



The Corporation of the Town of Fort Erie By-law 58-2024

Being a By-law to Amend Zoning By-law 129-90, as amended 1127 Garrison Road

Whereas an application was received by Asawari Modak and Aaron Butler of NPG Planning Solutions Ltd., on behalf of the owner, TrinityStar Aquila Inc. (Dunstan Peter), to amend the Town's Comprehensive Zoning By-law 129-90, as amended, for the lands known municipally as 1127 Garrison 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 April 9, 2024; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law 129-90, as amended, pursuant to the recommendations of Report PDS-28-2024 considered and approved at the Council-in-Committee meeting held on May 13, 2024;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of Comprehensive Zoning By-law 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 1127 Garrison Road and shown on the attached Schedule "A" from "Highway Commercial (C3) Zone" to "Highway Commercial Holding (C3-798(H)) Zone".
2. **That** Comprehensive Zoning By-law 129-90, as amended, is further amended by adding to "Section 22 - Highway Commercial (C3) Zone" Subsection - "Exceptions to the Highway Commercial (C3) Zone" the following exception:

"C3-798(H) (58-2024) 1127 Garrison Road

These lands are zoned "Highway Commercial Holding (C3-798(H)) Zone", and all of the provisions that relate to lands zoned "Highway Commercial (C3) Zone" by this by-law shall apply to those lands zoned "Highway Commercial Holding (C3-795) Zone" subject to the following special provisions:

- a) Notwithstanding the "Zone Regulations" in Section 22.3, the subject lands shall be subject to the following special provisions:
 - i. Minimum Front Yard 3.0 m
 - ii. Maximum Building Height 3 storeys and 12.00 m"

3. **That** Schedule "A" of Comprehensive Zoning By-law 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 1127 Garrison Road and shown on the attached Schedule "A" from "Neighbourhood Development (ND) Zone" and "Environmental Conservation (EC) Overlay Zone" to "Residential Multiple 2 Holding (RM2-799(H)) Zone".
4. **That** Comprehensive Zoning By-law 129-90, as amended, is further amended by adding to "Section 15 - Residential Multiple 2 (RM2) Zone" Subsection - "Exceptions to the Residential Multiple 2 (RM2) Zone" the following exception:

"RM2-799(H) (58-2024) 1127 Garrison Road

These lands are zoned "Residential Multiple 2 Holding (RM2-799(H)) Zone", and all of the provisions that relate to lands zoned "Residential Multiple 2 (RM2) Zone" by this by-law shall

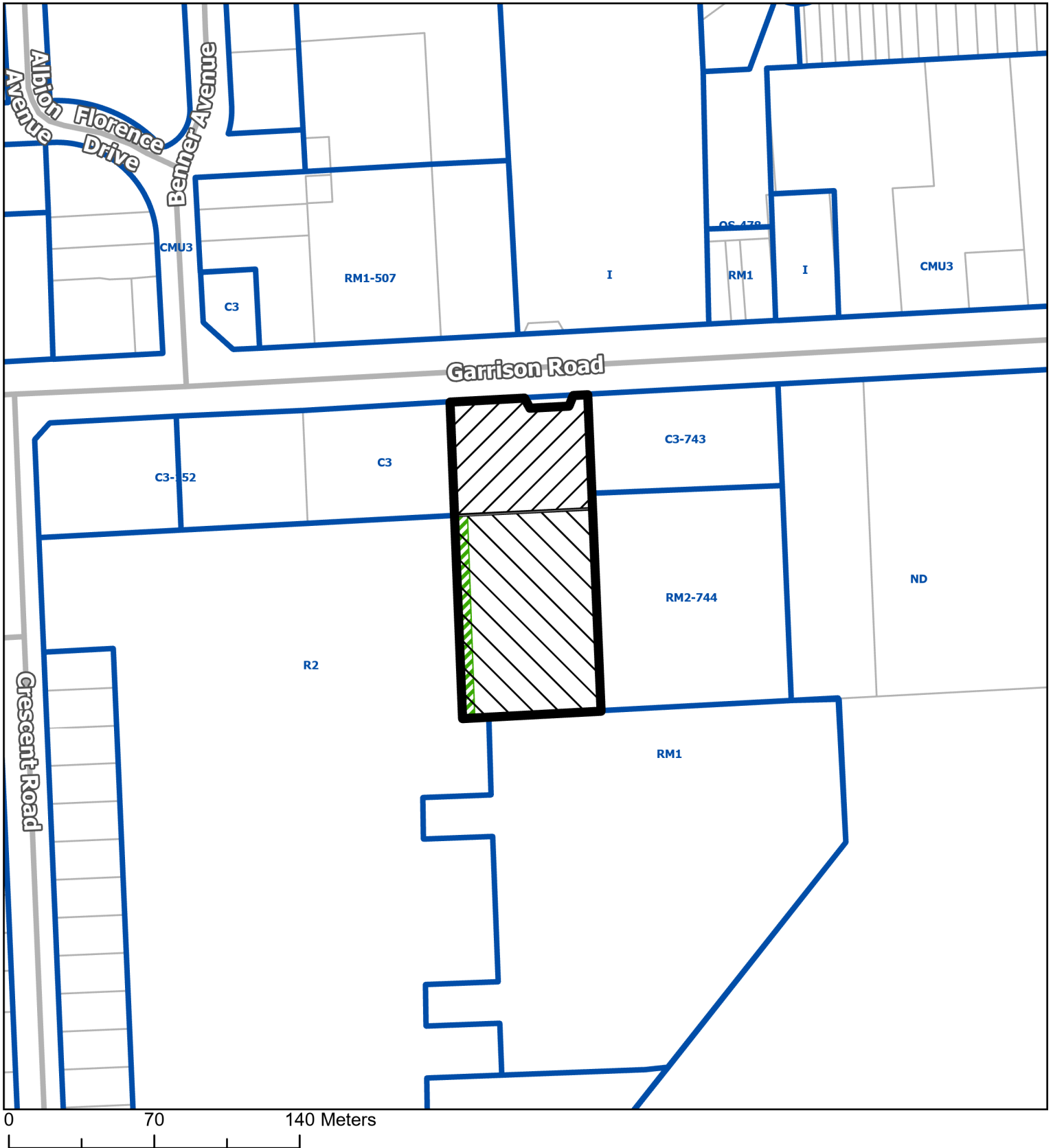
apply to those lands zoned “Residential Multiple 2 Holding (RM2-799(H)) Zone” subject to the following special provisions:

- a) Notwithstanding the “Permitted Uses” in Section 15.2, stacked townhouses shall be a permitted use.
 - b) Notwithstanding the “Zone Regulations” in Section 15.3, the stacked townhouses shall be subject to the following special provisions:
 - i. Minimum lot area - 90.00 sq m per unit
 - ii. Maximum building height - 3 storeys and 12.00 m
 - c) Notwithstanding the regulations in Section 6 - General Provisions, the subject lands shall be subject to the following special provisions:
 - i. Notwithstanding Subsection 6.15 (b), 40 parking spaces required for the stacked townhouses may be provided in the C3-798(H) portion of the subject lands.
 - ii. Notwithstanding Subsection 6.20 (l), a parking area may be setback a minimum of 2.60 m to a Residential Zone or a lot line.
 - iii. Notwithstanding Subsection 6.21 (b), a planting strip width of 2.60 m is permitted adjacent to a Residential Zone.
 - iv. Notwithstanding Subsection 6.40 (a), a Sunken Patio may project 1.90 m into the rear yard. For the purpose of this provision, “Sunken Patio” means “a roofless unenclosed area accessory to a dwelling, constructed below grade”.
- 5. That** pursuant to Section 36(1) of the Planning Act, the “H” Holding Symbol shall be removed upon proof of adequate sanitary sewer conveyance capacity for the subject lands, to the satisfaction of the Town and Niagara Region.
- 6. That** if a building permit for the mixed-use building and at least one block of stacked townhouse dwellings has not been issued under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, within three (3) years from enactment of this By-law, then this By-law shall automatically repeal and if so repealed, the zoning of the lands will revert to the original zoning.
- 7. That** the Clerk of the Town is authorized to affect 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 27th day of May, 2024.


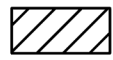


Mayor

Clerk



BY-LAW 58-2024

THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW 129-90 PASSED THIS 27TH DAY OF MAY 2024

-  Subject Lands - 1127 Garrison Road
-  Change from Highway Commercial (C3) Zone to Highway Commercial Holding (C3-798(H)) Zone
-  Change from Environmental Conservation (EC) Overlay Zone and Neighbourhood Development (ND) Zone to Residential Multiple 2 Holding (RM2-799(H)) Zone
-  Environmental Conservation (EC) Overlay Zone (to be removed)

