



# **The Municipal Corporation of the Town of Fort Erie**

## **By-law No. xx-xxxx**

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### **Being a By-law to Amend Zoning By-law No. 129-90, as amended 0-15097 Crystal Beach Drive / 3856 Terrace Lane (PLAN 367 LOT 3 NP367 & Part Lot 10, Plan 369) Owners 1000054526 Ontario Inc. (Lou Pompili)**

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**Whereas** an application was received from 1000054526 Ontario Inc. (Lou Pompili) (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 0-15097 Crystal Beach Drive / 3856 Terrace Lane (PLAN 367 LOT 3 NP367 & Part Lot 10, Plan 369); and

**Whereas** Report No. PDS-14-2018 was considered and approved at the Council-in-Committee meeting held on February 20, 2018, to initiate the Secondary Plan process for the Crystal Beach Secondary Plan, 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 implementing amendments to Comprehensive Zoning By-law No. 129-90, as amended, on May 18, 2021, and notice of such was published in the Fort Erie Post on April 29, 2021 and May 6, 2021, together with comprehensive circulation of the notice pursuant to the municipal notification policy approved by Council on May 6, 2013, 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 implementing amendments to Comprehensive Zoning By-law No. 129-90, as amended, on June 21, 2021, and notice of such was published in the Fort Erie Post on May 27, 2021, together with comprehensive circulation of the notice pursuant to the municipal notification policy approved by Council on May 6, 2013, and

**Whereas** Report No. PDS-47-2021 was considered and approved at the Council-in-Committee meeting held on June 21, 2021, to approve Official Plan Amendment No. 54 (Crystal Beach Secondary Plan) and related amendments to Zoning By-law No. 129-90, as amended, and

**Whereas** Report No. PDS-86-2021 was considered and approved at the Council-in-Committee meeting held on September 13, 2021, to approve the Crystal Beach Secondary Plan Amendment No. 54 (OPA 54) and amendments to the Town Zoning By-law 129-90 to implement OPA 54, and

**Whereas** Subsection 24 (2) and 24 (2.1) of the Planning Act, R.S.O. 1990, c.P.13, provides that the Council may pass a by-law that does not conform to the Official Plan on lands that are the subject of an adopted amendment, and that once the amendment comes into effect, the by-law shall then conform, and

**Whereas** Subsection 26 (9) of the Planning Act, R.S.O. 1990, c.P.13, requires the Council of the Municipality to amend all zoning by-laws that are in effect in the municipality to ensure they conform with the official plan revisions within three years, and

**Whereas** it is deemed desirable to proceed with the implementing amendments to the Comprehensive Zoning By-law 129-90, as amended, pursuant to Section 24(2) and 26(9) of the Planning Act, R.S.O. 1990, c.P.13.

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

1. **That** Schedule “A” of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 0-15097 Crystal Beach Drive / 3856 Terrace Lane (PLAN 367 LOT 3 NP367 & Part Lot 10, Plan 369) and shown on the attached Schedule “A” from “Residential 2B (R2B) Zone” to “RM1-689 (144-2021) Zone”.
2. **That** By-law No.129-90, as amended, is further amended by adding to “Section 14 – “Residential Multiple 1 (RM1) Zone” - “Exceptions to the Residential Multiple 1 (RM1) Zone” the following exception:

**“RM1-689 (144-2021) Multiple Parcels between Crystal Beach Drive and Terrace Lane (3856 Terrace Lane and 0-15097 Crystal Beach Drive)**

These lands are zoned “Residential Multiple 1 (RM1-689) Zone”, and all of the provisions that relate to lands zoned “Residential Multiple 1(RM1) Zone” by this by-law shall apply to those lands zoned “Residential Multiple 1 (RM1-689) Zone”, subject to the following special provisions:

- a) Notwithstanding the list of Permitted Uses in Section 14.2, these lands may only be used for apartments and accessory uses.
- b) Regulations for apartment as per Section 15.3 except that:
  - i. min, lot area - 0.2600 ha. (excluding EP lands)
  - ii. min. lot area per dwelling unit – not applicable
  - iii. max. coverage - 74%
  - iv. min. setback from Crystal Beach Drive – 4.2m
  - v. min. setback from Hazard limit for lots fronting Terrace Lane – 0m
  - vi. max. height – 21m
  - viii. max. density – 385 un/ha”

3. **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 xxth day of xxxxx, 202x.

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Mayor

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Clerk