



The Corporation of the Town of Fort Erie By-law 140-2024

Being a By-law to Amend Zoning By-law 129-90, as amended, Marz Homes (Crystal Beach) Inc – Owner 412 Ridgeway Road

Whereas the Ontario Land Tribunal having issued its order dated October 4, 2024.

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

1. **That** Zoning By-law No.129-90, as amended, is further amended by adding to Section 14 - “Residential Multiple 1 (RM1) Zone” - “Exceptions to the Residential Multiple 1 (RM1) Zone” the following exceptions:

“CMU2-698 (144-2021) – Northeast Corner of Ridgeway Road and Ryan Avenue – 412 Ridgeway Road

These lands are zoned “Core Mixed Use 2 (CMU2-698) Zone”, and all of the provisions that relate to lands zoned “Core Mixed Use 2 (CMU2) Zone” by this by-law shall apply to those lands zoned “Core Mixed Use 2 (CMU2-698) Zone”, subject to the following special provisions:

- a) Notwithstanding the list of permitted uses in Section 26B.2, these lands may only be used for the following:

- Animal Hospital
- Bake shops
- Banks and Financial Institutions
- Brewer’s Retail Outlets
- Business or Professional Offices
- Building Supply and Sales
- Candy Kitchen
- Catering Establishment
- Clinics
- Commercial Schools
- Custom Brokers
- Day Nursery
- Dry Cleaning Outlets
- Eating Establishments
- Hotels
- Laundries and Laundromats
- LCBO Outlets
- Personal Service Shops
- Pharmacies
- Places of Entertainment, Recreation or Assembly
- Post Offices
- Printing Establishments
- Private parking lots
- Private or Commercial Clubs
- Public Libraries
- Public Parking Garages
- Public Parking Lots

Religious, Fraternal or Public Institutions
Retail Stores
Service Shops
Spa Services
Studios
Supermarkets
Taverns
Home occupations
Dwelling Units
Uses, buildings and structures accessory to any permitted commercial use

- b) Notwithstanding the “Zone Regulations” in Section 26B.3, the following special provisions shall apply:
- i. minimum front yard setback – 1.0 m
 - ii. minimum exterior side yard setback – 1.0 m
 - iii. building height as per paragraph c) herein
 - iv. minimum interior side yard setback adjacent to a residential zone – 1.5 m
- c) Building heights shall be regulated using a common point for reference in measurement. Heights will vary based on distance from the common or controlling reference point. (Refer to Schedule “F” of By-law 129-90 for general illustration details):
- Measured from the east limit of the Ridgeway Road Street allowance at property line for a distance perpendicular of 30 m
- i. Maximum Building Height – 4.5 storeys or 19.0 m
 - ii. Minimum Building Height – 2 storeys or 9.0 m
 - iii. All other lands beyond 30m – Maximum 3 storeys or 12.0 m
- d) Notwithstanding requirements Section 6.21(a) and (b), where a lot is used for a non-residential purpose or a residential development consisting of 3 or more dwelling units, and the interior side or rear lot line or portion thereof abuts a Residential zone, then a strip of land adjoining such abutting lot line, or portion thereof, shall be used for no other purpose than a planting strip with a width of 1.19 m.
- e) Notwithstanding requirements Section 6.21(a), a planting strip is not required between residential and non-residential zones where privacy fencing of not less than 1.8 m is erected.
- f) Notwithstanding requirements of 6.20(l) to the contrary, no part of any ingress/egress, driveway, drive aisle and parking space is permitted closer than 0.5 m from a residential zone.
- g) Notwithstanding requirements of Section 18.3(a), dwelling units are permitted to occupy a maximum of 66% of the ground floor area of buildings.
- h) Notwithstanding requirements of Section 18.3(e), a minimum area of 5.0 sq m shall be provided by way of private open-air balcony space directly adjoining a residential unit.

2. That By-law 144-2021, Section 2, is hereby amended by rescinding CMU2-698.

3. 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.

Passed this 20th day of December 2024.

Mayor

Clerk