

The Municipal Corporation of the Town of Fort Erie

By-law No. 116-2022

**Being a By-law to Amend Zoning By-law No. 129-90,
as amended
726 Gorham Road
2655321 Ontario Limited (Mark Spadafora) - Owner**

Whereas an application was received from Mark Spadafora of 2655321 Ontario Limited (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 726 Gorham Road; 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 11th, 2022; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-66-2022 considered and approved at the Council-in-Committee meeting held on September 12, 2022;

Now therefore the Municipal Council of The Corporation 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 known municipally as 726 Gorham Road and shown as Parts 1 and 2 on the attached Appendix "1" from "Residential 1 (R1) Zone" to "Residential 2 (R2-753) Zone" (Part 1), and from "Residential 1 (R1) Zone" to "Environmental Conservation (EC-754) Overlay Zone" (Part 2).
- 2. That** By-law No. 129-90, as amended, is further amended by adding to "Section 10 – Residential 2 (R2) Zone" Subsection – "Exceptions to the Residential 2 (R2) Zone" the following exceptions:

"R2-753 (116-2022) 726 Gorham Road (Part 1)

These lands are zoned "Residential 2 (R2-753) Zone" (Part 1), and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential 2 (R2) Zone" by this by-law shall apply to those lands zoned "Residential 2 (R2-753) Zone" subject to the following special provisions:

- (a) Minimum Lot Frontage (Lot 8) – 13.00 m
- (b) Minimum Lot Frontage (Lot 7) – 16.45 m
- (c) Minimum Lot Frontage (Lot 2) – 14.52 m
- (d) Minimum Lot Frontage (Lots 1, 3, 4, 5 & 6) – 14.87 m

- (e) Minimum Lot Area – 600.00 m²
- (f) Minimum Front Yard Setback – 7.50 m”

3. **That** By-law No.129-90, as amended, is further amended by adding to “Section 35B – Environmental Conservation (EC) Zone” Subsection – “Exceptions to the Environmental Conservation (EC) Overlay Zone” the following exception:

“EC-754 (116-2022) 726 Gorham Road (Part 2)

These lands are zoned “Environmental Conservation (EC-754) Overlay Zone” (Part 2), and all of the provisions of By-law 129-90, as amended, that relate to lands zoned Environmental Conservation (EC) Overlay Zone by this by-law shall apply to those lands zoned “Environmental Conservation (EC-754) Overlay Zone”, subject to the following special provisions:

- (a) Notwithstanding the Permitted Uses in Subsection 35B.2, these lands shall be used for no other purpose than the conservation of plant and wildlife associated with the Beaver Creek fish habitat buffer, and the installation and maintenance of rear yard rain gardens that have a minimum depth of 150.00 mm, minimum length of 7.20 m, and a minimum width of 3.60 m.
- (b) Notwithstanding the Regulations in Subsection 35B.3, rear yard rain gardens are to be maintained in perpetuity, and removal or decommissioning is prohibited.”

4. **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.

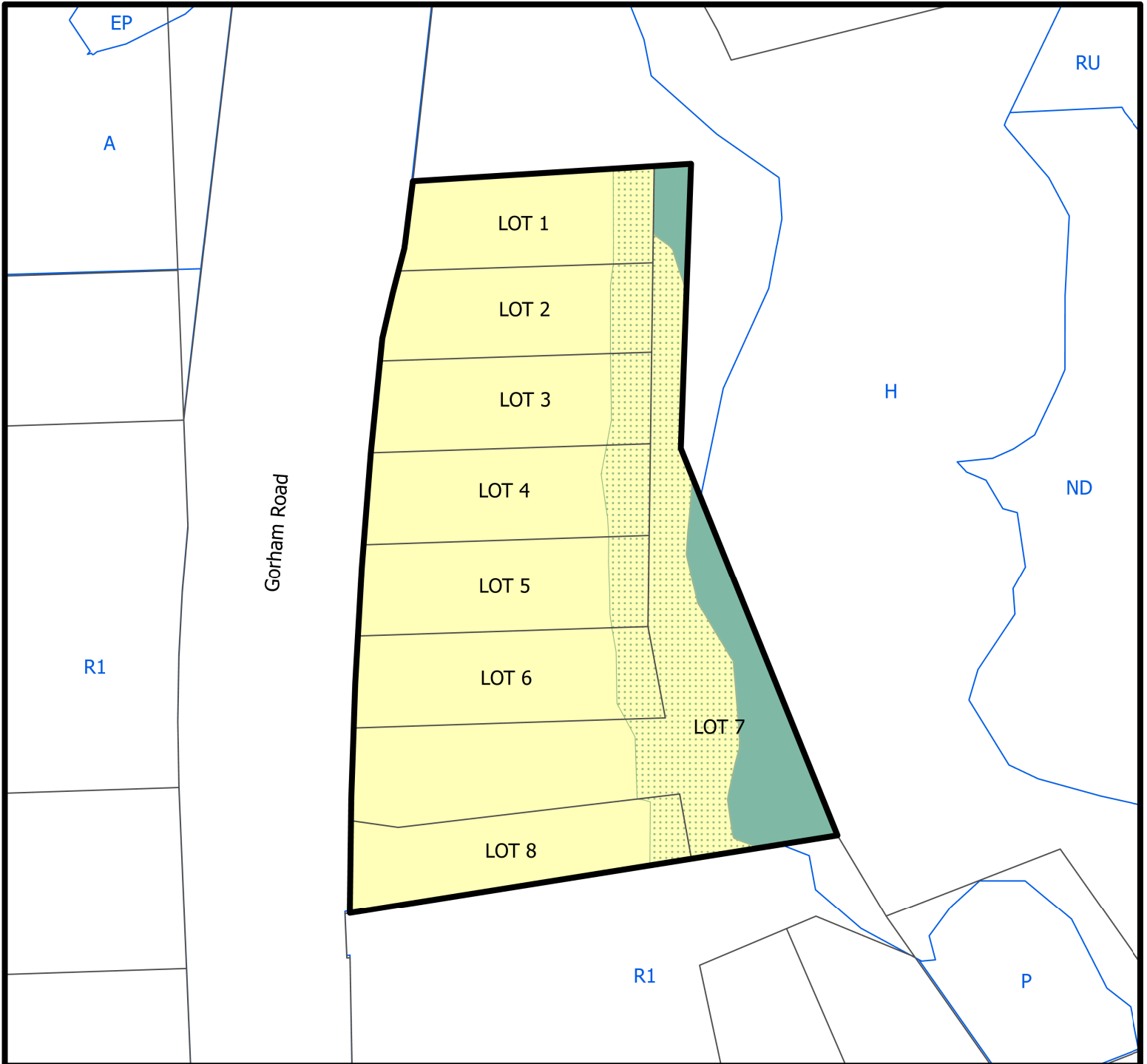
Read a first, second and third time and finally passed this 19th day of September, 2022.

Mayor

Clerk





I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 116-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____

APPENDIX "1"



By-law No. 116-2022
THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 19th DAY OF SEPTEMBER, 2022



-  Subject Lands - 726 Gorham Road
-  Part 1 - Change from Residential 1 (R1) Zone to Residential 2 (R2-753) Zone
-  Part 2 - Change from Residential 1 (R1) Zone to Environmental Conservation (EC-754) Overlay Zone
-  Hazard (H) Zone