (15-2002) Point Abino Road South, south of Abino Dunes Road

These lands are zoned "Hazard Holding H(H)-304 Zone" and all of the provisions that relate to lands zoned "Hazard H Zone" by this by-law shall apply to those lands zoned "Hazard Holding H-304(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 "Hazard (H) Zone" by that by-law except:

- (a) notwithstanding the provisions of Subsection 6.18(d), the existing dwelling on this property may be expanded through a one and one-half storey addition to the building not exceeding 103 square metres in area,
- (b) notwithstanding the provisions of Subsection 6.5, the lands shall not be required to have frontage on a public street, and;
- (c) notwithstanding the provisions of Subsection 5.151, the front lot line shall be the lot line that divides the lot from the private road.

H-329 (229-04) Houck Crescent (SS) at Warwick Avenue (RELOCATED TO EP-329)

H-334 (58-05) Dominion Woods Subdivision, South of Dominion Road, East of Prospect Point Road South (RELOCATED TO EP-334)

H-335 Zone (By-law 106-05) Black Creek Meadows Subdivision, northeast corner of Baker Road and Netherby Road

These lands are zoned Hazard H Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Hazard H Zone by this by-law shall apply to those lands zoned Hazard H-335 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the list of permitted uses set out in Section 34.2 “Permitted Uses”, the lands shown as H-335 on Schedule A may only be used for:
 - Conservation and management of plant and wildlife; and
 - Control structures to prevent flooding and/or erosion by water or wind;

H-344 (164-05) 4777 Bowen Road and N/E Corner of Point Abino Road and Sherk Road (Relocated to EP-344)

H-354 (192-05) 1407 Bertie Street (Relocated to EP-354)

H-371(H) (226-05) ZOOZ THEME PARK, 2821 STEVENSVILLE ROAD

Deleted by Amending By-law No. 38-2013.

H-395 (124-08) 306 PROSPECT POINT ROAD

These lands are zoned Hazard H-395 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Hazard H Zone by this by-law shall apply to those lands zoned Hazard H-395 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Section 34.2 these lands may also be used for a detached garage in conjunction with the existing non-conforming dwelling; and
- b) Notwithstanding the requirements of Subsection 6.47 a detached garage shall be located within the 1:100 year flood elevation as determined by the Niagara Peninsula Conservation Authority.

H-400 (142-08) 2650 Sider Road (RELOCATED TO EP-400)

H-438 (106-10) OMB ORDER PL100362, SOUTH WEST CORNER OF BOWEN ROAD AND SUNSET DRIVE

Those lands are zoned Hazard H-438 Zone and all provision that relate to lands zoned Hazard Zone by this By-law shall apply to hose lands zoned Hazard H-438, and subject to the following additional provisions:

- a) Notwithstanding the requirements of Subsection 34-2 – Permitted Uses, these lands may also be used for the realignment of Miller Creek and associated floodplains.

H-448 (58-11) Gateway Secondary Plan Area

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

These lands are zoned "Hazard H-448 Zone" and all of the provisions that relate to lands zoned "Hazard H Zone" by this by-law shall apply to those lands zoned "Hazard H-448 Zone " on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 34.2, the subject lands may also be used for operations carried on by or on behalf of the Niagara Parks Commission, including but not limited to open space, parkland, recreational uses, and all accessory uses to such operations, subject to compliance with applicable regulations of the Niagara Peninsula Conservation Authority.

H-449 (58-11) Gateway Secondary Plan Area

These lands are zoned "Hazard H-449 Zone" and all of the provisions that relate to lands zoned "Hazard H Zone" by this by-law shall apply to those lands zoned "Hazard H-449 Zone " on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 34.2, the subject lands may also be used for operations carried on by or on behalf of the Buffalo and Fort Erie Public Bridge Authority and all accessory uses to such operations, subject to compliance with applicable regulations of the Niagara Peninsula Conservation Authority.

H-461 (122-11) 302 PROSPECT POINT ROAD

These lands are zoned Hazard H-461 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Hazard H Zone by this by-law shall apply to those lands zoned Hazard H-461 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Section 34.2 Permitted Uses these lands may also be used for a detached garage in conjunction with the existing non-conforming dwelling; and
- b) Notwithstanding the requirements of Subsection 6.47 Yard Setbacks for Lots Abutting Lake Erie a detached garage shall be located within the 1:100 year flood elevation as determined by the Niagara Peninsula Conservation Authority.