



**The Municipal Corporation of the  
Town of Fort Erie  
BY-LAW NO. 152-04**

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**BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 129-90  
FOR THE CORPORATION OF THE TOWN OF FORT ERIE  
FOR ALL LANDS WITHIN THE TOWN OF FORT ERIE**

File No. 350309-0240

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**WHEREAS** By-law No. 129-90, being the Comprehensive Zoning By-law for the Town of Fort Erie was passed on May 28, 1990; and

**WHEREAS** since that time municipal staff have regularly compiled a record of proposed improvements to the Zoning By-law; and

**WHEREAS** The Council of the Town of Fort Erie deems it advisable to amend the Comprehensive Zoning By-law to provide more accurate text and to implement administrative improvements to the Zoning By-law; and

**WHEREAS** Section 34 Subsection 1 of the Planning Act R.S.O. 1990, c.P. 13 authorizes the Council of the Municipality to regulate the use of lands and the character, location and use of buildings and structures within the Municipality, and

**WHEREAS** Section 34, Subsection 12 requires the Municipality before the passing of a by-law under this section of the Act to ensure that sufficient information is made available to the public to generally understand the zoning proposal and to hold a public meeting; and

**WHEREAS** on August 9, 2004 the Council of the Town of Fort Erie held a Public Meeting after due advertisement of such in accordance with the provisions of the Planning Act and Regulations thereunder and the Council did not receive any submissions opposing the by-law;

**NOW THEREFORE** The Municipal Council of The Corporation of The Town of Fort Erie hereby enacts as follows:

1. **THAT** "Section 5 – DEFINITIONS" of Zoning By-law No. 129-90 is hereby amended by adding the new "Subsections 5.20.1, 5.51.1, 5.51.2, 5.62.1, 5.66.2, 5.74.1, 5.91.1, 5.121.1, 5.171.1, 5.207.1, 5.250.2, 5.250.3," attached hereto as "Schedule A-1".
2. **THAT** "Section 5 – DEFINITIONS" of Zoning By-law No. 129-90 is hereby amended by deleting "Subsections 5.105, 5.173 and 5.250.1" and replacing them with new "Subsection 5.105, 5.173 and 5.250.1" attached hereto as "Schedule A-2".

3. **THAT** "Section 6 – GENERAL PROVISIONS" of Zoning By-law No. 129-90 is hereby amended by deleting "Subsection 6.1(b)" and replacing it with the new "Subsection 6.1(b)" attached hereto as "Schedule A-3".
4. **THAT** "Section 6 – GENERAL PROVISIONS" of Zoning By-law No. 129-90 is hereby amended by deleting "Subsection 6.8(h)" and replacing it with the new "Subsection 6.8(h)" attached hereto as "Schedule A-4".
5. **THAT** "Section 6 – GENERAL PROVISIONS" of Zoning By-law No. 129-90 is hereby amended by deleting "Subsection 6.8(l)(iv)" and replacing it with the new "Subsection 6.8(l)(iv)" attached hereto as "Schedule A-5".
6. **THAT** "Section 6 – GENERAL PROVISIONS" of Zoning By-law No. 129-90 is hereby amended by deleting "Subsection 6.20(E)" and replacing it with the new "Subsection 6.20(E)" attached hereto as "Schedule A-6".
7. **THAT** "Section 6 – GENERAL PROVISIONS" of Zoning By-law No. 129-90 is hereby amended by deleting "Subsection 6.20(H)(iii)" and replacing it with the new "Subsection 6.20(H)(iii)" attached hereto as "Schedule A-7".
8. **THAT** "Section 6 – GENERAL PROVISIONS" of Zoning By-law No. 129-90 is hereby amended by deleting "Subsection 6.20(I)" and replacing it with the new "Subsection 6.20(I)" attached hereto as "Schedule A-8".
9. **THAT** "Section 6 – GENERAL PROVISIONS" of Zoning By-law No. 129-90 is hereby amended by deleting "Subsection 6.31" and replacing it with the new "Subsection 6.31" attached hereto as "Schedule A-9".
10. **THAT** "Section 9 – RURAL RESIDENTIAL (RR) ZONE" of Zoning By-law No. 129-90 is hereby amended by deleting it in its entirety and replacing it with the new "Section 9" attached hereto as "Schedule A-10".
11. **THAT** "Section 11 – RESIDENTIAL 2 (R2) ZONE" of Zoning By-law No. 129-90 is hereby amended by deleting Exception R2-38 in its entirety and replacing it with the new "Exception R2-38" attached hereto as "Schedule A-11".
12. **THAT** "Section 14 – MULTIPLE RESIDENTIAL 1 (RM1) ZONE" of Zoning By-law No. 129-90 is hereby amended by deleting it in its entirety and replacing it with the new "Section 14" attached hereto as "Schedule A-12".
13. **THAT** "Section 20 – GENERAL COMMERCIAL (C2) ZONE" of Zoning By-law No. 129-90 is hereby amended by deleting "Subsection 20.2(a)" and replacing it with the new "Subsection 20.2(a)" attached hereto as "Schedule A-13".
14. **THAT** "Section 21 – CENTRAL BUSINESS DISTRICT COMMERCIAL (C2A) ZONE" of Zoning By-law No. 129-90 is hereby amended by deleting "Subsection

21.2(a)” and replacing it with the new “Subsection 21.2(a)” attached hereto as “Schedule A-14”.

15. **THAT** “Schedule A” to Zoning By-law 129-90 is hereby amended by changing the zoning designation for lands located at 1062 Garrison Road, described as Part Lot 1 Concession 4 NR, from “Neighbourhood Development (ND) Zone” to “Highway Commercial (C3) Zone, in accordance with the mapping attached as “Schedule A-15”.
16. **THAT** “Schedule B” to Zoning By-law 129-90 is hereby amended by deleting it in its entirety and replacing it with the new “Schedule B” attached hereto as “Schedule A-16”
17. **THAT** as a result of the public circulation of the proposed By-law and the Public Meeting on August 9, 2004 on the proposed by-law, certain descriptive, grammatical and other changes were made to the By-law, and these changes along with all other previously proposed changes to the By-law are contained in the 16 schedules annexed hereto and made part of this By-law.
18. **THAT** Council determines pursuant to the provisions of Subsection 34(17) of the Planning Act that despite the changes mentioned in Section 17, and because of their minor nature, no further public notice and no further public meeting is required before the enactment of this by-law.
19. **THAT** the lands affected by Sections 1 through 18 inclusive are situated within the corporation limits of the Town of Fort Erie, in the Regional Municipality of Niagara.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16<sup>th</sup> DAY OF AUGUST 2004.**

  
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**MAYOR**

  
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**CLERK**

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 152-04 of the said Town. Given under my hand and the seal of the said Corporation this day of 2 .

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## SCHEDULE A-1 TO BY-LAW 152-04

- 5.20.1 **"BANQUET HALL"** A building or part of a building used for the purpose of entertaining a large group of people where food and beverages (either alcoholic or otherwise) are generally provided.
- 5.51.1 **"COMMUNICATION FACILITIES"** means a building or structure where communication-related activities such as newspaper production, television or radio broadcasting, wireless transmission, or internet facilities occur.
- 5.51.2 **"CONSERVATION OF PLANT AND WILDLIFE"** means land left in its natural state for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals and plant-life and includes a forest reserve.
- 5.62.1 **"CUSTOM BROKERS"** means an establishment primarily engaged in arranging transportation of freight between shippers and carriers, offering a combination of services spanning transportation modes.
- 5.66.2 **"DEPARTMENT STORE"** means a store organized into a number of individual departments selling a great variety of merchandise including men's and women's clothing and home furnishings.
- 5.74.1 **"DUNE STABILIZATION"** means the action of planting on sand dunes with grasses or other native plants for the purpose of maintaining the structure of the dune.
- 5.91.1 **"FINANCIAL INSTITUTION"** means A building or premises used by a bank, credit union, trust company, finance company, mortgage company or investment company.
- 5.121.1 **"HOSPICE"** means a facility that provides palliative care and attends to the emotional and spiritual needs of terminally ill patients.
- 5.171.1 **"OPEN STORAGE"** means the storage of goods or materials in a yard, which goods are used by or produced by a permitted use and shall include the parking of more than one commercial vehicle or vehicle trailer for a period of more than 24 hours on any one lot.
- 5.207.1 **"RELIGIOUS INSTITUTION", SEE "PLACE OF WORSHIP"**
- 5.250.2 **"THEATRE"** means a building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.
- 5.250.3 **"TILLABLE ACRES"** means the total area of land including pasture that can be worked or cultivated.

## SCHEDULE A-2 TO BY-LAW 152-04

- 5.105** "GARAGE, PUBLIC PARKING" means a building, other than a private or neighbourhood garage, which is used for the sheltering of motor vehicles.
- 5.173** "OUTDOOR PATIO" means an outdoor area adjacent to or in any way associated with an eating establishment or tavern to be used or designed as an area for the sale and service of any alcoholic or other beverage or any food outdoors by that eating establishment or tavern.
- 5.250.1** "TAXI ESTABLISHMENT" means a building or premises where a taxi company receives calls and dispatches vehicles.

### **SCHEDULE A-3 TO BY-LAW 152-04**

- 6.1(b)** Except as otherwise provided herein, in a Residential Zone any accessory building or structure which is not part of the main building shall be erected in the rear yard or side yard only, and shall not be located closer to any rear lot line or side lot line than 1.0m or closer to any street than the required yard therefrom for dwellings, except that a detached garage or carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line. Eaves and gutters may project a maximum of 0.25m into the required yard.

## SCHEDULE A-4 TO BY-LAW 152-04

6.8(h)

### PERMITTED USES

Only the following uses are permitted as home occupations in an approved zone:

- personal service shop
- professional office
- business office
- home office of a tradesman performing work off-site
- bed and breakfast establishment
- hair salon
- esthetician
- caterer's establishment, provided there is compliance with all local and Regional requirements
- carpentry and woodworking
- retail sale of goods manufactured on-site, including plant material
- manicures and pedicures
- massages performed by a Registered Massage Therapist duly licensed by the Province
- pet grooming
- music instruction

## **SCHEDULE A-5 TO BY-LAW 152-04**

- 6.8(I)(iv)** Bed & Breakfast Establishments shall also be permitted as a home occupation in an existing single detached dwelling located in a "General Commercial C2 Zone", "Central Business District Commercial C2A Zone", "Highway Commercial C3 Zone", "Recreational Commercial C5 Zone" and a "Rural Commercial C7 Zone".



## **SCHEDULE A-6 TO BY-LAW 152-04**

### **6.20(E) ILLUMINATION**

Where parking areas are illuminated, lighting fixtures shall be arranged, designed and installed so that the light is directed downward and deflected away from adjacent lots and travelled public streets.

**SCHEDULE A-7 TO BY-LAW 152-04**

- 6.20(H)(iii)** No commercial motor vehicle of greater than one tonne maximum capacity and/or no bus used as a commercial motor vehicle designed for carrying 10 or more passengers and used for the transportation of persons, shall be parked or stored in a Residential Zone.

## SCHEDULE A-8 TO BY-LAW 152-04

### 6.20(I) PARKING AREA LOCATION ON LOT

Notwithstanding the yard provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards as follows:

ZONE	YARD IN WHICH REQUIRED PARKING AREA PERMITTED
R1, R2, R3, A, RU, RR, ER	All yards provided that no part of any area, other than a driveway, is located closer than 0.9 m to any street line and provided further that a parking area, other than a driveway, for a residential use containing 3 or more dwelling units is located in the rear yard only.
RM1, RM2	All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 m to any street line and any lot line.
C1, C2, C2A, C3, C4, C5, C6, C7, I, OS, P	All yards provided that no part of any parking area, other than a point of ingress/egress, is located closer than 3.0 m to any street line or to any residential zone.
IN, DI, PI	All yards, provided that no part of any parking area, other than a point of ingress/egress, is located closer than 4.5 m to any street line or to any residential zone.

## **SCHEDULE A-9 TO BY-LAW 152-04**

### **6.31 SIGHT TRIANGLES/DAYLIGHTING TRIANGLES**

On a corner lot within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9.0 m measured along the street line from the point of intersection of the street lines, no sign, fence, landscaping, building or structure shall be greater than .7 m in height above the elevation of the ground at the street line regardless of whether or not any such landscaping materials form part of a required planting strip. Such triangular space may hereinafter be called a daylighting triangle.

Where the 2 street lines do not intersect at a point, the point of the intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

Notwithstanding these requirements, the sight/daylighting triangle provisions of any legislation or regulation of the Region of Niagara and the Province of Ontario shall apply along all Regional and Provincial Roads.

## SCHEDULE A-10 TO BY-LAW 152-04

### SECTION 9 – RURAL RESIDENTIAL (RR) ZONE

9.1 Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this Section shall apply to all Rural Residential (RR) Zones.

#### 9.2 PERMITTED USES

- (a) One single detached dwelling on one lot, and one accessory apartment dwelling.
- (b) Home occupations.
- (c) Uses, buildings and structures accessory thereto.

#### 9.3 REGULATIONS FOR DWELLINGS

Minimum Lot Frontage	50m
Minimum Lot Area	4000 sq. m.
Maximum Lot Coverage	10 percent
Minimum Front Yard	7.5m
Minimum Interior Side Yard	3m
Minimum Exterior Side Yard	7.5m
Minimum Rear Yard	10m
Maximum Height of Building	2.5 storeys
Minimum Floor Area for Dwelling	100 sq. m.

### EXCEPTIONS TO THE RURAL RESIDENTIAL (RR) ZONE

#### **RR-163 (209-1996) 3236 Snyder Street**

These lands are zoned “Rural Residential RR-163 Zone” and all of the provisions that relate to lands zoned “Rural Residential RR Zone” by that by-law shall apply to those lands zoned “Rural Residential RR-163 Zone” except that notwithstanding the requirements of Subsection 9.3, the minimum lot frontage shall not be less than 45.7 metres and the minimum lot area shall not be less than .4 hectares.

#### **RR-206 (4-1999) 3609 Netherby Road**

These lands are zoned “Rural Residential RR-206 Zone” and all of the provisions that relate to lands zoned “Rural Residential (RR) Zone” by this By-law shall apply to those lands zoned “Rural Residential RR-206 Zone” except:

- (a) that notwithstanding the requirements of Subsection 9.3 the minimum lot frontage shall not be less than 40 metres;
- (b) that notwithstanding the requirements of Subsection 9.3, the minimum lot area shall not be less than .4 hectares.

**RR-221 (9-2000) 2846 Ozark Trail**

These lands are zoned "Rural Residential RR-221 Zone" and all of the provisions that relate to lands zoned "Rural Residential RR Zone" by this By-law shall apply to those lands zoned "Rural Residential RR-221 Zone" except that notwithstanding the requirements of Subsection 6.1, the maximum building height for the existing accessory building shall not be more than 2 storeys or 4.7 metres whichever is the greater.

**RR-240 (103-2001) Dominion Road, south side, east of Rosehill Road**

These lands are zoned "Rural Residential RR-240 Zone" and all the provisions that relate to lands zoned "Rural Residential RR Zone" by this by-law shall apply to those lands zoned "Rural RR-240 Zone" on Schedule A except:

- (a) that notwithstanding the requirements of Subsection 9.3 the minimum lot frontage shall not be less than 45.7 metres." and
- (b) that notwithstanding the requirements of Subsection 9.3 the minimum lot area shall not be less than .4 hectares.

**SCHEDULE A-11 TO BY-LAW 152-04**

**R2-38 (129-1990) 240 Jarvis Street**

Nothing shall prevent the use of the lands indicated as R2-38 on Schedule "A" for professional offices, business offices and uses, buildings and structures accessory thereto.

## SCHEDULE A-12 TO BY-LAW 152-04

### SECTION 14 - RESIDENTIAL MULTIPLE 1 (RM1) ZONE

14.1 Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Residential (RM1) Zones.

#### 14.2 PERMITTED USES

- (a) Single detached dwellings
- (b) Semi-detached dwellings
- (c) Duplexes
- (d) Street townhouse dwellings
- (e) Block townhouse dwellings
- (f) Residential uses existing at the date of passing of this by-law
- (g) Uses, buildings and structures accessory to the foregoing permitted uses

#### 14.3 ZONE REGULATIONS

Minimum Lot Frontage	50m, except 6m for street townhouse lots and 9m for street townhouse corner lots
Minimum Lot Area	4000 sq.m, except 200 sq.m for a street townhouse lot and 270 sq.m for a street townhouse corner lot
Minimum Front Yard	6.7m
Minimum Side Yard	3m
Minimum Exterior Side Yard	6.7m
Minimum Rear Yard	7.5m
Maximum Building Height	9m
Minimum Ground Floor Area for Dwellings	(i) one storey 88 sq.m (ii) two storeys 45 sq.m
Minimum Landscaped Area	50% including Privacy Areas, except 25% for street townhouse lots
Planting Strip	A planting strip 1.5m in width shall be provided where the boundary of an RM1 zone abuts an R1, R2 or R3 zone
Maximum Number of Units in a row	8
Minimum Distance Between Buildings on the Same Lot	15m, except 3m between end walls and 9m between an end wall and a rear wall
Maximum Density	35 units/ha
Maximum Lot Coverage	40%
Privacy Area	Notwithstanding the yard requirements above,



	every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.5m
Distance from building to internal driveways and parking areas	Any front or rear face of any townhouse shall be no closer than 3m to an internal driveway or parking area, and any side of any townhouse shall be no closer than 1.5m to an internal driveway or parking area
Planting Strips	A planting strip having a minimum width of 1.5m shall be provided and thereafter maintained where the lot line of any lot abuts a residential zone, and 4.5m where it abuts a street, except for points of ingress/egress
Driveway Location	No driveway shall be located closer than 3 metres to any lot line abutting any Residential Zone, except this regulation shall not apply to prevent the use of a jointly owned driveway which serves two townhouse dwellings on adjoining lots
Parking Area Location	No parking area shall be located closer than 3.0 metres to any lot line abutting any Residential Zone, except that this regulation shall not apply to prevent the use of a jointly owned parking area which serves two townhouse dwellings on adjoining lots

**14.4 ZONE REGULATIONS FOR SINGLE DETACHED DWELLINGS NOT LOCATED ON THE SAME LOT AS A TOWNHOUSING DEVELOPMENT**

The regulations of Section 11.3 shall apply.

**14.5 ZONE REGULATIONS FOR SEMI-DETACHED DWELLINGS NOT LOCATED ON THE SAME LOT AS A TOWNHOUSING DEVELOPMENT**

The regulations of Section 13.4 shall apply.

**14.6 ZONE REGULATIONS FOR DUPLEX DWELLINGS NOT LOCATED ON THE SAME LOT AS A TOWNHOUSING DEVELOPMENT**

The regulations of Section 13.5 shall apply.

**EXCEPTIONS TO THE RESIDENTIAL MULTIPLE 1 (RM1) ZONE**

**RM1-66 (190-1992) 630 Albert Street**

These lands are zoned "Residential Multiple 1 RM1-66 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 RM1-66 Zone" except:

- (a) that the total number of dwelling units on this site be no greater than 22 units, and;
- (b) that notwithstanding the requirements of Subsection 14.3 - Minimum Side Yard, the minimum side yard for the one storey townhouse dwelling units shall not be less than 1.524 metres and the minimum side yard abutting an internal roadway for the 2 storey townhouse dwelling units shall not be less than 1.524 metres, and;
- (c) that notwithstanding the requirements of Schedule D to By-law 129-90 (Geometric Design Standard for Parking), the minimum aisle width for internal drives shall not be less than 6.7 metres, and;
- (d) that notwithstanding the requirements of Subsection 14.3 (Minimum Side Yard) and Subsection 14.3 (Minimum Rear Yard), screened porches shall be permitted to extend from the rear face of each townhouse dwelling unit a maximum distance of 3.048 metres.

**RM1-67 (205-1992) Dominion Road, south side @ Bardol Avenue**

These lands are zoned "Residential Multiple 1 RM1-67 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 RM1-67 Zone" except:

- (a) that notwithstanding the requirements of Subsection 14.3, the maximum density shall not be greater than 26.9 dwelling units per hectare, and;
- (b) that notwithstanding the requirements of Schedule D to By-law 129-90 (Geometric Design Standard for Parking), the minimum aisle width for internal driveways shall not be less than 6.7 metres.

**RM1(H)-211 (153-1999) River Trail, north side, east of Black Creek Road**

These lands are zoned "Residential Multiple 1 RM1(H)-211 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(H)-211 Zone". Once the Holding has been removed after the owner has finalized the site plan agreement, the development of these lands shall comply with all the provisions that relate to lands zoned "Residential Multiple 1 RM1 Zone" subject to the following special provisions:

- a) That notwithstanding the permitted uses set out in Subsection 14.2 (Permitted Uses) these lands may be used for not more than 12 block condominium townhouse dwellings.
- b) Minimum lot frontage - 20.5 m;
- c) Minimum lot area - 6,600 sq. m;
- d) Maximum density 18.2 dwelling unit/ha;
- e) Maximum building height - 1 storey;
- f) Minimum landscaped area - 56%;
- g) Minimum distance between driving lane abutting residential zone - 1.5 m;
- h) Minimum number of parking spaces - 18.

**RM1(H)-260 (129-1990) Ridge Road North, east side, north of Dominion Road**

Nothing shall prevent the use of the lands indicated as RM1(H)-260 on Schedule A for the purpose of permitting not more than 19 block townhouse dwelling units and 2 single detached dwelling units and the following special regulations shall apply thereto:

- (a) Maximum number of dwelling units 19 block townhouse units, 2 single detached dwelling units.
- (b) Minimum parking requirements 1.5 spaces/dwelling unit.
- (c) Minimum rear yard setback 40 feet (12.2 metres).
- (d) Minimum side yard setback for block townhouse dwellings 20 feet (6.1 metres) - northerly  
34 feet (10.3 metres) - southerly  
20 feet (6.1 metres) - westerly
- (e) Maximum lot coverage 17%
- (f) Minimum lot area 2.5 acres (1.02 hectares).
- (g) Minimum lot frontage 72 feet (21.9 metres).
- (h) Maximum building height 2 storeys
- (i) Minimum floor area 1,400 sq. ft. (130 sq. m).
- (j) Any side of any block townhouse dwelling shall be no closer than 14 feet (4.2 metres) to any side of another block townhouse dwelling.
- (k) Minimum side yard setback for single detached dwelling units. 8 feet (2.4 metres).
- (l) Minimum front yard setback 24.6 feet (7.5 metres).

**RM1-263 (49-1992) Farr Avenue, south side, west of Ridge Road**

These lands are zoned "Residential Multiple 1 RM1-5 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 RM1-263 Zone" except :

- (a) that notwithstanding the requirements of Subsection 14.3, the maximum number of dwelling units shall not be more than 23 dwelling units.

**RM1-273 (139-1992) Ridge Road South, east side, south of Brunswick Avenue**

These lands are zoned "Residential Multiple 1 RM1-17 Zone" and all of the provisions of By-law 129-90 as amended that relate to lands zoned "Residential Multiple 1 RM1 Zone" by this by-law shall apply to those lands zoned "Residential Multiple 1 RM1-17 Zone" except that:

- (a) notwithstanding the requirements of Subsection 14.2 - Permitted Uses, these lands shall only be used for block townhouse dwellings with attached garages and uses, buildings and structures accessory to the foregoing permitted use;
- (b) notwithstanding the requirements of Subsection 13.4, the minimum lot frontage shall not be less than 20.26 metres;
- (c) notwithstanding the requirements of Subsection 14.3, the maximum density shall not be greater than 21 dwelling units;
- (d) notwithstanding the requirements of Subsection 14.3, the northerly side yard shall not be less than 10.66 metres, the minimum southerly side yard shall not be less than 10.66 metres, the minimum westerly side yard shall not be less than 6.09 metres;

- (e) notwithstanding the requirements of Subsection 14.3, the minimum rear yard shall not be less than 10.66 metres;
- (f) notwithstanding the requirements of Subsection 13.4, the maximum building height shall not be greater than 2 storeys;
- (g) notwithstanding the requirements of Subsection 14.3, the minimum floor area per dwelling unit shall not be less than 111.4 square metres;
- (h) notwithstanding the requirements of Subsection 6.20 (A)(a) - Residential, the minimum number of parking spaces shall not be less than 42.

**RM1-289(H) (106-2002) Albert Street, east side, north of Albany Street**

These lands are zoned "Residential Multiple 1 Holding RM1-289(H) Zone" and all of the provisions of By-law 129-90 as amended that relate to lands zoned "Residential Multiple 1 RM1 Zone" shall apply to those lands zoned "Residential Multiple 1 Holding RM1(H)-289 Zone". Once the Holding provision has been removed after the owner has entered into a site plan agreement with the Town these lands shall comply with all the provisions of By-law 129-90 as amended that relate to lands zoned "Residential Multiple 1 RM1 Zone" by that by-law except:

- a) Notwithstanding the provisions of Subsection 14.3 the maximum density shall not be more than 24 dwelling units.
- b) Notwithstanding the provisions of Subsection 14.3 the minimum rear yard shall not be less than 7.5 metres except where an end wall of a townhouse unit abuts the rear lot line the minimum rear yard shall not be less than 3 metres.
- c) Notwithstanding the provisions of Subsection 14.3 any side of any townhouse on the same lot shall not be closer than 3 metres to any side of another townhouse on the same lot.
- d) Notwithstanding the provisions of Subsection 6.20(I) a parking area that abuts a rear lot line shall not be closer than 1.5 metres to the rear lot line.

**RM1-312 (243-2002, 1-04) Disher Street, north side, west of Ridge Road North**

These lands are zoned "Residential Multiple 1 RM1-312 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 RM1-312 Zone" except:

- (a) that notwithstanding the requirements of Subsection 14.3, the minimum front yard shall not be less than 6.7m abutting a public street and 4.5m abutting an internal driveway. Where a front wall of a garage with an overhead door faces an internal driveway, the minimum front yard shall not be less than 6.5m, and;

- (b) That notwithstanding the requirements of Subsection 14.3, the minimum side yard shall not be less than 6.7m abutting a public street or side lot line, and 1.5m abutting an internal driveway where an end wall of a unit abuts the internal driveway, and;
- (c) That notwithstanding the requirements of Subsection 14.3, the minimum rear yard shall not be less than 6.0m except than where an end wall of a unit abuts a rear lot line the setback shall not be less than 1.1m, and;
- (d) That notwithstanding the requirements of Subsection 14.3, the minimum distance between the side of one townhouse and the side of another townhouse shall not be less than 5.3m, and;
- (e) That notwithstanding the requirements of Subsection 14.3, a planting strip of not less than 1.1m in width shall be provided along the rear lot line where an end wall of a unit abuts the rear lot line, and;
- (f) That the total number of townhouse units permitted on the subject lands shall not exceed twenty-four (24).

**RM1-324 (H) (By-law 89-04 passed May 25, 2004)**

**VILLAGE CREEK ESTATES, WEST MAIN STREET, STEVENSVILLE**

These lands are zoned Residential Multiple 1 Holding RM1-324 (H) and all of the provisions of By-law 129-90 as amended that relate to lands zoned Residential Multiple 1 (RM1) Zone by this by-law shall apply to those lands zoned Residential Multiple 1 Holding RM1-324 (H) Zone on Schedule A subject to the following special provisions:

- a) Permitted Uses
  - Single Detached Dwellings with attached garage
  - Street Townhouse Dwellings with attached garages
  - Uses, buildings and structures accessory to the foregoing permitted uses
  - Home occupations
- b) Minimum Lot Frontage
  - Single Detached Dwellings
    - 15 m for an interior Lot
    - 17 m for a Corner Lot
  - Street Townhouses
    - 6 m for an Interior Lot
    - 9 m for a Corner Lot
- c) Minimum Lot Area
  - 450 m<sup>2</sup> Single detached dwellings
  - 200m<sup>2</sup> Street townhouse dwellings
- d) Minimum Front Yard - 6.0 metres
- e) Minimum Side Yard
  - Single Detached Dwellings
    - 1 m for a one-storey dwelling
    - 1.5 m for anything above one-story dwelling

Street Townhouses

-2 m for an end unit and common walls maybe centred on a lot line

- f) Minimum Rear Yard - 30 metres
- g) Maximum Building Height - 2.5 Storeys
- h) Minimum Landscaped Area - 25% of the total lot area
- i) Maximum Number of Attached Units - 6
- j) Minimum Distance Between Buildings - 4 metres
- k) Maximum Lot Coverage - 50%
- l) Maximum Floor Area for Dwellings – 102 m<sup>2</sup>
- m) The following provisions of the Residential Multiple 1 (RM1) Zone, Section 14.3 Zone Regulations shall not apply:
  - Maximum Density
  - Privacy Area
  - Distance from building to internal driveways and parking areas
  - Planting Strips
  - Driveway Location
  - Parking Area Location

## SCHEDULE A-13 TO BY-LAW 152-04

### 20.2 PERMITTED USES

#### COMMERCIAL USES

- Animal hospitals in wholly enclosed buildings
- Automobile Service Stations
- Car washes
- Bake shops
- Banks and Financial Institutions
- Brewers' Retail outlets
- Building supply sales
- Business or professional offices
- Candy kitchens
- Clinics
- Commercial schools
- Custom brokers
- Custom workshops
- Day Nursery
  - Department stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden centres
- Hotels
- Laundries and Laundromats
- Liquor Control Board of Ontario outlets
- Motels
- Motor Vehicle Repair Shops
- Personal service shops
- Pharmacies
- Places of entertainment or recreation or assembly
- Post offices
- Printing establishments
- Private or commercial clubs
- Public Libraries
- Public parking garages
- Public parking lots
- Public transportation depots including bus stations and rail stations
- Religious, fraternal or public institutions
- Retail stores
- Service shops
- Studios
- Supermarkets
- Taverns
- Taxi establishments
- Undertaking establishments
- Vehicle sales and rental establishments
- Video Outlet Sales and Rental Establishments

## SCHEDULE A-14 TO BY-LAW 152-04

### 21.2

#### PERMITTED USES

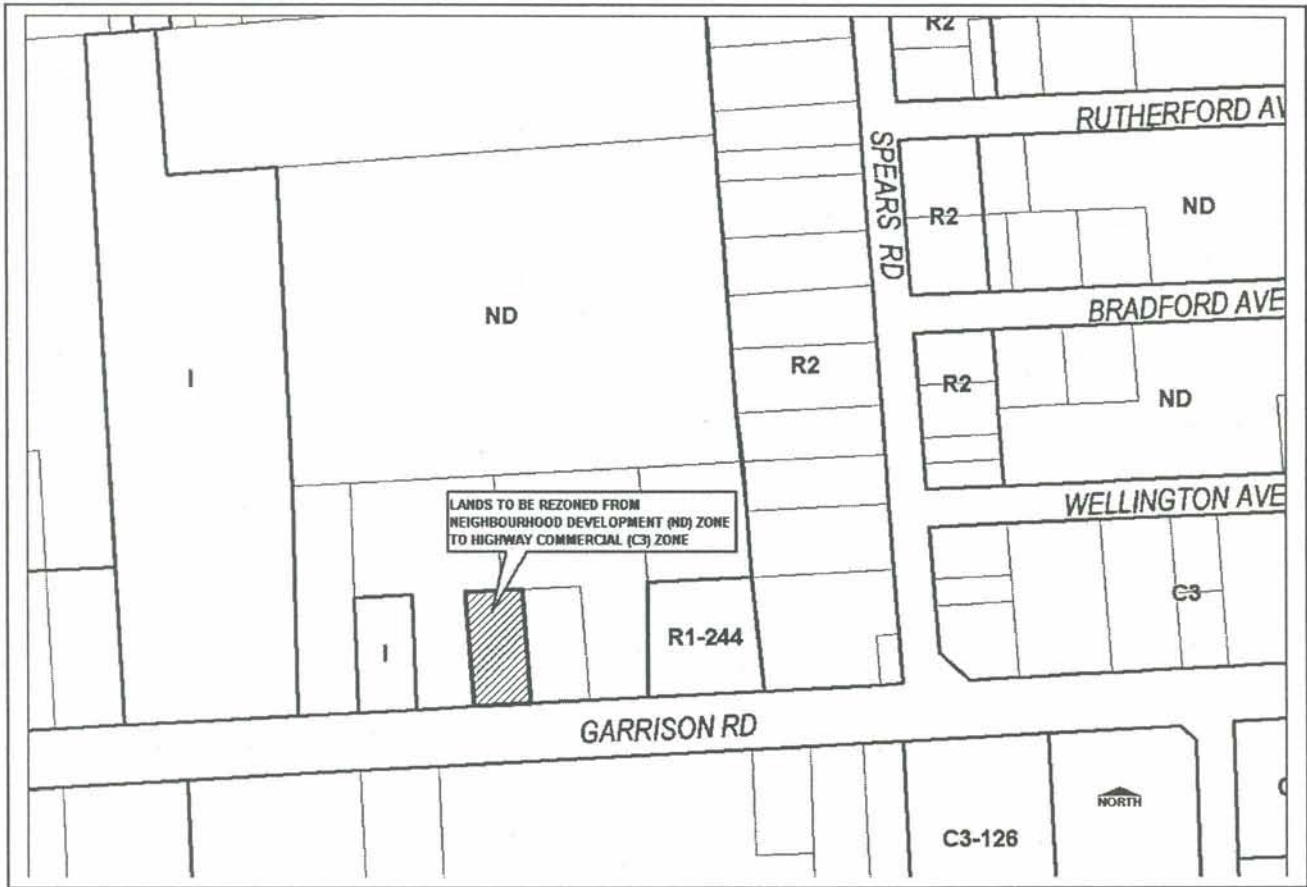
##### (a)

#### COMMERCIAL USES

- Animal hospitals in wholly enclosed buildings
- Automobile Service Stations
- Bake shops
- Banks and Financial Institutions
- Brewers' Retail outlets
- Building supply sales
- Business or professional offices
- Candy kitchens
- Clinics
- Commercial schools
- Custom brokers
- Custom workshops
- Day Nursery
- Department stores
- Dry Cleaning Outlets
- Eating Establishments
- Garden centres
- Hotels
- Laundries and Laundromats
- Liquor Control Board of Ontario outlets
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- Retail stores
- Service shops
- Studios
- Supermarkets
- Taverns
- Taxi establishments
- Undertaking establishments
- Vehicle sales and rental establishments
- Video Outlet Sales and Rental Establishments



SCHEDULE A-15 TO BY-LAW 152-04



**SCHEDULE A-16 TO BY-LAW 152-04**

**SCHEDULE 'B' – ROAD ALLOWANCE REQUIREMENTS**

The following table illustrates the ultimate road allowance requirements for Provincial Highways, Regional Roads and Municipal Collector Roads within the Town of Fort Erie

<b>ROAD ALLOWANCE REQUIREMENTS</b>	
<b>PUBLIC HIGHWAY OR ROAD</b>	<b>DISTANCE FROM CENTRELINE OF HIGHWAY OR ROAD</b>
Provincial Highways #3 and QEW	as required by Provincial Policy
Regional Niagara Roads	as required by Regional Policy
Municipal Collector Roads	Minimum 11.5m
Albany St. – from Helena St. to Garrison Rd. Bernard Ave. – from Thunder Bay Rd. to Garrison Rd. Bertie St. – from Thompson Rd. to Niagara River Pkwy. Concession Rd. – from Garrison Rd. to Gilmore Rd. Daytona Dr. – From Dominion Rd. to Garrison Rd. Derby Rd. – from Erie Rd. to Farr Ave. Erie Rd. – from Point Abino Rd. to Ridgeway Rd. Gilmore Rd. – from Sunset Dr. to Pettit Rd. King St. – from Albany St. to Garrison Rd. Main St. – from Ott Rd. to Winger Rd. Michener Rd. – from Holloway Bay Rd. to Point Abino Rd. Nigh Rd. – from Garrison Rd. to Rosehill Rd. Pettit Rd. – from Garrison Rd. to Bowen Rd. Phillips St. – from Buffalo Rd. to Crescent Rd. Point Abino Rd. – from Erie Rd. to Michener Rd. Rebstock Rd. – Schooley Rd. to Ridge Rd. S. Ridge Rd. – from Brunswick Ave. to Bowen Rd. Ridgemount Rd. – from Garrison Rd. to Bowen Rd. Ridgeway Rd. – from Erie Rd. to Farr Ave. Rosehill Rd. – from Dominion Rd. to Garrison Rd. Schooley Rd. – from Erie Rd. to Michener Rd. Stonemill Rd. – from Dominion Rd. to Garrison Rd. Sunset Dr. – from Garrison Rd. to Bowen Rd. Washington Rd. – from Dominion Rd. to Helena St. Winger Rd. – from Bowen Rd. to Netherby Rd.	