



The Corporation of the Town of Fort Erie By-law 70-2024

Being a By-law to Amend Zoning By-law 129-90, as amended 436 and 440 Ridge Road North

Whereas an application was received by Ethan Laman of Upper Canada Consultants, on behalf of the Owners, 2855546 Ontario Ltd. (Stephen Fischer and Paul Savoia) and Stephen Fischer, to amend the Town's Comprehensive Zoning By-law 129-90, as amended, for the lands known municipally as 436 and 440 Ridge Road North; 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 18, 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-31-2024 considered and approved at the Regular Council meeting held on May 27, 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 440 Ridge Road North and shown on the attached Schedule "A" from "Residential Multiple 1 Holding (RM1-260(H)) Zone" and "Residential 1 (R1) Zone" to "Residential Multiple 2 Holding (RM2-802(H)) Zone".
- 2. 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:

"RM2-802(H) (70-2024) 440 Ridge Road North

These lands are zoned "Residential Multiple 2 Holding (RM2-802(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 (RM2-802(H)) Zone" subject to the following special provisions:

- a) Notwithstanding the list of Permitted Uses in Section 15.2, these lands may only be used for the following uses with a combined maximum of 90 dwelling units:
 - i. Apartment dwellings, maximum 80 units;
 - ii. Block townhouses, maximum 10 units;
 - iii. Uses, buildings and structures accessory to the foregoing permitted uses.
- b) Notwithstanding the Regulations in Sections 15.3 and 15.4, apartment dwellings shall be subject to the following special provisions:
 - i. Minimum Lot Frontage 20.00 m
 - ii. Minimum Interior Side Yard To the northern lot line - 6.40 m to balcony;
To the southern lot line - 5.50 m to apartment building, 3.80 m to balcony, 3.80 m to parking garage
 - iii. Maximum Height 4 storeys and 16.50 m
 - iv. Minimum Distance between To northern lot line - 1.40 m

Any Abutting Residential Zone and Driving Lanes or Parking Lanes	To southern lot line - 2.40 m To western lot line - 1.10 m
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c) Notwithstanding the regulations in Section 6 - General Provisions, the subject lands shall be subject to the following special provisions:

- i. Notwithstanding Subsection 6.20 (I), parking areas are permitted to be located 1.40 m to the northern lot line and 2.40 m to the southern lot line.
- ii. Notwithstanding the regulations of Subsection 6.20 (J), 10 parking spaces in the covered parking garage are permitted to have a parking stall width of 2.4 m.
- iii. Notwithstanding the regulations of Subsection 6.20 (J), 75 parking spaces are permitted to have a parking stall length of 5.6 m.
- iv. Notwithstanding Subsections 6.21 (a) and (b) minimum planting strip widths of 1.40 m to the northern lot line, 2.40 m to the southern lot line and 1.10 m to the western lot line are required adjacent to a Residential Zone.
- v. Notwithstanding Subsection 6.21 (g), the minimum landscaped open space area requirement is 20%.

d) Townhouse dwellings shall be subject to the block townhouse regulations in Section 14.3 and 14.8 with the except for the following special provisions:

- i. Minimum Lot Frontage 20.00 m
- ii. Minimum Landscaped Area 26.5%
- iii. Maximum Building Height 2 storeys and 9.00 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 436 Ridge Road North and shown on the attached Schedule "A" from "Residential Multiple 1 Holding (RM1-260(H) Zone" and "Core Mixed Use 4 (CMU4) Zone" to "Core Mixed Use 4 (CMU4-803) Zone".
4. **That** Comprehensive Zoning By-law 129-90, as amended, is further amended by adding to "Section 26D - Core Mixed Use 4 (CMU4) Zone" Subsection - "Exceptions to the Core Mixed Use 4 (CMU4) Zone" the following exception:

"CMU4-803 (70-2024) 436 Ridge Road North

These lands are zoned "Core Mixed Use 4 (CMU4-803) Zone", and all of the provisions that relate to lands zoned "Core Mixed Use 4 (CMU4) Zone" by this by-law shall apply to those lands zoned "Core Mixed Use 4 (CMU4-803) Zone" subject to the following special provisions:

- a) Notwithstanding the regulations in Section 6 - General Provisions, the subject lands shall be subject to the following special provisions:
 - i. Notwithstanding Subsection 6.20 (D), ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways with a minimum width of 7.00 m with an easement for two-way traffic.
 - ii. Notwithstanding Subsection 6.20 (I), parking areas are permitted to be located 2.20 m to the northern lot line, 0.00 m to the western lot line and 1.50 m to the eastern lot line.
 - iii. Notwithstanding Subsections 6.21 (a) and (b) minimum planting strip widths of 0.00 m to the northern lot line, 0.00 m to the western lot line and 1.50 m to the eastern lot line are permitted adjacent to a Residential Zone.
- b) Notwithstanding the regulations of Subsection 18.4 (c) a minimum of 17.00 sq m of open area shall be provided on-site for the exclusive use of each dwelling unit."

5. **That** pursuant to Section 36(1) of the Planning Act, the "H" Holding Symbol shall be removed upon proof that potential Species at Risk habitat on the subject lands is assessed and addressed to the satisfaction of Town staff and the Ministry of Environment, Conservation and Parks (MECP).
6. **That** if building permits for the proposed mixed-use building, apartment building and block townhouse dwellings have not been issued under the *Building Code Act, 1992*, S.O. 1992,

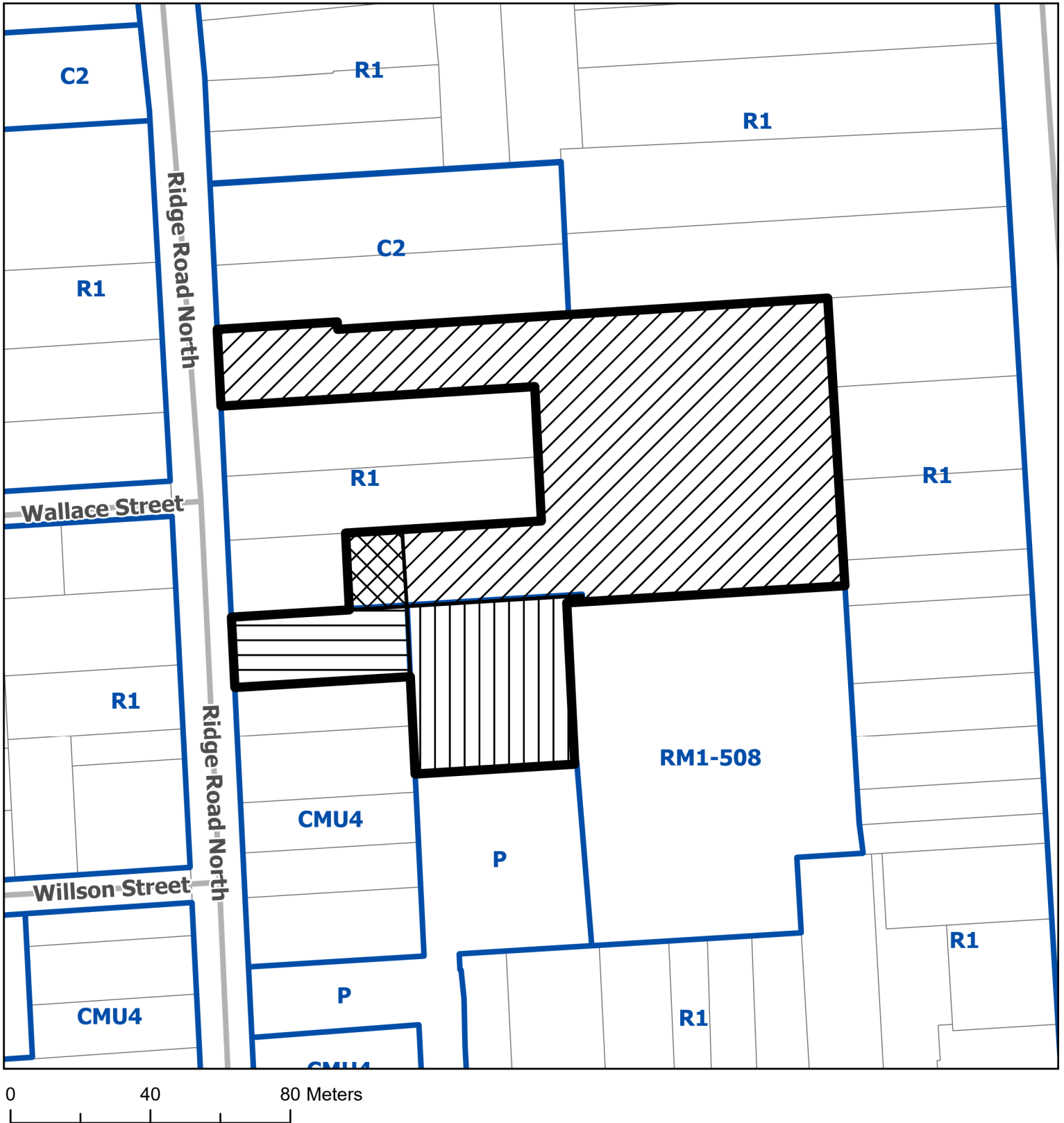
c. 23, as amended, within three (3) years from enactment of this By-law, then this By-law shall automatically repeal and if so repealed, the zoning of the lands will revert to the previous zoning.

- 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.





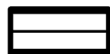
Read a first, second and third time and finally passed this 24th day of June 2024.

Mayor

Clerk



BY-LAW 70-2024
THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW 129-90
PASSED THIS 24TH DAY OF JUNE 2024

-  Subject Lands - 436-440 Ridge Road North
-  Change from Residential Multiple 1 Holding (RM1-260(H)) Zone to Residential Multiple 2 Holding (RM2-802(H)) Zone
-  Change from Residential 1 (R1) Zone to Residential Multiple 2 Holding (RM2-802(H)) Zone
-  Change from Residential Multiple 1 Holding (RM1-260(H)) Zone to Core Mixed Use (CMU4-803) Zone
-  Change from Core Mixed Use 4 (CMU4) Zone to Core Mixed Use 4 (CMU4-803) Zone

