



**The Corporation of the Town of Fort Erie
By-law 89-2024**

**Being a By-law to Amend Zoning By-law 129-90, as amended
0-17507 Netherby Road (Black Creek Signature Subdivision, Phase 2)**

Whereas an application was received by William Heikoop of Upper Canada Consultants on behalf of the Owner, Great Summit (Fort Erie) Nominee Inc. (Jessica Wang), to amend the Town’s Comprehensive Zoning By-law 129-90, as amended, for the lands known municipally as 0-17507 Netherby 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 24, 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-51-2024 considered and approved at the Regular Council meeting held on July 22, 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 0-17507 Netherby Road and shown on the attached Schedule “A” from “Residential Multiple 1 Holding (RM1-560(H)) Zone” (Part 1) and “Residential 2A Holding (R2A-(H)) Zone” (Part 2) to “Residential Multiple 1 (RM1-805) Zone”.
2. **That** Comprehensive Zoning By-law 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 exception:

“RM1-805 (89-2024) 0-17507 Netherby Road (Black Creek Signature Phase 2)

These lands are zoned “Residential Multiple 1 (RM1-805) 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 Holding (RM1-805) Zone” subject to the following special provisions:

- a) Notwithstanding the Regulations in Section 14.3, the following regulations shall apply to street townhouse dwellings:

i. Minimum Lot Area	180.00 sq m for a street townhouse lot
	215.00 sq m for a street townhouse corner lot
ii. Maximum Density	46 units/ha
iii. Maximum Lot Coverage	55% for exterior street townhouses”

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 0-17507 Netherby Road and shown on the attached Schedule “A” from “Residential 2A Holding (R2A-(H)) Zone” (Part 3), “Residential 2A Holding (R2A-563(H)) Zone” (Part 4), “Residential Multiple 1 Holding (RM1-560(H)) Zone” (Part 5) and “Open Space (OS-562) Zone” (Part 6) to “Residential 2A (R2A-806) Zone”.
4. **That** Comprehensive Zoning By-law 129-90, as amended, is further amended by adding to “Section 12 - Residential 2A (R2A) Zone” Subsection - “Exceptions to the Residential 2A (R2A) Zone” the following exception:

“R2A-806 (89-2024) 0-17507 Netherby Road (Black Creek Signature Phase 2)

These lands are zoned “Residential 2A (R2A-806) Zone”, and all of the provisions that relate to lands zoned “Residential 2A (R2A) Zone” by this by-law shall apply to those lands zoned “Residential 2A (R2A-806) Zone” subject to the following special provisions:

a) Notwithstanding the Regulations in Section 12.3, the following regulations shall apply:

- i. Minimum Lot Frontage 13.80 m on a corner lot
- ii. Minimum Lot Area 350.00 sq m”

5. 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 0-17507 Netherby Road and shown on the attached Schedule “A” from “Residential 2A Holding (R2A-(H)) Zone” (Part 7), “Open Space (OS-562) Zone” (Part 8) and “Residential 2A Holding (R2A-563(H)) Zone” (Part 9) to “Open Space (OS-807) Zone”.

6. That Comprehensive Zoning By-law 129-90, as amended, is further amended by adding to “Section 33 - Open Space (OS) Zone” Subsection - “Exceptions to the Open Space (OS) Zone” the following exception:

“OS-807 (89-2024) 0-17507 Netherby Road (Black Creek Signature Phase 2)

These lands are zoned “Open Space (OS-807) Zone”, and all of the provisions that relate to lands zoned “Open Space (OS) Zone” by this by-law shall apply to those lands zoned “Open Space (OS-807) Zone” subject to the following special provisions:

a) Notwithstanding the Permitted Uses in Section 33.2, these lands may be used for a Stormwater Management Facility.

b) Notwithstanding the Regulations in Section 33.3, the following regulations shall apply:

- i. Minimum Lot Area 530.00 sq m
- ii. Minimum Lot Frontage 2.40 m”

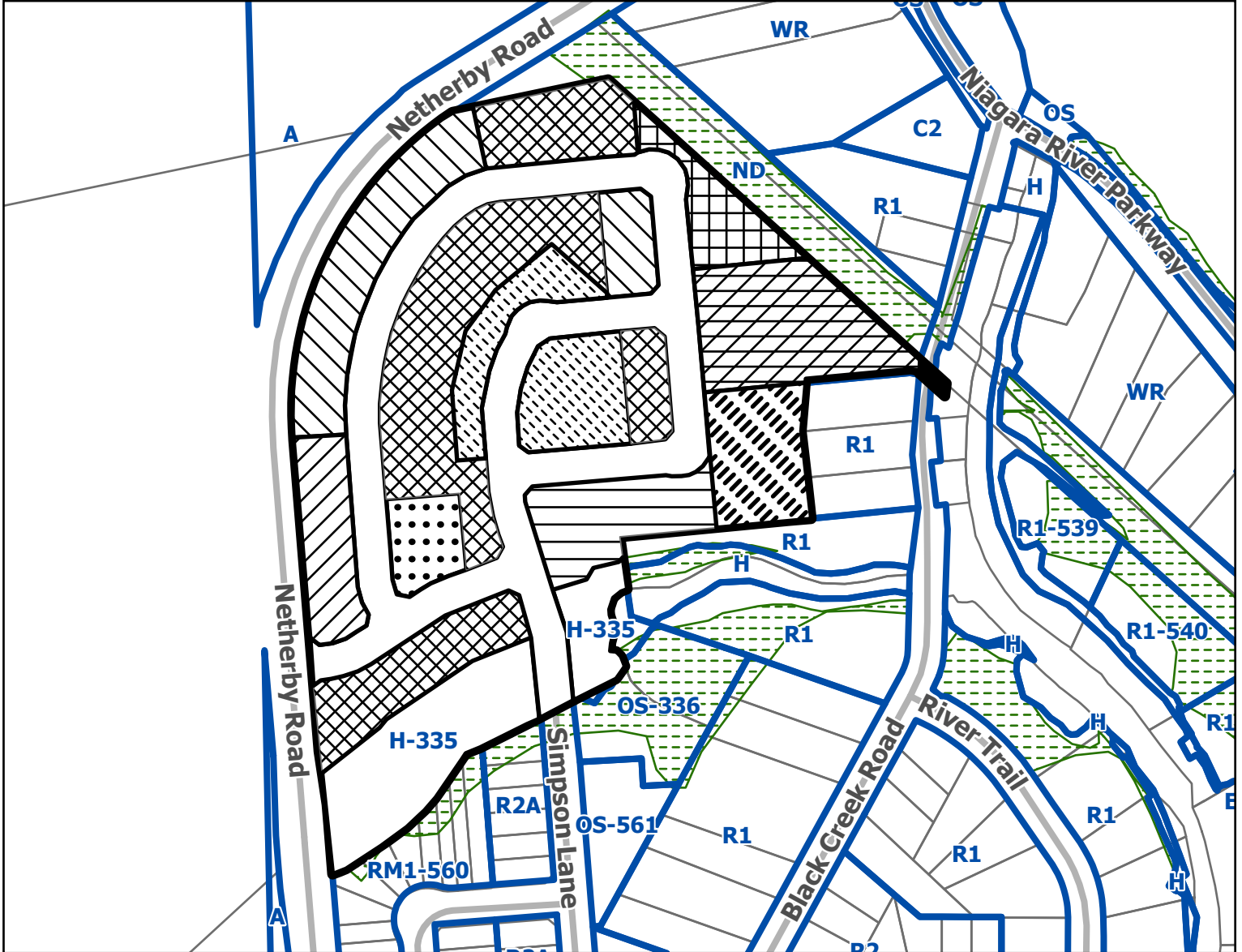
7. That if a building permit has not been issued under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, within three (3) years from enactment of this By-law, then this By-law shall automatically repeal and if so repealed, the zoning of the lands will revert to the previous zoning.

8. 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 26th day of August, 2024.




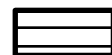
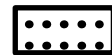




Mayor

Clerk



BY-LAW 89-2024

THIS SKETCH FORMS PART OF SCHEDULE "A" TO ZONING BY-LAW 129-90 PASSED THIS 26TH DAY OF AUGUST 2024

-  Part 1 - Change from Residential Multiple 1 Holding (RM1-560(H)) Zone to Residential Multiple 1 (RM1-805) Zone
-  Part 2 - Change from Residential 2A Holding (R2A(H)) Zone to Residential Multiple 1 (RM1-805) Zone
-  Part 3 - Change from Residential 2A Holding (R2A(H)) Zone to Residential Residential 2A (R2A-806) Zone
-  Part 4 - Change from Residential 2A Holding (R2A-563(H)) Zone to Residential 2A (R2A-806) Zone
-  Part 5 - Change from Residential Multiple 1 Holding (RM1-560(H)) Zone to Residential 2A (R2A-806) Zone
-  Part 6 - Change from Open Space (OS-562) Zone to Residential 2A (R2A-806) Zone
-  Part 7 - Change from Residential 2A Holding (R2A(H)) Zone to Open Space (OS-807) Zone
-  Part 8 - Change from Open Space (OS-336) Zone to Open Space (OS-807) Zone
-  Part 9 - Change from Residential 2A Holding (R2A-563(H)) Zone to Open Space (OS-807) Zone

