



The Corporation of the Town of Fort Erie
By-law 36-2024

**Being a By-law to Amend Zoning By-law 129-90, as amended, 059 M5V Inc.
(Sherard McQueen) - Owner 0-15850 Rebstock Road**

Whereas an application has been received by M5V Inc. to amend the Fort Erie Comprehensive Zoning By-law 129-90 as amended by By-law 2010-059 for the lands shown on Appendix 1 situated on the north side of Rebstock Road, east of Crystal Ridge Park, and consists of Part of Lots 23 and 24, Broken Front Concession Lake Erie in the Town of Fort Erie, Regional Municipality of Niagara, being Part 2, Reference Plan 59R-4492; and

Whereas the Council of the Town of Fort Erie denied the application to amend the Zoning By-law; and

Whereas M5V Inc. appealed the decision of Council to the Ontario Land Tribunal; and

Whereas the Ontario Land Tribunal having issued its order dated February 8, 2024.

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

1. **That** Schedule “A” of By-law 129-90, as amended, is hereby further amended by changing the zoning from “Neighbourhood Development ND Zone” to “Residential Multiple 1 (RM1-793) Zone” shown and described on Schedule “A” attached hereto.
2. **That** By-Law 129-90, Section 14 – RM1 Zone is hereby amended by adding the following, in sequential order, to EXCEPTIONS TO THE RESIDENTIAL MULTIPLE 1 (RM1) ZONE:

“RM1-793 (36-2024) 0-15850 Rebstock Road (east of Crystal Ridge Park)

These lands zoned Residential Multiple 1 (RM1-793), and all of the provisions of By-law 129-90, as amended, that relate to the lands zoned Residential Multiple 1 (RM1-793) Zone by this by-law, shall apply subject to the following special provisions:

- a) Notwithstanding the Definitions of Section 5.193 of By-law No. 129-90, as amended, for the purposes of applying this By-law, all of the lands Zoned Residential Multiple 1 (RM1-793) on Schedule 'A' shall be considered to be one whole lot.
- b) Notwithstanding the list of Permitted Uses in Section 14.2, these lands may only be used for the following:
 - i. Block townhouse dwellings;
 - ii. Block Back-to-Back townhouse dwellings; and
 - iii. Uses, buildings and structures accessory to the foregoing permitted uses.
- c) Notwithstanding the Zone Regulations in Section 14.3, the following regulations shall apply:
 - i. Minimum Lot Frontage – 27.6 metres
 - ii. Minimum Lot Area – 167 square metres per dwelling unit
 - iii. Minimum Rear Yard – 6.3 metres
 - iv. Maximum Building Height – 2.5 stories or 11 metres, whichever is greater
 - v. Minimum Landscaped Area – 25 %
 - vi. Maximum Number of Dwelling Units – 90

- vii. Maximum Density – 61 units per hectare
- viii. Privacy Area for Block Townhouse Dwellings – Notwithstanding the yard requirements, every Block Townhouse Dwelling Unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 5.0 metres
- ix. Privacy Area for Block Back-to-Back Townhouse Dwellings – None required
- x. Distance from building to internal driveways, and parking areas:
 - Any front or rear face of any dwelling shall be no closer than 3 m to any private street.
 - Any side of any townhouse shall be no closer than 1.5 m to an internal driveway or parking area.
 - Any garage shall be no closer than 5.4 m to any private street.
- d) Section 14.8 – Deleted
- e) Notwithstanding the Parking Area Regulations in Section 6.20 (A), (D) and (J), the following regulations shall apply to lands zoned RM1-793:
 - i. 1 parking space per dwelling unit and 0.25 visitor parking spaces per dwelling unit;
 - ii. Minimum number of parking spaces – 113
 - iii. Minimum width of two-way drive aisle – 6 metres
 - iv. Parking stall length – Minimum 5.4 metres
- f) Notwithstanding the Landscaping and Planting Strip Regulations in Section 6.21 (b), the following regulations shall apply to lands zoned RM1-793:
- g) Minimum planting strip width – 2.3 metres and 1.0 metres along the north lot line.”
- 3. **That** Section 5 – Definitions of By-law 129-90, as amended, is further amended by amending 5.102 by adding the following in alphabetical order and resequencing the balance of 5.102 as letters (d) to (o):
 - (c) **“DWELLING, BLOCK BACK-TO-BACK TOWNHOUSE”** means a dwelling containing three or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and being divided vertically from each other by a common wall and sharing a common rear wall with one or more units, the said dwelling being located on a single lot being held and maintained under one ownership or under condominium ownership pursuant to the Condominium Act, 1998, as amended, or any successor legislation.
- 4. **That** By-law 59-10, is hereby rescinded.
- 5. **That** By-law 144-2021, Section 2, is hereby amended by rescinding RM1-684.
- 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.

Passed this 8th day of February 2024.

Mayor

Clerk

SCHEDULE "A"

