

The Municipal Corporation of the Town of Fort Erie

By-law No. 128-2022

**Being a By-law to Amend Zoning By-law No. 129-90,
as amended
131 & 135 Gilmore Road
Kyle Mallysh Personal Real Estate Corporation & Kyle Mallysh -
Owners**

Whereas an application was received from Greg Taras of Urban & Environmental Management Inc. on behalf of Kyle Mallysh Personal Real Estate Corporation and Kyle Mallysh (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 131 & 135 Gilmore 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 June 20, 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-60-2022 considered and approved at the Council-in-Committee meeting held on August 8, 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 131 & 135 Gilmore Road and shown on the attached Appendix "1" from "General Commercial (C2) Zone" to "Residential Multiple 1 (RM1-751) Zone" (Part 1) and "Residential Multiple 1 (RM1-752) Zone" (Part 2).
2. **That** By-law No.129-90, as amended, is further amended by adding to "Section 14 – Residential Multiple 1 (RM1) Zone" Subsection – "Exceptions to the Residential Multiple 1 (RM1) Zone" the following exceptions:

"RM1-751 (128-2022) 131 Gilmore Road (Part 1)

These lands are zoned "Residential Multiple 1 (RM1-751) Zone", and all of the provisions that relate to lands zoned "Residential Multiple 1 (RM1) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 1 (RM1-751) Zone" subject to the following special provisions:

- a) That notwithstanding the list of Permitted Uses in Section 14.2, the subject property shall only be used as a fourplex dwelling.
- b) The provisions of Subsection 14.7 "Zone Regulations for Triplexes and Fourplexes" shall apply to the fourplex dwelling except for the following provisions:

- i. Minimum lot frontage - 19.80 m
 - ii. Minimum lot area - 605.00 sq m
 - iii. Maximum lot coverage - 41%
 - iv. Minimum front yard - 0.00 m
 - v. Minimum side yard - 1.00 m northern side yard, 4.00 m southern side yard
 - vi. Minimum rear yard - 8.00 m
 - vii. Minimum landscaped area - 18%
- c) That notwithstanding the requirements of Section 14.8 the following shall apply:
- i. Distance of rear face of dwelling to parking area - 0.00 m
 - ii. Distance of dwelling to internal driveway or parking area - 0.00 m
- d) That notwithstanding the requirements of Section 6.20 the following shall apply:
- i. Minimum driveway width for two-way traffic - 4.00 m
 - ii. Minimum setback for the parking area in the rear yard to the rear lot line - 1.00 m
- e) That notwithstanding the requirements of Section 6.21 the following shall apply:
- i. Minimum planting strip width to rear lot line - 0.00 m
 - ii. Minimum landscaped area in the front yard - 0%
 - iii. Overall minimum landscaped open space area - 18%

“RM1-751 (128-2022) 135 Gilmore Road (Part 2)

These lands are zoned “Residential Multiple 1 (RM1-752) Zone”, and all of the provisions that relate to lands zoned “Residential Multiple 1 (RM2) Zone” by this by-law shall apply to those lands zoned “Residential Multiple 1 (RM1-752) Zone” subject to the following special provisions:

- a) That notwithstanding the list of Permitted Uses in Section 14.2, the subject property shall only be used as a duplex dwelling.
- b) The provisions of Subsection 14.6 “Regulations for Duplexes Not Located on the Same Lot as a Townhouse Development” shall apply to the duplex dwelling except for the following provisions:
- i. Minimum lot frontage - 10.70 m
 - ii. Minimum lot area - 327.00 sq m
 - iii. Minimum front yard - 0.00 m
 - iv. Minimum side yard - 1.40 m
- c) That notwithstanding the requirements of Section 6.20 the following shall apply:
- i. Distance of rear face of dwelling to parking area - 0.00 m
 - ii. Distance of dwelling to internal driveway or parking area - 0.00 m

- d) That notwithstanding the requirements of Section 6.20 the following shall apply:
 - i. Minimum driveway width for two-way traffic - 1.40 m
 - ii. Minimum setback for the parking area in the rear yard to the rear lot line - 0.50 m

- e) That notwithstanding the requirements of Section 6.21 the following shall apply:
 - i. Minimum planting strip width to rear lot line - 0.00 m
 - ii. Minimum landscaped area in the front yard - 0%
 - iii. Overall minimum landscaped open space area - 15%”

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 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. 128-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____

APPENDIX "1"



By-law No. 128-2022

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

-  Subject Lands - 131 & 135 Gilmore Road
-  Part 1 - Change from General Commercial (C2) Zone to Residential Multiple 1 (RM1-751) Zone
-  Part 2 - Change from General Commercial (C2) Zone to Residential Multiple 1 (RM1-752) Zone