



## **The Corporation of the Town of Fort Erie By-law XX-2025**

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### **Being a By-law to Amend Zoning By-law No. 129-90, as amended Housekeeping Amendment**

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

**Whereas** By-law Nos. 48-97, 34-98, 44-98, 03-02, 123-03, 10-04, 90-04, 152-04, 100-05, 57-06, 199-07, 56-08, 120-11, 130-11, 110-12, 38-13, 65-13, 94-2014, 133-2014, 152-2015, 123-2016, 14-2018, 128-2018, 124-2020, 42-2021, 44-2022 and 12-2024 are previous housekeeping amendments to Zoning By-law 129-90, as amended; and

**Whereas** since that time municipal staff have been compiling a record of proposed improvements to the Zoning By-law; and

**Whereas** Subsection 34 (1) of the Planning Act, R.S.O. 1990, c.P.13, authorizes the Council of a municipality to regulate the use of lands and the character, location and use of buildings and structures within the municipality; and

**Whereas** the Council of the Town of Fort Erie at its meeting of January 13, 2025, authorized staff to undertake a housekeeping amendment to Zoning By-law No. 129-90, as amended, through Report No. PBBS-05-2025; and

**Whereas** Subsection 34 (12) of the Planning Act, R.S.O. 1990, c.P.13, provides that the Council, before the passing of a by-law under this section of the Act, shall ensure that sufficient information is made available to the public to generally understand the zoning proposal, to hold an open house and to hold a public meeting; and

**Whereas** in accordance with Subsection 34 (12) of the Planning Act, R.S.O. 1990, c. P.13, an Open House was held respecting the proposed housekeeping amendments to Comprehensive Zoning By-law No. 129-90, as amended on May 1, 2025 and notice of such was published in the Fort Erie Observer and the Town of Fort Erie's website on April 17, 2025; and

**Whereas** in accordance with Subsection 34 (12) of the Planning Act, R.S.O. 1990, c. P.13 a Public Meeting was held respecting the proposed housekeeping amendments to Comprehensive Zoning By-law No. 129-90, as amended, on May 12, 2025 and notice of such was published in the Fort Erie Observer and the Town of Fort Erie's website on April 17, 2025; and

**Whereas** it is deemed desirable to proceed with the housekeeping amendments to the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to Report PBBS-XX-2025 considered and approved by Council at the Council-in-Committee meeting of TBD, 2025;

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

- 1. That** Subsection 5.102 (f) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(f) **“DWELLING, DUPLEX”** means a dwelling which is divided horizontally into two principal dwelling units, each of which has an independent entrance either directly from a yard or from a common vestibule, but does not contain an Accessory Dwelling Unit. The two principal dwelling units may be equal in floor area.”

2. **That** Subsection 5.102 (k) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(k) **“DWELLING, SEMI-DETACHED”** means a dwelling that is divided vertically into two principal dwellings units attached by a common wall, each with an independent entrance to the exterior. The two dwelling units may be located on separate lots and may be equal in floor area.”

3. **That** Subsection 5.102 (o) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(o) **“DWELLING, TRIPLEX”** means a dwelling that is divided vertically and horizontally, or horizontally, into three dwelling units on one lot in which each dwelling unit has an independent entrance to the exterior or through a common vestibule, but does not include a Townhouse Dwelling. The three dwelling units may be equal in floor area.”

4. **That** Subsection 5.129 of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“FLOOR AREA”** means the area of a floor or floors in a building exclusive of basements, cellars, attics, garages, carports, sunrooms, verandas, or porches excluding the thickness of all exterior walls.”

5. **That** Subsection 5.144 of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“GARAGE”** means an enclosed or partially enclosed building or structure containing one or more parking spaces for the storage of vehicles but does not include a carport.”

6. **That** Subsection 5.197 of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“LOT COVERAGE”** means that percentage of the lot area covered by all buildings and structures above ground level; but does not include that portion of the lot area which is occupied by a building, structure or a portion thereof and which building, structure or portion thereof is completely below ground level; and does not include uncovered and unenclosed steps, decks or patios of permeable construction that are less than 2.0 m above grade. For the purpose of this Section, the lot coverage in each zone applies and shall be deemed to apply only to that portion of such lot that is located within said zone.”

7. **That** Subsection 5.254 of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“PARKING SPACE”** means an area designed in accordance with Schedule “D” to this By-law, for the temporary parking or storage of motor vehicles. Such parking space must be capable of being used for the parking of motor vehicles and shall have access to and from a public highway for the purpose of parking or removing the vehicle. A parking space may include parking for electric vehicles (EVs). EV parking spaces shall count as required parking spaces.”

8. **That** Subsection 5.257 of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“PATIO”** means a roofless unenclosed area accessory to a dwelling that is intended for use as amenity area, constructed at finished grade, but does not include a Walkway as defined herein.”

9. **That** Subsection 5.351 (2) Non-Recreational Vehicles (b) of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“Mobile Home”** means a factory-built, detached structure designed to be and capable of being transported after fabrication, on its own chassis and wheel system, to a lot or site, and which is suitable for year-round occupancy in a similar fashion as a dwelling unit, except for minor and

incidental unpacking and assembly operations, placement on defined supporting structures and connection to utilities. A Mobile Home does not include a Recreational Vehicle or a Detached Accessory Dwelling Unit as defined herein.”

**10. That** Subsection 5.358 of By-law No. 129-90, as amended, is repealed and replaced with the following:

““**VEHICLE**” means a passenger automobile or other motor vehicle, which is capable of being drawn, propelled or driven by any kind of power, and includes a Vehicle, Commercial and a Vehicle, Recreation as defined below:

(a) “**VEHICLE, COMMERCIAL**” - (See “5.65 COMMERCIAL MOTOR VEHICLE”).

(b) “**VEHICLE, RECREATIONAL**” means a vehicle intended for recreational use such as a boat, all-terrain vehicle, seadoo, snowmobile, motorcycle, or other similar device, and also includes Trailers used for recreational purposes as defined in Section 5.351 Part (1).”

**11. That** Section 5 – Definitions of Comprehensive Zoning By-law 129-90, as amended, is hereby further amended by adding a definition of “Permeable” as follows:

“**5.367 “PERMEABLE**” means a surfaced area that is capable of easily absorbing and draining stormwater runoff into the underlying soil and may include pervious concrete, porous asphalt, permeable pavers or stepping stones.”

**12. That** Section 5 – Definitions of Comprehensive Zoning By-law 129-90, as amended, is hereby further amended by adding a definition of “Walkway” as follows:

“**5.367 “WALKWAY**” means an uncovered, designated path that is intended for pedestrian traffic on a lot that may be hardscaped or permeable, but does not include a Deck, Patio or Porch as defined herein.”

**13. That** Subsection 6.1 Accessory Uses (b) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(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 interior side yard, 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 6.0 m to the exterior side lot line. Eaves and gutters may project a maximum of 0.50 m into the required yard except as otherwise provided herein.”

**14. That** Subsection 6.13 (a) Dwellings of By-law No. 129-90, as amended, is repealed and replaced with the following:

“Except as otherwise provided in this By-law, in general only one main dwelling shall be permitted on one lot. A legal single detached dwelling, semi-detached dwelling, street townhouse dwelling and block townhouse dwelling may have up to two (2) Accessory Dwelling Units that are added onto or contained within the main dwelling. One Detached Accessory Dwelling Unit may be permitted in an accessory building on the same lot provided the main dwelling does not exceed more than one (1) Accessory Dwelling Unit.”

**15. That** Subsection 6.18 (e) Lot Area and/or Frontage Less than Required of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(e) **LOT AREA AND/OR FRONTAGE LESS THAN REQUIRED**

Where a lot having a lesser lot area or lot frontage than that required herein

(i) is the same as in a deed registered on or prior to the date of passing of this By-law; or

- (ii) is a consolidation of adjacent lots described in deeds registered on or prior to the date of passing of this by-law, or
- (iii) was subject to a consent approved prior to the date of passing of this By-law, and was subsequently conveyed or is the remnant part of such a lot after such a conveyance and thereafter continuously held in distinct and separate ownership from abutting registered lot; or
- (iv) is a whole lot located within a registered plan of subdivision; and

such parcel complies with relevant regulations made under The Environmental Protection Act, R.S.O. 1990 and all relevant requirements of the Ontario Building Code, and has a minimum lot frontage of 10.00 m; then the said lot shall be deemed to conform to the requirements of this Bylaw with respect to lot area and lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of such lot, or the erection, alteration or use of a permitted building or structure thereupon, in accordance with all other provisions hereof.”

**16. That** Subsection 6.20 Parking Area Regulations (A) (ii) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“ii) This provision shall not apply to commercial uses within the “Central Business District Commercial (C2A) Zone”, “Core Mixed Use 2 (CMU2) Zone”, “Core Mixed Use 4 (CMU4) Zone”, “Core Mixed Use 5 (CMU5) Zone” or “Core Mixed Use 6 (CMU6) Zone” as designated on Schedule “A” attached hereto or shall be exempt from the provision of parking spaces in accordance with an agreement with Council pursuant to Section 39 of The Planning Act, S.O. 1990. Any Short-Term Rentals in the above zones shall be subject to the parking requirements specified in Subsection 6.58 of Section 6 – General Provisions of the Zoning By-law, as amended.”

**17. That** Subsection 6.20 Parking Area Regulations (D) (viii) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(viii) Nothing in this By-law shall prevent the obstruction of a driveway by a gate, a temporary barrier or similar obstruction used solely to restrict access to the said driveway and designed to be otherwise opened or removed when necessary to permit passage of a vehicle. On Regional Roads and Provincial Highways, all such gates and barriers shall be set back from the property line to allow the temporary stopping of a vehicle so that the vehicle while stopped is entirely contained within the property limits and does not overhang the public road allowance.”

**18. That** Subsection 6.20 Parking Area Regulations (M) Accessible Parking Spaces By-law No. 129-90, as amended, is repealed and replaced with the following:

“Parking spaces designated under Section 6.20 (M) shall include Van Accessible (Type A) and Standard (Type B) Parking Spaces.

(i) Type A parking spaces shall:

- a) Where provided outdoors, have a minimum height clearance of 2.75 m
- b) Where provided indoors, have a minimum height clearance of 2.59 m
- c) Be at least 3.40 m wide
- d) Be at least 6.00 m long
- e) Have an adjacent access isle at least 1.50 m wide by 6.00 m long. They must be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.

(ii) Type B parking spaces shall:

- a) Be at least 2.40 m wide
- b) Be at least 6.00 m long
- c) Have an adjacent access isle at least 1.50 m wide by 6.00 m long. They must be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.

(iii) Accessible parking spaces shall be provided as close as possible to principal building entrances.

(iv) Accessible Parking Spaces shall be provided in accordance with the requirements specified hereunder:

Total Number of Parking Spaces	Number of Accessible Parking Spaces
12 or fewer	1 Type A parking space
13 to 100	4% of the total number of parking spaces
101 to 200	1 space + 3% of the total number of parking spaces
201 to 1000	2 spaces + 2% of the total number of parking spaces
1000+	11 spaces + 1% of the total number of parking spaces

(v) Where an even number of accessible parking spaces are required, parking spaces shall be equally divided between Type A and Type B parking spaces. Where an odd number of accessible parking spaces are required, the additional odd numbered parking space may be a Type B parking space.

(vi) Two adjacent parking spaces may share the same access aisle.

(vii) Accessible parking spaces shall be distinctly indicated by erecting an accessible permit parking sign in accordance with section 11 of Regulation 581 of the Revised Regulations of Ontario, 1990 (Accessible Parking for Persons with Disabilities) made under the *Highway Traffic Act*. O. Reg. 413/12, s. 6, or any successors thereto.”

**19. That** Subsection 6.21 Landscaping and Planting Strips (c) Driveways or Walks of By-law No. 129-90, as amended, is deleted.

**20. That** Subsection 6.21 Landscaping and Planting Strips (g) (ii) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(g) MINIMUM LANDSCAPED OPEN SPACE AREA IN A RESIDENTIAL ZONE FOR SINGLE DETACHED, SEMI-DETACHED, DUPLEX AND TRIPLEX DWELLINGS

- i. The minimum required landscaped open space area in the front yard shall be 30%.
- ii. The minimum required landscaped open space area in the rear yard shall be 40%.
- iii. The overall minimum required landscaped open space area on a lot shall be 20%.”

**21. That** Subsection 6.28 Replacement of Buildings Other Than Residential Buildings of By-law No. 129-90, as amended, is repealed and replaced with the following:

“Nothing in this By-law shall apply to prevent the replacement or reconstruction of any legal non-conforming or conforming non-residential building provided that:

- (a) such destroyed or demolished building was in conformance with this By-law at the date of its demolition;
- (b) for buildings not in conformance with this By-law, the ground floor area and gross floor area of such buildings as replaced does not exceed that existing at the date of its demolition;
- (c) notwithstanding subsections (a) and (b) above, where the building is located in the Hazard Zone, the Niagara Peninsula Conservation Authority regulations shall apply.”

**22. That** Subsection 6.29 Replacement of Residential Buildings of By-law No. 129-90, as amended, is repealed and replaced with the following:

“Nothing in this By-law shall apply to prevent the replacement or reconstruction of any legal non-conforming or conforming building used exclusively for residential purposes provided that:

- (a) the demolished building was lawfully used at the date of its partial or complete demolition;
- (b) for buildings not in conformance with this By-law, such buildings as replaced or reconstructed shall not contain a greater number of dwelling units than could have lawfully existed in the building at the date of its partial or complete demolition;
- (c) where any yard existing at the date of the partial or complete demolition of such building does not comply with the minimum yard required in the applicable zone under this By-law, then such yard shall not be less than the yard existing at the date of the partial or complete demolition of such building;
- (d) notwithstanding subsections (a), (b), and (c) above, where the building is located in the Hazard Zone, the Niagara Peninsula Conservation Authority regulations shall apply.”

**23. That** Subsection 6.30 Reconstruction of Agricultural Buildings and Structures of By-law No. 129-90, as amended, is repealed and replaced with the following:

**“REPLACEMENT OF AGRICULTURAL BUILDINGS AND STRUCTURES**

Nothing in this By-law shall apply to prevent the replacement or reconstruction of any legal nonconforming or conforming agricultural building or structure situated in the Agricultural or Rural Zones in the case of partial or complete demolition provided that:

- (a) such buildings or structures as replaced or reconstructed shall not have in total a greater livestock housing capacity than could have lawfully existed in the destroyed or demolished building or structure at the date of its partial or complete demolition; and
- (b) where any yard existing at the date of the partial or complete destruction or demolition of such building or structure does not comply with the minimum yard or minimum setback required in the Agricultural or Rural Zone, such yard shall not be reduced in size by reason of such reconstruction of such building or structure; or
- (c) if such building or structure is to be replaced or reconstructed so that it provides a greater livestock housing capacity than lawfully existed in the destroyed or demolished building or structure at the date of its partial or complete destruction or demolition, such building or structure shall be replaced or reconstructed in accordance with the provisions of the Agricultural Zone and Rural Zone and shall comply with Provincial Minimum Distance Separation requirements; and

(d) for the purposes of this subsection, "livestock housing capacity" means the number of animal units per year in accordance with Provincial Minimum Distance Separation (MDS) requirements; and

(e) notwithstanding subsections (a), (b), (c), and (d) above, where the building is located in the Hazard Zone, the Niagara Peninsula Conservation Authority regulations shall apply."

**24. That** Subsection 6.35 Swimming Pools (a) of By-law No. 129-90, as amended, is repealed and replaced with the following:

"(a) PRIVATE OPEN SWIMMING POOLS:

Notwithstanding any other provision of this By-law to the contrary, the following provisions shall apply with respect to the erection or use of any private open swimming pool not enclosed or otherwise located within a building:

- (i) Notwithstanding any other provisions of this By-law, a private open swimming pool shall be permitted in any interior side yard, exterior side yard or rear yard.
- (ii) In the event of an irregular lot, a corner lot, or a through lot where a single detached dwelling fronts towards a street line other than the front lot line, a private open swimming pool may be located in the front yard provided it maintains a minimum 3.00 m setback to the front lot line, is not located in a required daylighting triangle, and is no closer to the street line than the main dwelling is facing than the dwelling itself.
- (iii) No interior wall surface of any open swimming pool, nor any related building or structure other than a fence, shall be located closer than 1.00 m to any interior side or rear lot line. The interior wall surface shall maintain a 3.00 metre setback to an exterior lot line or front lot line, if applicable.
- (iv) Hard surface associated with a swimming pool shall maintain a setback of 0.50 m to the interior side or rear lot lines, or 3.00 m to an exterior lot line or front lot line, if applicable.
- (v) No water circulating or treatment equipment, such as pumps or filters shall be located closer than 3.00 m to any side or front lot lines, if applicable, or 1.00 m to any rear lot line when not enclosed within a structure. Water circulating or treatment equipment shall be setback a minimum of 1.00 m from an interior side lot line when enclosed within a structure."

**25. That** Subsection 6.38 Travel Trailers, Pick Up Campers, Tent Trailers, Permanently Mounted Campers, Motor Vehicles and Tents (a) of By-law No. 129-90, as amended, is repealed and replaced with the following:

"(a) ALL ZONES

No person shall in any zone, shall locate or use any of the following for living, sleeping or eating accommodations regardless of if they are derelict or mobile:

- travel trailer
- pick up camper
- tent trailer
- permanently mounted camper
- motor vehicle
- tent"

**26. That** Subsection 6.40 Covered or Uncovered Porches, Balconies, Decks and Patios (a) Residential Zones of By-law No. 129-90, as amended, is repealed and replaced with the following:

(a) Residential Zones

Notwithstanding the yard provisions of this By-law to the contrary, porches, balconies, decks and patios are subject to the following setbacks in residential zones as follows:

Height of Platform			
	0 m to 0.5 m Above grade (uncovered)	Between 0.5 m and 1.5 m (uncovered) or 0 m to 1.5 m above grade (covered)	Above 1.5 m above grade (covered or uncovered)
Minimum setback to exterior side lot line	0.25 m, if permeable and drainage is not adversely impacted; 1.50 m if non- permeable	1.5 m	Required building setback
Minimum setback to interior side lot line	Required building setback	Required building setback	Required building setback
Minimum setback to rear lot line	0.25 m, if permeable and drainage is not adversely impacted; 3 m if non- permeable	3 m	Required building setback
Minimum setback to front lot line	3 m	3 m	Required building setback

**27. That** Subsection 6.40 Covered or Uncovered Porches, Balconies, Decks and Patios (b) of By-law No. 129-90, as amended, is repealed and replaced with the following:

- “(b) Notwithstanding part (a) above
- i. Porches, balconies, decks and patios are not permitted to encroach into required swales.
  - ii. A Walkway is permitted in an interior side yard, provided a minimum setback of 0.25 metres is maintained to the interior side lot line and the Walkway does not interfere with required swales.”

**28. That** Subsection 6.43 Accessory Dwelling Units of By-law No. 129-90, as amended, is repealed and replaced with the following:

- “(a) In a Residential Zone in the Urban Boundary that has access to full municipal water and sanitary sewer service, up to two (2) Accessory Dwelling Units shall be permitted in any single detached, semi-detached or rowhouse/townhouse dwelling in addition to the main dwelling unit.
- (b) In a Residential Zone in the Urban Boundary that has access to full municipal water and sanitary sewer service, one (1) Detached Accessory Dwelling Unit shall be permitted on the same lot. Notwithstanding Subsection 6.43 (a), where a lot contains a permitted Detached Accessory Dwelling Unit, only one (1) Accessory Dwelling Unit shall be permitted in any single detached, semi-detached or rowhouse/townhouse dwelling in addition to the main dwelling unit.
- (c) In a Neighbourhood Development (ND) Zone in the Urban Boundary that has access to full municipal water and sanitary sewer service, up to two (2) Accessory Dwelling Units shall be permitted in an existing single detached, semi-detached or rowhouse/townhouse dwelling.
- (d) In a Neighbourhood Development (ND) Zone in the Urban Boundary that has access to full municipal water and sanitary sewer service, one (1) Detached Accessory Dwelling Unit shall be permitted on the same lot. Notwithstanding Subsection 6.43 (c), where a lot contains a permitted Detached Accessory Dwelling Unit, only one (1) Accessory Dwelling Unit shall be permitted in any single detached, semi-detached or rowhouse/townhouse dwelling in addition to the main dwelling unit.



(e) A Detached Accessory Dwelling Unit in the Urban Boundary that is contained within or added onto an Accessory Building that existed prior to By-law 12-2024 being approved on January 29, 2024 shall be subject to the regulations of Subsection 6.1 (b), (d) and (e).

(f) A Detached Accessory Dwelling Unit in the Urban Boundary that is contained within a new Accessory Building shall be subject to the following regulations:

a. Maximum Lot Coverage – 15%

b. Location on Parcel – Shall be located in an interior side yard or the rear yard only

c. Minimum Interior Side Yard:

i. 1 storey – 1.00 m

ii. 1.5 storey – 1.50 m

iii. 2 storey – 2.00 m

d. Minimum Exterior Side Yard – 3.00 m, except that an attached garage or carport which faces the exterior side lot line shall be located no closer than 6.00 m to the exterior side lot line.

e. Maximum Building Height

i. 2 storeys or the same number of storeys as the main dwelling, whichever is less.

ii. The maximum height shall be the same as the main dwelling or 8.00 m, whichever is less.

(g) The maximum floor area for each Accessory Dwelling Unit shall not exceed 40% of the total floor area of the main dwelling or 100 sq m, whichever is lesser. Where a portion of the basement of the dwelling is occupied by an Accessory Dwelling Unit, the occupied floor area of the basement shall be included in the calculation of the total floor area. If located in the basement of the main dwelling the Accessory Dwelling Unit may occupy the entire basement area.

(h) In an Agricultural (A) Zone, a Rural (RU) Zone, a Rural Residential (RR) Zone or a Waterfront Rural Residential (WRR) Zone, up to two (2) Accessory Dwelling Units shall be permitted in a single detached dwelling in addition to the main dwelling unit.

(i) In an Agricultural (A) Zone, a Rural (RU) Zone, a Rural Residential (RR) Zone or a Waterfront Rural Residential (WRR) Zone one (1) Detached Accessory Dwelling Unit shall be permitted on the same lot. Notwithstanding Subsection 6.43 (h), where a lot contains a permitted Detached Accessory Dwelling Unit, only one (1) Accessory Dwelling Unit shall be permitted in a single detached dwelling in addition to the main dwelling unit.

(j) Accessory Dwelling Units located in the Agricultural (A) Zone, Rural (RU) Zone, Rural Residential (RR) Zone or the Waterfront Rural Residential (WRR) Zone are subject to the following regulations:

i. The dwelling units shall comply with Provincial Minimum Distance Separation (MDS) requirements, or any successors thereto;

ii. The dwelling units shall be adequately serviced with private services (private sewage system and water supply);

iii. The dwelling units are subject to the respective regulations for dwellings for the Zone they are in;

- iv. The combined floor area of any Accessory Dwelling Units shall not exceed 40% of the floor area of the main dwelling unit.

(k) Detached Accessory Dwelling Units located in the Agricultural (A) Zone, Rural (RU) Zone, Rural Residential (RR) Zone or Waterfront Rural Residential (WRR) Zone are subject to the following regulations:

- i. The Detached Accessory Dwelling shall comply with Provincial Minimum Distance Separation (MDS) requirements, or any successors thereto;
- ii. The Detached Accessory Dwelling Unit and any other dwelling units shall be adequately serviced with private services (private sewage system and water supply).
- iii. In the Agricultural (A) Zone and Rural (RU) Zone, Detached Accessory Dwelling units are subject to the regulations of 7.6 and 8.6 Regulations for Buildings Accessory to Dwellings respectively. In the Rural Residential (RR) Zone or the Waterfront Rural Residential (WRR) Zone Detached Accessory Dwellings are subject to the regulations of Section 6.43 (f).
- iv. In the Agricultural (A) Zone and Rural (RU) Zone a Detached Accessory Dwelling must be located a maximum distance of 15.00 metres from the main dwelling.
- v. In the Agricultural (A) Zone and Rural (RU) Zone a Detached Accessory Dwelling is not permitted within a building/structure used for any agricultural use.

(l) One parking space must be provided on site for each Accessory Dwelling Unit and Detached Accessory Dwelling Unit. Tandem parking is permitted for Accessory Dwelling Units and Detached Accessory Dwelling Units to the maximum depth of two parking spaces.

(m) If a single detached dwelling, semi-detached dwelling or townhouse dwelling is permitted in a non-Residential Zone by way of site-specific Zoning Exception, Accessory Dwelling Units / a Detached Accessory Dwelling Unit are permitted as per part (a) through (l) above."

**29. That** Subsection 6.45 Lots Comprised of Two or More Lots of By-law No. 129-90, as amended, is hereby repealed and replaced with the following:

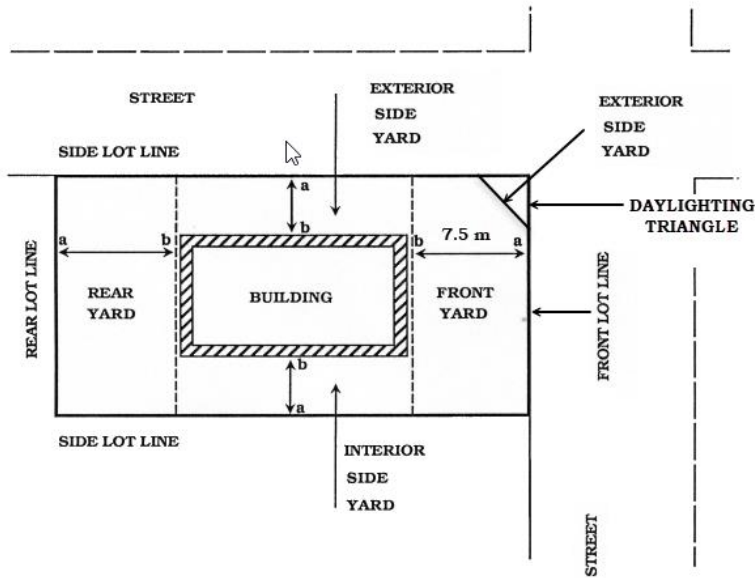
"Nothing in this by-law shall prevent the erection, alteration, extension or enlargement of a building or structure on lands composed of two or more contiguous lots, and such lots may be treated as one lot when calculating lot coverage and yard setback requirements, provided all of the requirements of the appropriate zone are complied with."

**30. That** Subsection 6.51 Model Homes in Draft Approved Plans of Subdivision of By-law No. 129-90, as amended, is hereby further amended by adding the following:

"(f) Model homes are exempted the regulations of Section 6.5 until such time as the roads and municipal services have been constructed to municipal standards and assumed by the Town."

**31. That** the Illustrations in Section 6 – General Provisions of By-law No. 129-90 be amended to add the following diagram:

**PARALLEL LOT LINES  
YARD DEFINITIONS**



DISTANCE  $ab$  REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE  $ab$  MUST BE THE MINIMUM DISTANCE SPECIFIED IN BY-LAW.

**32. That** Subsection 6.58 Short Term Rentals (a) General Regulations for Short Term Rentals of By-law No. 129-90, as amended, is hereby further amended by adding the following:

“(v) Short-Term Rentals are permitted in legal non-conforming buildings that are partially or fully impacted by Hazard (H) Zone along the Lake Erie waterfront provided any approvals or requirements from the Niagara Peninsula Conservation Authority are satisfied. The type of Short-Term Rental operation (Dedicated and/or Owner-Occupied) shall comply with the associated zone category that would exist if the Hazard (H) Zone was not in place.”

**33. That** Section 7.2 (c) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(b) One (1) single detached dwelling on one lot and up to two (2) Accessory Dwelling Units, or one (1) single detached dwelling on one lot with one (1) Accessory Dwelling Unit and one (1) Detached Accessory Dwelling Unit as per the regulations of Section 6.43.”

**34. That** Section 8.2 (f) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(f) One (1) single detached dwelling on one lot and up to two (2) Accessory Dwelling Units, or one (1) single detached dwelling on one lot with one (1) Accessory Dwelling Unit and one (1) Detached Accessory Dwelling Unit as per the regulations of Section 6.43.”

**35. That** Section 9.2 (a) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(a) One (1) single detached dwelling on one lot and up to two (2) Accessory Dwelling Units, or one (1) single detached dwelling on one lot with one (1) Accessory Dwelling Unit and one (1) Detached Accessory Dwelling Unit as per the regulations of Section 6.43.”

**36. That** Section 16A.2 of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(a) One (1) single detached dwelling on one lot and up to two (2) Accessory Dwelling Units, or one (1) single detached dwelling on one lot with one (1) Accessory Dwelling Unit and one (1) Detached Accessory Dwelling Unit as per the regulations of Section 6.43.

(b) Home occupations

(c) Buildings and structures accessory to the above uses”

**37. That** Section 17.1 of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(a) All regulations for new uses in the Neighbourhood Development (ND) Zone shall be established through a development plan and at minimum a Zoning By-law Amendment.

(b) Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this Section shall apply in all Neighbourhood Development (ND) Zones for existing uses.”

**38. That** Section 18.2 (b) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(b) (i) Location – Dwelling units are permitted in a building with commercial use(s) provided the dwelling units are located on the second floor or above, and may occupy 100% of the floor area of those floors. Dwelling units are prohibited in the basement, cellar or ground floor of a commercial building, except a dwelling unit may be located on the ground floor of a motel, hotel or motor hotel.

(ii) a dwelling unit may not be located in combination with one or more of the following commercial uses:

- car wash
- automobile service station
- public garage
- bingo hall
- taxi establishment
- dry cleaning plants
- motor vehicle sales rooms and car sales lots”

**39. That** Section 18.3 (a) of By-law No. 129-90, as amended, is repealed and replaced with the following:

“(a) Location – Dwelling units are prohibited to be located on the basement or cellar of a commercial building. Dwelling units shall be permitted to occupy a maximum of 49% of the ground floor area of buildings, provided that no part of such dwelling unit, except for the entranceway, has frontage onto a public street. Dwelling units are also permitted to be located on the second floor or higher where they may occupy up to 100% of the floor area of those floors. Dwelling units may not be located in combination with one or more of the following uses:

- car wash
- automobile service station
- public garage
- bingo hall
- taxi establishment
- dry cleaning plants
- motor vehicle sales rooms and car sales lots”

**40. That** Section 21.3 Parking Exemptions of By-law No. 129-90, as amended, is repealed and replaced with the following:

"Parking Exceptions	<p>All lands within the C2A Zone shall be exempted from the parking and loading requirements of this By-law with the following exceptions:</p> <ul style="list-style-type: none"><li>(i) buildings containing dwelling units are subject to the provisions of Section 18.2 (d);</li><li>(ii) buildings containing Short-Term Rentals subject to the provisions of Section 6.58."</li></ul>
<b>41. That</b> Section 26B.3 Parking Exemptions of By-law No. 129-90, as amended, is repealed and replaced with the following:	
"Parking Exceptions	<p>All lands within the CMU2 Zone shall be exempted from the parking and loading requirements of this By-law with the following exceptions:</p> <ul style="list-style-type: none"><li>(i) buildings containing dwelling units are subject to the provisions of Section 18.2 (d);</li><li>(ii) building containing Short-Term Rentals subject to the provisions of Section 6.58."</li></ul>
<b>42. That</b> Section 26D.3 Parking Exemptions of By-law No. 129-90, as amended, is repealed and replaced with the following:	
"Parking Exceptions	<p>All lands within the CMU4 Zone shall be exempted from the parking and loading requirements of this By-law with the following exceptions:</p> <ul style="list-style-type: none"><li>(i) buildings containing dwelling units are subject to the provisions of Section 18.2 (d);</li><li>(ii) building containing Short-Term Rentals subject to the provisions of Section 6.58."</li></ul>
<b>43. That</b> Section 26E.3 Parking Exemptions of By-law No. 129-90, as amended, is repealed and replaced with the following:	
"Parking Exceptions	<p>All lands within the CMU5 Zone shall be exempted from the parking and loading requirements of this By-law with the following exceptions:</p> <ul style="list-style-type: none"><li>(i) buildings containing dwelling units are subject to the provisions of Section 18.2 (d);</li><li>(ii) building containing Short-Term Rentals subject to the provisions of Section 6.58."</li></ul>
<b>44. That</b> Section 26F.3 Parking Exemptions of By-law No. 129-90, as amended, is repealed and replaced with the following:	
"Parking Exceptions	<p>All lands within the CMU6 Zone shall be exempted from the parking and loading requirements of this By-law with the following exceptions:</p> <ul style="list-style-type: none"><li>(iii) buildings containing dwelling units are subject to the provisions of Section 18.2 (d);</li><li>(iv) building containing Short-Term Rentals subject to the provisions of Section 6.58."</li></ul>

**45. 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 XX day of XX 2025.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

DRAFT