



## The Corporation of the Town of Fort Erie By-law 118-2024

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### Being a By-law to Amend Zoning By-law 129-90, as amended 1023 Arthur Street, Fort Erie

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**Whereas** an application was received from 2824116 Ontario Inc. (c/o Frank Deluca) on behalf of the Owner, Beth Henningham, to amend the Town's Comprehensive Zoning By-law 129-90, as amended, for the lands known municipally as 1023 Arthur Street, Fort Erie; and

**Whereas** a Public Meeting pursuant to Section 34(12) of the Planning Act, R.S.O. 1990, c. P.13 was held on October 7, 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-69-2024 considered and approved at the Council meeting held on November 4, 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 subject lands known municipally as 1023 Arthur Street, Fort Erie and shown on the attached Schedule "A" from "Neighborhood Development (ND) Zone" and "Environmental Conservation (EC) Overlay Zone" to "Residential Multiple 1 (RM1-809(H)) Zone", "Residential Multiple 2 (RM2-810(H)) Zone" and "Residential 1 (R1-811(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 – "Exception to the Residential Multiple 2 (RM2) Zone" the following exceptions:

#### **RM2-809(H) (118-2024) 1023 Arthur Street, Fort Erie**

These lands are zoned "Residential Multiple 2 (RM2-809(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 (RM2-809(H)) Zone" subject to the following special provisions:

- a) Notwithstanding the Regulations in Section 15.13, Regulations for Apartment Dwellings and Assisted Living House, as it relates to Minimum Lot Frontage, Minimum Lot Area, Minimum Side Yard and Minimum Rear Yard, the following shall apply to apartment dwellings:

i.	Minimum Lot Frontage	19.5 m
ii.	Minimum Lot Area	77.0 sq m / unit
iii.	Minimum Side Yard	10.0 m
iv.	Minimum Rear Yard	10.0 m

- 3. That** Comprehensive Zoning By-law 129-90, as amended, is further amended by adding to "Section 14 – Residential Multiple 1 (RM1) Zone", Subsection – "Exception to the Residential Multiple 1 (RM1) Zone" the following exceptions:

#### **RM1-810(H) (118-2024) 1023 Arthur Street, Fort Erie**

These lands are zoned "Residential Multiple 1 (RM1-810(H)) 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 (RM1-810(H)) Zone” subject to the following special provisions:

a) Notwithstanding the Regulations in Section 14.3, Zone Regulations, as it relates to Minimum Lot Area and Maximum Density, the following shall apply to street townhouse dwellings:

- i. Minimum Lot Area 189.0 sq. m
- ii. Maximum Density 45 units / ha

4. That Comprehensive Zoning By-law 129-90, as amended, is further amended by adding to “Section 10 – Residential 1 (R1) Zone”, Subsection – “Exception to the Residential 1 (R1) Zone” the following exceptions:

**R1-811(H) (118-2024) 1023 Arthur Street, Fort Erie**

These lands are zoned “Residential 1 (R1-811(H)) Zone”, and all of the provisions that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-811(H)) Zone” subject to the following special provisions:

a) Notwithstanding the Regulations in Section 10.3, Regulations for Dwellings, as it relates to Minimum Lot Frontage, the following shall apply:

- i. Minimum Lot Frontage 16.5 m

5. That pursuant to Section 36(1) of the Planning Act, the “H” Holding Symbol shall not be removed until such time as:

- i. The Applicant / Owner provides written confirmation from a Qualified Professional, as defined under the Oil, Gas and Salt Resources Act, that the proposed development is located greater than 75m from a private gas well. If the proposed development is within 75m of a private gas well, the applicant shall provide confirmation from the Ministry of Natural Resources and Forestry that the private gas well has been decommissioned, in accordance with Provincial standards, prior to any demolition, construction, grading or other soil disturbances occurring on the subject property, to the satisfaction of the Town and Niagara Region; and,
- ii. The Applicant / Owner submits and receives final approval of a Stage 2 Archaeological Assessment and subsequent Letter of Acknowledgment (Ministry of Citizenship and Multiculturalism), to the satisfaction of the Town and Niagara Region; and,
- iii. The Applicant / Owner submits and receives final approval of a Septic Tank Decommissioning Permit to the satisfaction of the Town and Niagara Region; and,
- iv. The Applicant / Owner confirms that sufficient sanitary capacity is available, to the satisfaction of the Town.

6. 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 18<sup>th</sup> day of November 2024.**

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Mayor

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Clerk



**By-law 118-2024**

**This is Schedule 'A' to By-law No. 129-90 approved on November 18, 2024**

Legend

-  Change from "Neighbourhood Development (ND) Zone" to "Residential Multiple 2 (RM2-809(H)) Zone"
-  Change from "Neighbourhood Development (ND) Zone" to "Residential Multiple 1 (RM1-810(H)) Zone"
-  Change from "Neighbourhood Development (ND) Zone" to "Residential 1 (R1-811(H)) Zone"