



The Corporation of the Town of Fort Erie By-law 20-2025

Being a By-law to Amend Zoning By-law No. 129-90, as amended Spears Garden Subdivision

Whereas an application was received from William Heikoop of Upper Canada Consultants on behalf of the Owner, Yiliming International Real Estate Limited, to amend the Town's Comprehensive Zoning By-law 129-90, as amended, for the lands known as the Spears Garden Subdivision; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act, R.S.O. 1990, c. P.13* was held on February 24, 2025; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law 129-90, as amended, pursuant to the recommendations of Report PBBS-15-2025 considered and approved at the Council meeting held on February 24, 2025; and

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 as the Spears Garden Subdivision and shown on the attached Schedule "A" from "Residential 2 (R2-525) Zone" and "Residential Multiple 1 (RM1-526) Zone" to a further amended "Residential 2 (R2-525) Zone" and "Residential Multiple 1 (RM1-526) Zone" and "Open Space (OS-813) Zone".
2. **That** Section 11 – Exceptions to the Residential 2 (R2) Zone, of Comprehensive Zoning By-law 129-90, as amended, is hereby further amended by adding to the "R2-525 Zone" the following provisions:

R2-525 (72-2015 and 20-2025) Spears Garden Subdivision

a) Notwithstanding the Regulations in Section 11.3, Zone Regulations, and By-law 72-2015, as it relates to Minimum Lot Frontage and Minimum Lot Area for single detached dwellings, the following shall apply:

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|-----|----------------------|-------------------------------|
| i. | Minimum Lot Frontage | 10 m
13 m for a corner lot |
| ii. | Minimum Lot Area | 300 sq m |

b) Notwithstanding the Regulation in Section 6.45, Lot Composed of Two or More Lots, the following shall apply:

- i. Nothing in this by-law shall prevent the erection, alteration, extension or enlargement of a building or structure on lands composed of two or more contiguous lots, and such lots may be treated as one lot when calculating lot coverage and yard setback requirements, provided all of the requirements of the appropriate zone are complied with, and the owner of the lands has entered into an agreement with the Town of Fort Erie in accordance with Section 51 of the Planning Act R.S.O. 1990 c. P. 13 as amended from time to time or any successor thereto together with any regulations made thereunder.

3. That Section 14 – “Exceptions to the Residential Multiple 1 (RM1) Zone”, of Comprehensive Zoning By-law 129-90, as amended, is hereby further amended by adding to the “RM1-526 Zone” the following provisions:

RM1-526 (72-2015 and 20-2025) Spears Garden Subdivision

a) Notwithstanding the Regulations in Section 14.3, Zone Regulations, and By-law 72-2015, as it relates to Minimum Lot Area and Maximum Density for Street Townhouse Dwellings, the following shall apply:

- i. Minimum Lot Area 170 sq m for an interior lot
 200 sq m for a corner lot
- ii. Maximum Density 55 units / ha

b) Notwithstanding the Regulation in Section 6.45, Lot Composed of Two or More Lots, the following shall apply:

- i. Nothing in this by-law shall prevent the erection, alteration, extension or enlargement of a building or structure on lands composed of two or more contiguous lots, and such lots may be treated as one lot when calculating lot coverage and yard setback requirements, provided all of the requirements of the appropriate zone are complied with, and the owner of the lands has entered into an agreement with the Town of Fort Erie in accordance with Section 51 of the Planning Act R.S.O. 1990 c. P. 13 as amended from time to time or any successor thereto together with any regulations made thereunder.

4. That Comprehensive Zoning By-law 129-90, as amended, is further amended by adding to “Section 33 – Open Space (OS) Zone”, Subsection – “Exception to the Open Space (OS) Zone” the following exceptions:

OS-813 (72-2015 and 20-2025) Spears Garden Subdivision

These lands are zoned “Open Space (OS-813) Zone”, and all of the provisions that relate to lands zoned “Open Space (OS) Zone” by this by-law shall apply to those lands zoned “Open Space (OS-813) Zone” subject to the following special provisions:

a) Notwithstanding the Regulations in Section 33.3, Regulations, as it relates to Minimum Lot Area and Minimum Lot Frontage, the following shall apply:

- i. Minimum Lot Area 195 sq m
- ii. Minimum Lot Frontage 6 m

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.

Read a first, second and third time and finally passed this 31st day of March 2025.

_____ Mayor

_____ Clerk