



**The Municipal Corporation of the
Town of Fort Erie
BY-LAW NO. 160-05**

**BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 129-90
BILLS TOYOTA SALES (WILLIAM AND CARMEN PASINCKY)
AND PAOLA NIGRO
915-925 GARRISON ROAD SS, EAST SIDE OF KRAFT ROAD
(REMOVE HOLDING (H) PROVISION)**

Roll Nos. 2703 020 020 02800 0000 and 2703 020 020 03000 0000 File No. 350308-0042

WHEREAS an application has been received from Michael George on behalf of Bills Toyota Sales (William and Carmen Pasincky) and Paola Nigro to amend the Town's Comprehensive Zoning By-law 129-90 for the lands shown on Schedule A; and

WHEREAS a Public Meeting pursuant to Section 34 (12) of the *Planning Act R.S.O. 1990, c.P. 13* was held on July 11, 2005; and

WHEREAS the Council of the Town of Fort Erie passed By-law 130-05 on the 18th day of July 2005 rezoning the subject lands to "Highway Commercial Holding C3-339(H) Zone" including a Holding Provision which would remain on the lands until the completion of a site plan agreement with the municipality for the subject lands; and

WHEREAS a site plan agreement has been approved for the subject lands and the Council now deems it advisable to pass an amendment to the Comprehensive Zoning By-law having the effect of removing the Holding provision;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Fort Erie hereby enacts as follows:

1. **THAT** Schedule A of By-law 129-90 is amended by changing the zoning of the lands shown on the attached Schedule A from "Highway Commercial Holding C3-339(H) Zone" to "Highway Commercial C3-339 Zone", which attached Schedule A is hereby declared to form part of this By-law 129-90.
2. **THAT** By-law 129-90 is further amended by deleting from "Section 22 – Highway Commercial C3 Zone" Subsection – "Exceptions to the Highway Commercial C3 Zone" all reference to Exception "C3-339(H) Zone" and replacing it with the following exception:

"C3-339" These lands are zoned "Highway Commercial C3-339 Zone" and all of the provisions of By-law 129-90 as amended that relate to lands zoned "Highway Commercial C3 Zone" by this by-law shall apply to those lands


zoned "Highway Commercial C3-339 Zone" on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 6.20(D) Ingress and Egress, the maximum ingress and egress shall not be greater than 9.2 meters, and;
- b) Notwithstanding the requirements of Subsection 6.20(I) - Parking Area Location on Lot, the minimum setback between the parking areas along the easterly and southerly lot lines shall not be less than 2.0 metres where they abut a Residential Zone.
- c) Notwithstanding the requirements of Subsection 6.21(a) – Landscaping and Planting Strips-Requirements For Uses Abutting Residential Zoning, the minimum landscape and planting strips along the easterly and southerly lot lines shall not be less than 2.0 metres.

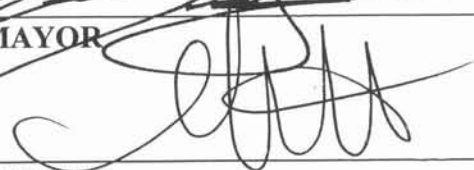
2. **THAT** the lands referred to in Sections 1 and 2 are situated on the southeast corner of Garrison Road and Kraft Road and consist of Part of Lot 2, Con. 3 LE in the Town of Fort Erie, in the Regional Municipality of Niagara.

3. **THAT** pursuant to the provisions of Section 227 of the *Municipal Act 2001*, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedules as may be deemed necessary after the passage of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12th DAY OF SEPTEMBER 2005.



 MAYOR



 CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 160-05 of the said Town. Given under my hand and the seal of the said Corporation this day of _____, 20__.
