



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 21-2016

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### Being A By-Law To Amend Zoning By-Law No. 129-90 Helena Street Industrial Lands Town of Fort Erie

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350309-0405

**Whereas** By-law No. 129-90, as amended, being the Comprehensive Zoning By-law for the Town of Fort Erie was passed on May 28, 1990, and

**Whereas** Subsection 34 (1) of the *Planning Act*, R.S.O. 1990, c.P.13, authorizes the Council of the Municipality to regulate the use of lands and the character, location and use of buildings and structures within the Municipality, and

**Whereas** Report No.CDS-67-2015 was considered at the Council-in-Committee meeting of September 8, 2015, and subsequently authorized and approved by Council to initiate an amendment to the Comprehensive Zoning By-law No. 129-90 for the former Helena Street Industrial lands municipally known as 833 Helena, 893 Helena, 900 Helena, 933 Helena Street, 967 Helena Street, 981 Helena Street, 999 Helena Street, 1011 Helena Street and 1031 Helena Street, and

**Whereas** Open House sessions were held on October 14, 2015 and November 2, 2015, and

**Whereas** in accordance with Subsection 34 (12) of the *Planning Act*, R.S.O. 1990, c.P.13, a Public Meeting was held respecting the proposed amendments to Comprehensive Zoning By-law No. 129-90, as amended on January 11, 2016 and notice of such was published in the Fort Erie Times on December 17, 2015, and

**Whereas** to satisfy the notification requirements for Town initiated amendments approved by Council on May 6, 2013, the following additional measures were undertaken to notify the public of the proposed amendment:

- Notice of the proposed amendments was posted on the Town's website;
- Notice of the proposed changes was posted on the Town's Twitter and Facebook page;
- Notice of the public meeting was sent to the Ridgeway, Bridgeburg and Crystal Beach Business Improvement Associations;
- Notice of the amendments was advertised on the billboard at the corner of Municipal Centre Drive and Garrison Road;
- Notice of the amendments was posted at the Library Branches, Leisureplex, Museum and in the Town Hall Atrium, and

**Whereas** Report No.CDS-16-2016 was considered at the Council-in-Committee meeting of February 1, 2016 and subsequently approved by Council to determine that in accordance with Section 34(17) of the *Planning Act*, further notice is not required with respect to the removal of the lands located on the south side of Garrison Road south of 767 Garrison Road, municipally known as 0 Garrison Road from the proposed amendment since the holding of the Public Meeting on January 11, 2016, and

**Whereas** it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to Report No. CDS-16-2016 considered at the Council-in-Committee meeting of February 1, 2016 and subsequently approved by Council;

**Now therefore** the Council of the Town of Fort Erie enacts as follows:

1. **That** Schedule “A” of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix “1” from “Highway Commercial C3 Zone” to “Dry Industrial (DI-537) Zone” and from “Neighbourhood Development ND Zone” to “Dry Industrial (DI-537) Zone”.
2. **That** By-law No.129-90 as amended, is further amended by adding to “Section 29– Dry Industrial (DI) Zone” Subsection – “Exceptions to the Dry Industrial (DI) Zone” the following exception:

**“DI-537 (20-2016) Helena Street Industrial Area**

These lands are zoned Dry Industrial DI-537 Zone and all the provision of By-law 129-90 as amended that relate to lands zoned Dry Industrial DI Zone by this By-law shall apply to those lands zoned Dry Industrial DI –537 Zone subject to the following provisions:

- a) Notwithstanding the requirements of Section 29.2 only the following uses shall be permitted:
  - Public storage
  - Scientific or medical laboratory
  - Tradesperson’s shops
  - Transportation depots
  - Wholesale establishments
  - Warehousing
  - Veterinarian clinic
  - Pet day care establishment
  - Plumbing shops
  - Service shops
  - Equipment rental and services
  - Courier and delivery services
  - Lumber and building yards
  - Public uses and operations
  - Catering establishments
  - Business or commercial trades school
  - Construction trades establishment
  - Communication facilities
  - Commercial refueling stations
  - Communication facilities
  - Factory outlet
  - Gasoline Bars
  - Transportation truck terminal
  - Bakery and uses, buildings and structures accessory thereto.

Provided that:

- i) If sanitary sewers are not available no sewage disposal requirements are necessary as part of the assembly, manufacture, fabrication, repair, packaging and storage activities, and
  - ii) If sanitary sewers are not available sewage disposal requirements are limited to those necessary to serve on-site employees only;
  - iii) private sewage disposal is permitted until such time as municipal services are available.
- b) In addition to the permitted uses listed in (a) above the following additional uses shall be permitted if sanitary services are available:
- Automotive uses
  - Dry Cleaning Plants
  - Food processing establishments
  - Industrial Uses
  - Laundries
  - Machine Shops
  - Medical Marihuana Grow and Production Facilities
  - Motor Vehicle Body Shop
  - Motor Vehicle Repair Shop
  - Manufacturing
  - Printing establishments
- c) All of the uses permitted in (a) and (b) are subject to the separation distances identified in the Ministry of Environment's D-6 Guidelines.
- d) Notwithstanding the requirements of Subsection 29.3 no outside storage shall be permitted."
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 8<sup>th</sup> day of February, 2016.**

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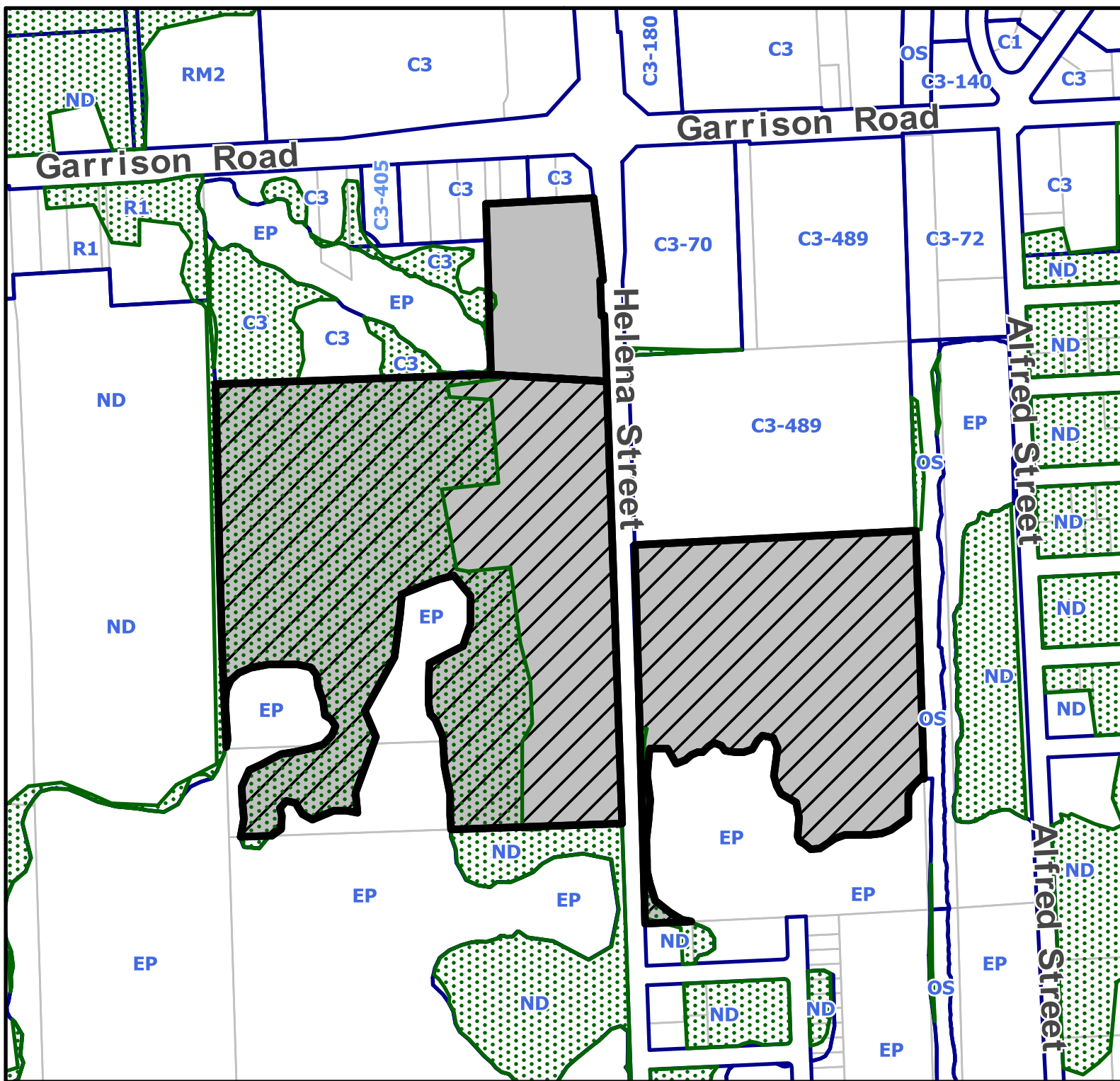
Mayor

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Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 21-2016 of the said Town. Given under my hand and the seal of the said Corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_





# APPENDIX "1"



By-law No. 21-2016

THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90

PASSED THIS 8th DAY OF FEBRUARY, 2016

-  Subject Lands - Former Helena Street Industrial Lands
-  Part 1 - Change from Highway Commercial C3 Zone to Dry Industrial DI-537 Zone
-  Part 2 - Change from Neighbourhood Development ND Zone to Dry Industrial DI-537 Zone
-  Existing Environmental Conservation EC Overlay Zone to Remain