



Planning, Building and By-law Services

Prepared for: Council-in-Committee

Report: PBBS-36-2025

Meeting Date: May 12, 2025

1. Title

Amendment to Comprehensive Zoning By-law 129-90
Information Report for Housekeeping Amendments

2. Recommendations

That: Council receives for information purposes Report PBBS-36-2025 regarding proposed housekeeping amendments to the Town's Comprehensive Zoning By-law 129-90, as amended, as outlined in Report PBBS-36-2025.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth

4. List of Stakeholders

Residents and Property Owners in the Town of Fort Erie

5. Purpose of Report

The purpose of this report is to provide Council with information on the proposed housekeeping amendments to the Town's Comprehensive Zoning By-law 129-90, as amended, in support of the May 12, 2025, Public Meeting. The housekeeping amendments will update the Zoning By-law to reflect the recently approved 2024 Provincial Planning Statement (PPS) and will include several minor revisions or additions to the Zoning By-law that were requested by Town staff.

Staff monitors the Zoning By-law for opportunities to improve the definitions, regulations and provisions on an ongoing basis. Since 2003, staff have been bringing housekeeping amendments to Council on a regular basis (generally on an annual or semi-annual basis) to keep the Zoning By-law current and relevant. This practice is intended to continue in the future.

Most notably, Section 4.3.2.2 of the 2024 PPS now requires municipalities to permit up to three dwelling units in prime agricultural areas in accordance with provincial policies. The dwelling units can take the form of two dwelling units in a main dwelling with an additional dwelling unit in a detached building.

The proposed housekeeping amendment will also contain minor corrections, updated references and other miscellaneous improvements to the Zoning By-law that were requested by Staff. The proposed changes are outlined in the Analysis section of this report.

6. Analysis

The following table summarizes the changes to the text of the Comprehensive Zoning By-law 129-90 being considered through this housekeeping amendment:

Zoning By-law Section(s)	Subsection(s)	Description
5 - Definitions	5.102 "Dwelling" (e) "Duplex" and (n) "Triplex"	Review and revise these definitions to more clearly differentiate them from dwellings with Accessory Dwelling Units.
5 - Definitions	5.129 "Floor Area"	Revise the definition to exclude the thickness of all exterior walls from floor area to make it consistent with the definition of 5.132 "Floor Area, Net".
5 - Definitions	5.144 "Garage"	Remove the minimum internal dimension requirements of 6.00 metres by 3.00 metres and height of 2.40 metres for a parking space in a garage that is currently embedded in the definition. Parking space dimensions are already specified in Section 42 - Schedule D Geometric Design Standards for Parking.
5 - Definitions	5.195 "Lot Coverage"	Revise the definition to clarify when at-grade patios are considered towards lot coverage.
5 - Definitions	5.254 "Parking Space"	Revise the definition to clarify that EV parking spaces may be counted as a valid parking spaces for the purposes of required parking for a development.
5 - Definitions	5.256 "Patio", New – Definition for "Walkway"	Revise the definition of patio to clarify the difference between a patio and a walkway. Consider adding a new definition "Walkway" for clarity.
5 - Definitions	5.347 "Trailer" (1) Recreational Vehicles and 5.354 (b) "Vehicle, Recreational"	Revise these definitions to make them consistent with each other or merge them into a single definition for clarity purposes.

Zoning By-law Section(s)	Subsection(s)	Description
6 – General Provisions	6.1 Accessory Uses (b)	Modify the provision to permit projection of eaves and gutters on accessory buildings and structures from 0.25 metres to 0.50 metres.
6 – General Provisions	6.13 (a) Dwellings	Clarify that unless otherwise permitted, one main dwelling shall be permitted on one lot.
6 – General Provisions	6.20 Parking Area Regulations (A) (ii)	Revise the section to clarify that parking requirements for Short Term Rentals are applicable in the C2A, CMU2, CMU4, CMU5 and CMU6 Zones. Other commercial uses in these zones will continue to be exempted from parking requirements.
6 – General Provisions	6.20 Parking Area Regulations (d) (viii)	Change the wording of the regulation from “should” to “shall” for the provision requiring setbacks from lot lines for gates and barriers on Regional and Provincial roads.
6 – General Provisions	6.20 Parking Area Regulations (M) Accessible Parking Spaces	Review parking regulations for accessible parking spaces to ensure they are up-to-date with legislative requirements.
6 – General Provisions	6.21 Landscaping and Planting Strips (c) Driveways or Walks	Delete or revise this regulation as it is unclear what the purpose or intent of this regulation is.
6 – General Provisions	6.21 Landscaping and Planting Strips (g) (ii)	Modify wording to clarify that the required landscaping in the front yard, rear yard and overall lot in part (g) are applicable only to single detached, semi-detached and triplex dwellings.
6 – General Provisions	6.28 Replacement of Buildings Other Than Residential Buildings, 6.29 Replacement of Residential Buildings, 6.30 Reconstruction of Agricultural Buildings and Structures	Update these subsections to make them compliant with the <i>Planning Act</i> . Case law has established that legal non-conforming buildings and structures may be imminently replaced or reconstructed as-of-right on the same building footprint.

Zoning By-law Section(s)	Subsection(s)	Description
6 – General Provisions	6.29 Replacement of Residential Buildings (e)	Remove the requirement that replaced or reconstructed non-conforming residential buildings must conform to the maximum height permitted in the applicable zone under the Zoning By-law as this contravenes the <i>Planning Act</i> .
6 – General Provisions	6.35 Swimming Pools (a) Private Open Swimming Pools	Revise the regulations for the location of swimming pools on irregular, corner or through lots for increased flexibility to reduce the need for Minor Variance approvals.
6 – General Provisions	6.38 Travel Trailers, Pick Up Campers, Tent Trailers, Permanently Mounted Campers and Tents (a) All Zones	Revise the section to prohibit the use of any motor vehicles for living, sleeping or eating accommodation.
6 – General Provisions	6.40 Covered or Uncovered Porches, Balconies, Decks and Patios (a) Residential Zones	Revise the wording of this section for clarity purposes. Consider rewording the regulations to indicate permitted setbacks instead of projections.
6 – General Provisions	6.43 Accessory Dwelling Units	<p>Revise/update this section to reflect the proposal to permit additional residential dwelling units in the A, RU, RR and WRR Zones.</p> <p>Further, update this section to reflect regulation changes to Ontario Regulation 299/19 for Additional Dwelling Units that were implemented by Bill 185, the Cutting Red Tape to Build More Homes Act, 2024. Namely, changes to maximum lot coverage, floor area restrictions, minimum lot size and building distance separation.</p>
6 – General Provisions	6.45 Lots Comprised of Two or More Lots	Remove the mandatory requirement for development on parcels comprised of two or more contiguous lots to be subject to Site Plan Control.

Zoning By-law Section(s)	Subsection(s)	Description
6 – General Provisions	6.51 Model Homes in Draft Approved Plans of Subdivision	Revise the regulations to exempt model homes from Subsection 6.5 of the Zoning By-law, which normally requires any building and structure in any zone to front on an improved public street. Staff note that model homes may not front onto an improved public street at the time of permit issuance since the road typically has not yet been assumed by the municipality.
6 – General Provisions	6.58 Short-Term Rentals	Consider adding provisions to address Short Term Rentals that are impacted by Hazard Areas.
6 – General Provisions	New – Non-complying Buildings and Structures Deemed to Conform	Consider implementing a regulation that deems existing non-complying buildings and structures to conform with the Zoning By-law if the situation has existed for 10 years or greater.
6 – General Provisions	New – Illustration of Lot Frontage on a Lot with a Daylighting Triangle	Add an illustration to General Provisions showing how lot frontage is interpreted on a corner lot with a daylighting triangle for clarity.
7 – Agricultural (A) Zone, 8 – Rural (RU) Zone, 9 – Rural Residential (RR) Zone, 16A – Waterfront Rural Residential (WRR) Zone	7.2, 8.2, 9.2, 16A.2	<p>Revise the permitted uses to permit up to three residential dwelling units on one lot in the A Zone to reflect policy in the 2024 Provincial Planning Statement (PPS) that now permits this in prime agricultural areas as-of-right. Planning staff are also proposing to permit the additional residential dwelling units in the RU, RR and WRR Zones as well.</p> <p>The residential dwelling units may consist of up to two dwelling units in the main single detached dwelling and one detached residential dwelling unit in an accessory building on the same parcel.</p>

Zoning By-law Section(s)	Subsection(s)	Description
17 – Neighbourhood Development (ND) Zone	17.1	Add a short description for the ND Zone to Subsection 17.1 that clarifies the intended use and purpose of this zone in accordance with the Town's Official Plan.
18 – General Provisions for Commercial Zones	18.1 (b)	Revise the wording of this regulation to more clearly state that dwelling units are prohibited in a cellar, basement or ground floor of buildings in the ECU, C1, C2, C3, C5, C7, CMU1 and CMU3 Zones.
18 – General Provisions for Commercial Zones	18.2 (a)	Revise the wording of this regulation to more clearly state that dwelling units are prohibited in a cellar or basement of buildings in the C2A, CMU2, CMU4, CMU5 and CMU6 Zones.
21 – Central Business District Commercial (C2A) Zone, 26B – Core Mixed Use 2 (CMU2) Zone, 26D – Core Mixed Use 4 (CMU4) Zone, 26E – Core Mixed Use 5 (CMU5) Zone, 26F – Core Mixed Use 6 (CMU6) Zone	21.3, 26B.3, 26D.3, 26E.3, 26F.3	Revise the parking exemption regulation to clarify that it is not applicable to Short-Term Rentals.
Various	Numbering, cross-references and typos.	Various updates will be made to section numbering, incorrect cross-references, typos and grammatical errors as required.

7. Financial, Staffing and Accessibility (AODA) Implications

The proposed amendments are housekeeping in nature, and all related work will be completed internally by Planning Department staff.

No impediments to the AODA legislation are expected to be developed through the amendments proposed.

8. Policies Affecting Proposal

Policies affecting the recommendations are contained in the Town's Official Plan and applicable Provincial Regulations.

Notification of the proposed application to amend the Zoning By-law was provided in accordance with requirements of the *Planning Act* by placing notice in the April 17, 2025 edition of the Fort Erie Observer newspaper and on the Town of Fort Erie's website.

9. Comments from Departments, Community and Corporate Partners

Details of the proposed Zoning By-law Amendment were circulated to relevant Departments/Community and Corporate Partners on April 17, 2025. Comments received to date are included in **Appendix "2"** and are summarized below.

9.1 External Agency Comments

Cogeco and Enbridge

No objections.

9.2 Public Comments

An information open house meeting was held in the Atrium of Town Hall on May 1, 2025 from 5:00 p.m. to 5:30 p.m with Town staff in attendance. One member of the public attended the meeting and had some general questions. They were not in objection to the proposed housekeeping amendment. As of the writing of this report no additional written comments were received.

10. Alternatives

None.

11. Communicating Results

There are no communication requirements at this time.

12. Conclusion

This report should be received for information purposes. Staff will prepare a recommendation report to Council on the proposed Zoning By-law Amendment that will be scheduled for a future Council meeting.

13. Report Approval

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14. Attachments

Appendix 1 – Draft Amending By-law

Appendix 2 – Staff and Agency Comments