



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 06-07

**BEING A BY-LAW TO AMEND ZONING BY-LAW 129-90
ZOOZ THEME PARK (STEVENSVILLE LAWN SERVICE INC)
2821 STEVENSVILLE ROAD**

**PART OF LOTS 12, 13 AND 14 CON. 12 NR, PART OF LOT 13 CON.13 NR, LOT 14
CON.13 NR, PART OF THE ROAD ALLOWANCE BETWEEN CON.12 AND 13 NR
AND PART OF THE ROAD ALLOWANCE BETWEEN LOT 12 AND 13 CON.12
NR**

350309-0255

WHEREAS an application has been received from Stevensville Lawn Service Inc. to amend the Town's Comprehensive Zoning By-law 129-90 for the lands shown as 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 February 6, 2006, and

WHEREAS the Council of the Town of Fort Erie deems it desirable to pass an amendment to the Comprehensive Zoning By-law 129-90 pursuant to their decision at the July 10, 2006 Council-in-Committee meeting, and

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 as Part 1 from "Agricultural A and Agricultural A-184" to "Open Space Holding OS-369(H) Zone" and Part 2 from "Rural Commercial C7-183 Zone" to Highway Commercial Holding C3-370(H) Zone and Parts 3 from "Agricultural A and Agricultural A-184" to Hazard H- 371 Zone which attached Schedule A is hereby declared to form part of By-law 129-90.
2. **THAT** By-law 129-90 is further amended by adding to "Section 33 – Open Space OS Zone" Subsection – "Exceptions to the Open Space OS Zone" the following exception:

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

- a) Notwithstanding the list of permitted uses in Section 14.2 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.
 - b) 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.
 - c) 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.
 - d) All restaurants in total shall be limited to a combined maximum seating capacity of 800 persons
 - e) 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 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.
3. **THAT** By-law 129-90 is further amended by adding to Section 22- Highway Commercial (C3) Zone Subsection- Exceptions to the Highway Commercial (C3) Zone the following exception:
- C3-370(H)** These lands are zoned Highway Commercial Holding C3-370 (H) 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 Holding C3-370(H) Zone on the attached Schedule A subject to the following special provisions:
- a) That notwithstanding the list of permitted uses in Section 22.2 (a) only the following uses shall be permitted:
 - Eating establishments subject to the total combined seating capacity contained in the OS-369(H) Zone
 - Garden Centres
 - Liquor and Beer Stores
 - Professional and Business Offices
 - Retail Stores
 - One Triplex
 - Dwelling units subject to the provision of Section 18.2 of By-law 129-90 as amended
4. **THAT** By-law 129-90 is further amended by adding to Section 34- Hazard (H) Zone Subsection- Exceptions to the Hazard (H) Zone the following exception:


H-371(H) These lands are zoned Hazard H-371 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Hazard Zone by this by-law shall apply to those lands zoned Hazard H-371 Zone on the attached Schedule A subject to the following special provisions:

- a) These lands shall only be used for open space and conservation of the natural environment and nature trails and crossings that do not compromise the integrity of the natural area. The number of nature trails and crossings shall be limited on the approved site plan.
5. **THAT** By-law 129-90 is further amended by deleting from Section 7 Agricultural (A) Zone, Subsection-Exceptions to the Agricultural (A) Zone and Section 26 Rural Commercial (C7) Zone, Subsection-Exception to the Rural Commercial (C7) Zone, the following exceptions A-184 and C7-183.
6. **THAT** pursuant to Section 36(1) of the Planning Act the "H" Holding Symbol shall be removed upon the approval by the Council of the Town of Fort Erie of a Site Plan Agreement for the lands shown on the attached Schedule A as "OS-369 (H) Zone, and C3-370 (H) Zone.
7. **THAT** the lands referred to in Sections 1, 2, 3 and 4 are situated on the north and west side of Stevensville Road north of West Main Street and the east side of Ott Road north of the CPR railway and consist of Part of lots 12, 13 And 14 Con. 12 NR, Part of lot 13 Con.13 NR, Lot 14 Con.13 NR, Part of the Road allowance between Con.12 and 13 NR and Part of the Road allowance between Lot 12 and 13 Con.12 NR in the Town of Fort Erie, in the Regional Municipality of Niagara.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 15TH DAY OF JANUARY, 2007.



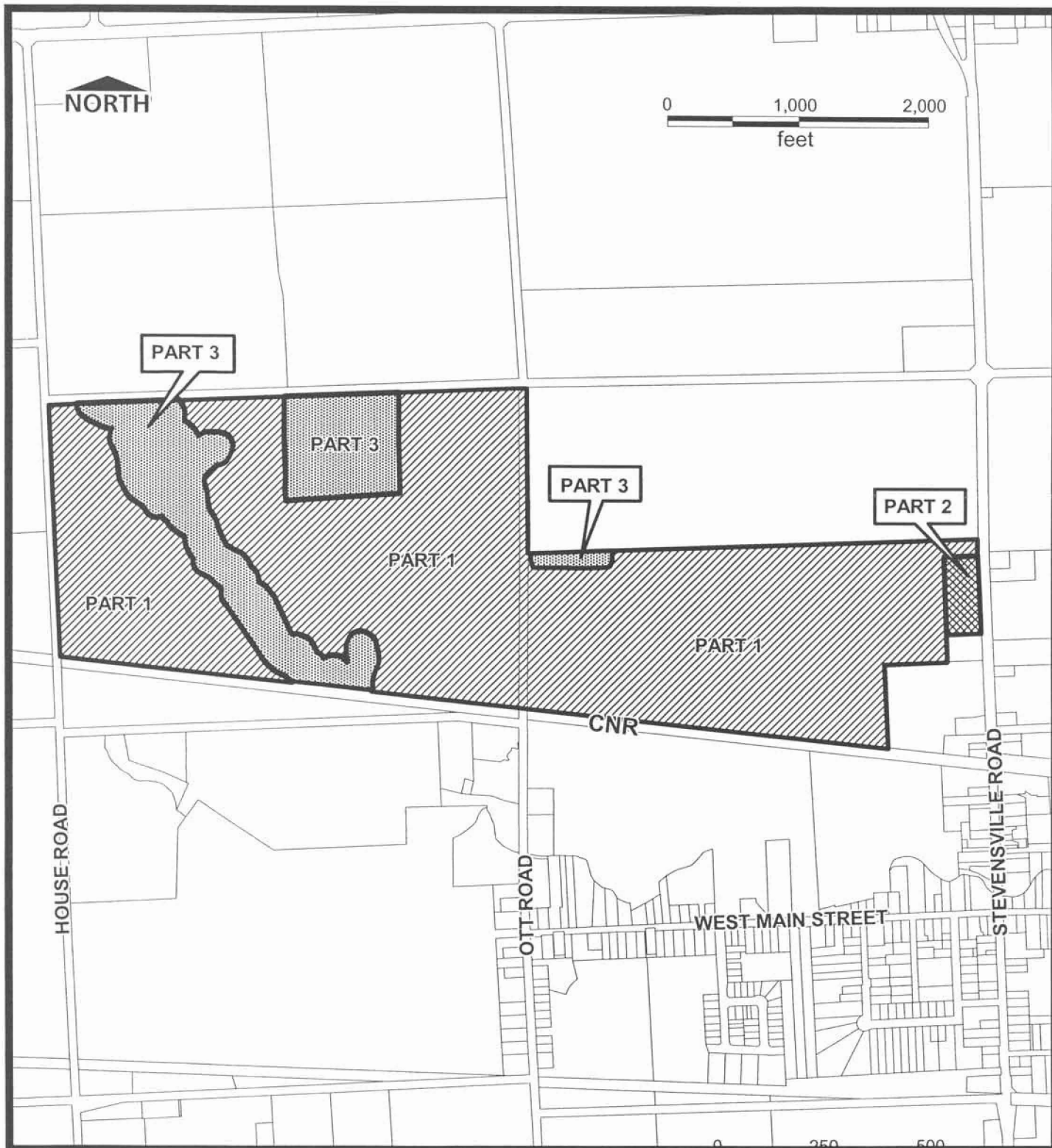
MAYOR



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. __-07 of the said Town. Given under my hand and the seal of the said Corporation this _____ day of _____,




SCHEDULE 'A' TO BY-LAW No. 06-07



LOCATION PLAN

Zooz (Stevensville Lawn Service Inc.)

Part of Lots 12, 13 and 14 Con. 12 NR, Part of Lot 13 Con. 13 NR, Lot 14 Con. 13 NR, Part of the road allowance between Con. 12 and 13 NR and Part of the road allowance between Lot 12 and 13 Con. 12 NR

-  PART 1: Rezone from "Agricultural A Zone" and "Agricultural A-184 Zone" to "Open Space OS-369(H) Zone"
-  PART 2: Rezone from "Rural Commercial C7-183 zone" to "Highway Commercial C3-370(H) Zone"
-  PART 3: Rezone from "Agricultural A Zone" and "Agricultural A-184" to "Hazard H-371 Zone"



Town of Fort Erie
Community & Development Services
January 2007