

**SECTION 33A: EOS ZONE – EXISTING OPEN SPACE**

**33A.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 Existing Open Space (EOS) Zones.

**33A.2 PERMITTED USES**

- (a) Agricultural uses
- (b) Existing open space uses and similar uses
- (c) 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
- (d) Uses, buildings and structures accessory to the foregoing existing use

**33A.3 REGULATIONS**

Minimum Lot Area	8000 sq. m.
Minimum Lot Frontage	15m
Maximum Lot Coverage	10 percent
Minimum Front Yard	7.5m
Minimum Interior Side Yard	7.5m
Minimum Exterior Side Yard	7.5m
Minimum Rear Yard	7.5m
Maximum Building Height	i) 3 storeys ii) 12m

**33A.4 REGULATIONS EXCEPT FOR KENNELS, FARM PRODUCT OUTLETS, GREENHOUSES, MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES, GREENHOUSE PRODUCT OUTLETS AND A FARM WINERY**

The provisions of Subsection 7.4 shall apply.

**33A.5 REGULATIONS FOR GREENHOUSES AND MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES**

The provisions of Subsection 7.9 shall apply.

**EXCEPTIONS TO THE EXISTING OPEN SPACE (OS) ZONE**

**EOS-28 (129-1990) NIAGARA PARKS MARINA (FORMERLY C5-28)**

Nothing shall prevent the continued use of the lands indicated as EOS-28 on Schedule "A" for uses pursuant to the Niagara Parks Act, a marina and associated uses, buildings and structures accessory thereto, providing buildings and structures are appropriately placed on the lands and floodproofed pursuant to Regulation 220 of The Niagara Peninsula Conservation Authority, and the regulations of the Ministry of Natural Resources.

**EOS-31 (129-1990) College Road, south side, east of Sumner Road (FORMERLY OS-31)**

Nothing shall prevent the continuation of existing uses on the lands indicated as EOS-31 on Schedule 'A', however any expansion or introduction of any new use as permitted by the Existing Open Space (EOS) zone shall be subject to review by the Town and Ministry of Natural Resources due to the site's provincial significance (Sumner Road Woodlot).

**EOS-95 (129-1990) Centralia Avenue, east side, south of Garrison Road (FORMERLY OS-95)**

Notwithstanding the provisions of the Open Space zone, the use of the lands indicated as EOS-95 on Schedule "A" shall be subject to the following regulations:

- (a) Cremations are not permitted.
- (b) The minimum front yard for monuments, buildings and structures shall be 30 metres. The burial of human remains shall not occur within the front yard.
- (c) A minimum 4.5 metre landscaping shall be provided and maintained where the OS-1 zone abuts the H zone.

**EOS-96 (129-1990) Centralia Avenue, east side, south of Garrison Road (FORMERLY OS-96)**

Notwithstanding the provisions of the Existing Open Space zone, the use of the lands indicated as EOS-96 on Schedule "A" shall be subject to the following regulations:

- (a) The permitted uses of these lands are:
  - (i) those uses existing as of the date of this by-law's passing;
  - (ii) those works required to develop the lands for future cemetery purposes.
- (b) A minimum 4.5 metre landscaping strip shall be provided and maintained where EOS-96 zone abuts the H zone.

**EOS-97 (129-1990) Centralia Avenue, east side, south of Garrison Road (FORMERLY OS-97)**

Notwithstanding the provisions of the Existing Open Space zone, the use of the lands indicated as EOS-97 on Schedule "A" shall be subject to the following regulations:

- (a) These lands shall only be used for uses accessory to the uses permitted on land zoned EOS-97.
- (b) A minimum 4.5 metre landscaping strip shall be provided and maintained where the EOS-97 zone abuts the H zone.

**EOS-100 (79-1993) 3570 Garrison Road (FORMERLY OS-100)**

These lands are zoned "Existing Open Space EOS-100 Zone" and all of the provisions that relate to lands zoned "Existing Open Space EOS Zone" by this by-law shall apply to those lands zoned "Existing Open Space EOS-100 Zone" except:

- (a) that notwithstanding the list of permitted uses set out in Subsection 33A.2 - Permitted Uses in the "Existing Open Space OS Zone", the lands shown as "EOS-100" in Schedule A may only be used for a golf learning and training facility including a mini-put golf course and driving range and uses, buildings and structures accessory thereto, and;
- (b) that a minimum of 1 parking space be provided per tee for the driving range and a minimum of 1.25 parking spaces per hole for the mini-put golf course.

**EOS-127 (223-1994) 1500 Gilmore Road (FORMERLY OS-127)**

These lands are zoned "Existing Open Space EOS-127 Zone" and all of the provisions that relate to lands zoned "Existing Open Space EOS Zone" by this by-law shall apply to those lands shown as "Existing Open Space EOS-127 Zone" on Schedule 'A' except that in addition to the permitted uses set out in Subsection 33A.2, these lands may also be used as a gaming premises with not more than 10 tables."

**EOS-291 (147-1991) Ridge Road North, east side, @ Farm Road (FORMERLY OS-291)**

These lands are zoned "Existing Open Space EOS-291 Zone" and all the provisions that relate to lands zoned "Existing Open Space EOS Zone" by this by-law shall apply to those lands zoned "Existing Open Space EOS-291 Zone" except:

- (a) that notwithstanding the requirements of Subsection 33A.2 - Permitted Uses, these lands shall only be used for existing uses that being vacant land and an existing framed garage and tin shed, and;
- (b) that notwithstanding the requirements of Subsection 33A.3, the minimum lot area shall not be less than .48 hectares.

**EOS-296 (129-1990) Abino Dunes Development, Point Abino Road South (FORMERLY OS-296)**

These lands are zoned "Existing Open Space EOS-296 Zone" and all the provisions that relate to lands zoned "Existing Open Space EOS Zone" by this by-law shall apply to those lands zoned "Existing Open Space EOS-296 Zone" except:

That part of the lands shown on Schedule "A" as Existing Open Space EOS Zone shall be used for no other purpose than:

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**OFFICE CONSOLIDATION**

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**33A.4**

- (i) Maintenance buildings for the storage and repair of equipment required to maintain the subject lands;
- (ii) A maximum of two dwelling units adjacent to maintenance buildings for the accommodation of maintenance staff, the location of each building to be approved by the Corporation of the Town of Fort Erie prior to construction;
- (iii) Parking areas for use by visitors to the dwelling units upon the subject lands;
- (iv) Recreational uses, including golf practice tees and greens, tennis courts, swimming pools, private recreational building, walking and hiking trails, lookouts and gazebos;
- (v) Uses, buildings and structures accessory to the foregoing permitted uses.

**EOS-369 (H) (06-07) ZOOZ THEME PARK, 2821 STEVENSVILLE ROAD  
(RELOCATED FROM OS-369)**

These lands are zoned Existing Open Space Holding EOS-369 (H) Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Existing Open Space EOS Zone by this by-law shall apply to those lands zoned Existing Open Space Holding EOS-369 (H) Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the list of permitted uses in Section 33A.2 the lands shown on Schedule A shall be limited to a Zoological Theme Park which may include an animal park, conservation and open space uses, recreational uses, a water park, amphitheatre, a mini-putt golf course, related education buildings, agricultural uses, an overnight campground, a veterinarian clinic, restaurants, one single detached dwelling, one accessory apartment and greenhouses.
- b) The water park shall be designed to be limited to a maximum capacity of 1000 persons.
- c) The amphitheatre shall be limited to a maximum capacity of 4500 persons and the number of major events exceeding 1000 persons shall be limited to 7 events in any one calendar year.
- d) The campground shall be limited to a maximum of 400 campsites of which 40 sites shall be permitted access to electrical, water and sewage pump-out services.
- e) All restaurants in total shall be limited to a combined maximum seating capacity of 800 persons
- f) Off-street parking for the Zoological Theme Park including all associated uses shall be provided at the rate of 2.4 spaces per acre plus 0.80 spaces per employee. The off-street parking requirement for a major event at the amphitheatre shall be at the rate of 1 space for every 4 persons in excess of the total parking required for the

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**33A.5**

Zoological Theme Park. On the day scheduled for a major event the Zoological Theme Park shall close no later than 6:00 pm and the major event shall not be scheduled to start before 7:00 pm.