



The Corporation of the Town of Fort Erie
By-law 50-2024

Being a By-law to Amend Zoning By-law 129-90, as amended
0-13365 Pettit Road
2794857 Ontario Inc. (KRS Holdings Fort Erie) – Owner

Whereas an application was received from 2794857 Ontario Inc. (KRS Holdings Fort Erie) to amend the Town’s Comprehensive Zoning By-law 129-90, as amended, for the lands known municipally as 0-13365 Pettit 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 March 8, 2021; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law 129-90, as amended, pursuant to the decision issued by the Ontario Land Tribunal on XXX (Ontario Land Tribunal Case No. OLT-23-000275); and

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 further amended by changing the zoning of the lands known municipally as 0-13365 Pettit Road and shown on the attached Schedule “A” from “Highway Commercial (C3-173(H)) Zone” to a site specific “Highway Commercial Holding (C3-758(H)) Zone”.

2. **That** Section 5 of By-law 129-90, as amended, is further amended by adding thereto the following:

“**CARD LOCK COMMERCIAL REFUELING STATION**” means an establishment accessed by a secure code or similar means where vehicle fuels and lubricants are offered for retail sale primarily for commercial vehicles such as transport trucks, but does not include a gasoline bar.”

3. **That** By-law 129-90, as amended, is further amended by adding to “Section 22 – Highway Commercial (C3) Zone” Subsection – “Exceptions to the Highway Commercial (C3) Zone” the following exceptions:

“**C3-758 (50-2024)** 0-13365 Pettit Road

These lands are zoned “Highway Commercial Holding C3-758(H) Zone”. Once the (H) has been removed by Council after the lands have been serviced to the satisfaction of the Municipality and the owner has entered into a site plan agreement, the development of this property shall comply with all of the provisions of the “Highway Commercial C3 Zone”, except:

- (a) that in addition to the permitted uses set out in Subsection 22.2 - Permitted Uses, these lands may also be used for a convenience retail store, card lock commercial refuelling station, commercial refuelling station, automobile service station, gasoline bar, and buildings and structures accessory thereto;
- (b) that notwithstanding the requirements of Subsection 6.20 (D) (ii), the maximum width of any joint ingress and egress driveway measured along the street line shall be 24.0 m.
- (c) that notwithstanding the requirements of Subsection 22.3, the minimum side yard

setback abutting a public street shall be 3.0 m.

- 4. **That** pursuant to Section 36(1) of the *Planning Act*, the “H” Holding Symbol shall be removed upon proof of adequate servicing capacity for the subject lands and upon the Owner entering into a site plan agreement, to the satisfaction of the Town.
- 5. **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 16th day of April 2024.

Mayor

Clerk