

**SECTION 16 - ESTATE RESIDENTIAL (ER) ZONE**

**16.1** Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Estate Residential ER zones.

**16.2 PERMITTED USES**

- (a) One single detached dwelling, and uses, buildings and structures accessory thereto including accessory apartments, with the exception that no accessory apartments are permitted in those dwellings located upon lots abutting roads under the jurisdiction of the Niagara Parks Commission.
- (b) Home occupations

**16.3 REGULATIONS FOR DWELLINGS**

Minimum Lot Frontage	50m
Minimum Lot Area	4000 sq. m.
Maximum Lot Coverage	10 percent
Minimum Front Yard	15m
Minimum Interior Side Yard	6m
Minimum Exterior Side Yard	7.5m
Minimum Rear Yard	15m
Minimum Floor Area	(i) 1 storey 140 sq.m. (ii) 1.5 storey or split-level 160 sq.m. (iii) 2 or 2.5 storey 180 sq.m
Maximum Height	2.5 storeys

**16.4 SUPPLEMENTARY REGULATIONS FOR LOTS ON THE NIAGARA RIVER PARKWAY**

For lots zoned Estate Residential and abutting the Niagara Parkway, the following regulations shall apply:

- (a) Notwithstanding the requirements of Section 6.5, access to the lots may be gained by means of an abutting service road under the jurisdiction of the Niagara Parks Commission.

Minimum Lot Frontage	60m
Minimum Interior Side Yard	4m
Minimum Front Yard	15m, except the minimum front yard shall be 25m where the Niagara Parks Commission has not established a service road or taken lands for service road purposes in front of the entire width of the lot*

**EXCEPTIONS TO THE ESTATE RESIDENTIAL (ER) ZONE**

**ER-23 (262-1990) Niagara River Parkway, south side, east of Switch Road**

These lands are zoned "Estate Residential ER-23 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-23 Zone" except:

- (a) that notwithstanding the requirements of Subsections 16.4, the minimum lot frontage shall not be less than 54.86 metres, and;
- (b) that notwithstanding the requirements of Subsection 16.3, the minimum lot area shall not be less than .55 hectares.

**ER-98 (129-90) Stonemill Road, east side, north of Dominion Road**

Notwithstanding the provisions of the Estate Residential (ER) zone, the use of the lands indicated as ER-98 on Schedule "A" shall have a reduced lot frontage to 9 metres.

**ER-108 (220-93) Nigh Road, south side, east of Rosehill Road**

These lands are zoned "Estate Residential ER-108 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-108 Zone" except:

- (a) that notwithstanding the requirements of Subsection 16.3, the minimum lot frontage shall not be less than 59.7 metres, and;
- (b) that notwithstanding the requirements of Subsection 16.3, the minimum lot area shall not be less than .8 hectares."

**ER-144 (215-1995) 1561 Stockton Lane**

These lands are zoned "Estate Residential ER-144 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-144 Zone" except:

- (a) notwithstanding the requirements of Subsection 16.2 (a), two single detached dwellings and uses, buildings and structures accessory thereto shall be permitted on these lands, and;
- (b) the setback from the high water mark of 177.2 metres referenced to the Geodetic Survey of Canada datum for the most easterly dwelling shall not be less than 10 metres.

**ER-166 (210-1996) 1447 Ridge Road North**

These lands are zoned "Estate Residential ER-166 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-166 Zone" except:

- (a) that notwithstanding the requirements of Subsection 16.3, the minimum lot frontage shall not be less than 65.84 metres, and;

- (b) that notwithstanding the requirements of Subsection 16.3 the minimum lot area shall not be less than 4.53 hectares.”

**ER-203 (148-1998) 658 Rosehill Road**

These lands are zoned "Estate Residential ER-203 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-203 Zone" except:

- (a) that notwithstanding the requirements of Subsection 16.3 the minimum lot frontage shall not be less than 18.6 metres, and;
- (b) that notwithstanding the requirements of Subsection 16.3 the minimum lot area shall not be less than .8 hectares.”

**ER-222 (64-2000) Nigh Road, south side, west of Buffalo Road**

These lands are zoned "Estate Residential ER-222 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-222 Zone" except:

- (a) that notwithstanding the requirements of Subsection 16.3, the minimum lot frontage shall not be less than 53 metres, and;
- (b) that notwithstanding the requirements of Subsection 16.3, the minimum lot area shall not be less than .53 hectares.

**ER(H)-223 (64-2000) Nigh Road, south side, west of Buffalo Road**

These lands are zoned "Estate Residential ER-23 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-23 Zone" except:

- (a) that the minimum frontage shall not be less than 20 metres. Once the Holding has been removed after the owner has entered into a subdivision agreement with the Municipality, the development of these lands shall comply with all of the provisions that relate to lands zoned "Estate Residential ER Zone".

**ER-224 (74-2000) 2075 Niagara River Parkway**

These lands are zoned "Estate Residential ER-224 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-224 Zone" except:

- (a) that notwithstanding the requirements of Subsection 16.3, the minimum lot area shall not be less than .36 hectares, and;
- (b) that notwithstanding the requirements of Subsection 16.4, the minimum lot frontage shall not be less than 44 metres.

**ER(H)-236 (218-2000) Dominion Road, south side, east of Bernard Avenue**  
DELETED BY BY-LAW 79-05

**ER-246 (139-2001) Nigh Road, north side, west of Burleigh Road North**

These lands are zoned "Estate Residential ER-246 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-246 Zone" except:

- (a) notwithstanding the provisions of Subsection 16.3 the minimum lot frontage shall not be less 88 metres.
- (b) notwithstanding the provisions of Subsection 16.3 the minimum lot area shall not be less than 1.23 hectares.

**ER-247 (139-2001) Nigh Road, north side, west of Burleigh Road North**

These lands are zoned "Estate Residential ER-247 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-247 Zone" except:

- (a) notwithstanding the provisions of Subsection 16.3 the minimum lot frontage shall not be less 114 metres
- (b) notwithstanding the provisions of Subsection 16.3 the minimum lot area shall not be less than 1.6 hectares.

**ER-248 (141-2001) Ridge Road North, east side, north of Nigh Road**

These lands are zoned "Estate Residential ER-248 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this By-law shall apply to those lands zoned "Estate Residential ER-248 Zone", except that:

- (a) notwithstanding the provisions of Subsection 16.3 the minimum lot frontage shall not be less than 61 metres measured at the street line
- (b) notwithstanding the provisions of Subsection 16.3 the minimum lot area shall not be less than 2.87 hectares.

**ER-249 (141-2001) Nigh Road, north side, east of Ridge Road North**

These lands are zoned "Estate Residential ER-249 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this By-law shall apply to those lands zoned "Estate Residential ER-249 Zone", except that:

- (a) notwithstanding the provisions of Subsection 16.3 the minimum lot frontage shall not be less than 51.6 metres
- (b) notwithstanding the provisions of Subsection 16.3 the minimum lot area shall not be less than 0.53 hectares.

**ER-253 (162-1990) Ridge Road North, east side, south of Garrison Road**

These lands are zoned "Estate Residential ER-253 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-253 Zone" except that notwithstanding the regulations for dwellings as set out in Section 16.3, the minimum lot frontage shall not be less than 36.57 metres.

**ER-282 (214-1990) 801 Point Abino Road South**

These lands are zoned "Estate Residential ER-282 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-282 Zone" except that notwithstanding Section 16.2 - Permitted Uses, the lands shall only be used for the following uses:

- (a) the existing single detached dwelling;
- (b) the conversion of the existing guest house to a single detached dwelling permitting year round occupancy.
- (c) uses, buildings and structures accessory to the foregoing.

**ER-283 (198-1991) Juniper Lane, south side, west of Point Abino Road South**

These lands are zoned "Estate Residential ER-283 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-283 Zone" except:

- (a) that notwithstanding the requirements of Subsection 6.5, a single detached dwelling may be constructed on the lands indicated as ER-283 on Schedule "A" fronting on a private right-of-way;
- (b) that notwithstanding the requirements of Subsection 16.2 - Permitted Uses, these lands shall only be used for one single detached dwelling;
- (c) that notwithstanding the requirements of Subsection 16.3, the minimum lot frontage shall not be less than 60.96 metres;
- (d) that notwithstanding the requirements of Subsection 16.3, the minimum lot area shall not be less than 2,322.5 square metres;
- (e) that notwithstanding the requirements of Subsection 16.3, the maximum lot coverage shall not be greater than 4.5%;
- (f) that notwithstanding the requirements of Subsection 16.3, the minimum front yard shall not be less than 6.7 metres;
- (g) that notwithstanding the requirements of Subsection 16.3, the minimum westerly side yard shall not be less than 7 metres and the minimum easterly side yard shall not be less than 42.67 metres;
- (h) that notwithstanding the requirements of Subsection 16.3, the minimum rear yard shall not be less than 22 metres;
- (i) that notwithstanding the requirements of Subsection 16.3, the minimum floor area shall not be less than 108 square metres.

**ER-292 (40-1993) Farm Road, north side, west of Ridge Road North**

These lands are zoned "Estate Residential ER-292 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to those lands zoned "Estate Residential ER-292 Zone" except:

- (a) that notwithstanding the requirements of Subsection 16.3, the minimum lot frontage shall not be less than 181 metres, and;
- (b) that notwithstanding the requirements of Subsection 16.3, the minimum lot area shall not be less than .8 hectares.

**ER-294 (129-1990) Abino Dunes Development, Point Abino**

- (a) That part of the lands shown on Schedule "A" as Estate Residential ER-294 Zone shall be used for no other purpose than:
  - (i) One single detached dwelling;
  - (ii) Two dwelling units contained within the existing building on Lot 28;
  - (iii) Uses, buildings and structures accessory to the foregoing permitted uses.
- (b) The following special regulations shall apply to the lands shown on Schedule "A" zoned as Estate Residential ER-294 Zone:
  - (i) Lots within the lands zoned as "Estate Residential ER-294 Zone" shall not be required to front upon a street. Any reference to a "street" contained in this comprehensive zoning by-law or any amendment thereto shall, for the purposes of the lands described in Schedule "A" as ER-294, shall be deemed to refer to a private roadway within a plan of subdivision approved in accordance with the provisions of The Planning Act;
  - (ii) Maximum height 3 storeys or 11 metres;
  - (iii) Notwithstanding any provisions contained in this comprehensive zoning by-law to the contrary:
    - 1. Lot 29 may be used for the purpose of one single detached dwelling for the accommodation of security staff;
    - 2. The regulations for dwellings contained in Section 16.3 shall not apply to lands shown on Schedule "A" zoned Estate Residential ER-294 Zone.

**ER-295 (129-1990) Abino Dunes Development, Point Abino**

That part of the lands shown on Schedule "A" as Estate Residential ER(H)-295 Zone shall not be used for the construction or erection of any building or structure until shoreline protection works have been completed to the satisfaction of the Ministry of Natural Resources.

**ER-297(H) (55-2002) Rosehill Road, east side, north of Nigh Road**

These lands are zoned "Estate Residential ER(H)-297 Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-law shall apply to lands zoned "Estate Residential Holding ER-297(H) Zone" on Schedule A. Once the Holding provision has been removed, after the owners have finalized a development agreement for these lands, the development of the property shall comply with all the provisions that relate to lands zoned "Estate Residential ER Zone" subject to the following special provisions:

- (a) that notwithstanding the requirements of Subsection 16.3, the minimum lot frontage shall not be less than 45 metres; and
- (b) notwithstanding the requirements of Subsection 16.3, the minimum lot area shall not be less than 0.8 hectares; and
- (c) that notwithstanding the requirements of Subsection 16.3, the minimum front yard setback shall not be less than 50 metres.

**ER-298(H) (55-2002) Rosehill Road, east side, north of Nigh Road**

These lands are zoned "Estate Residential ER-298(H) Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this by-

law shall apply to lands zoned "Estate Residential Holding ER-298(H) Zone" on Schedule A. Once the Holding provision has been removed, after the owners have finalized a development agreement for Parts 1, 2 & 3 on Schedule A attached to By-law 55-2002, the development of the property shall comply with all the provisions that relate to lands zoned "Estate Residential ER Zone" subject to the following special provisions:

- (a) that notwithstanding the requirements of Subsection 16.3, the minimum lot frontage shall not be less than 35 metres; and
- (b) notwithstanding the requirements of Subsection 16.3, the minimum lot area shall not be less than 4 hectares; and
- (c) that notwithstanding the requirements of Subsection 16.3, the minimum front yard setback shall not be less than 50 metres

**ER-307(H) (119-2002) Dominion Road, north side, at Stonemill Road**

These lands are zoned "Estate Residential Holding ER-307(H) Zone" and all of the provisions that relate to lands zoned "Estate Residential ER Zone" by this By-law shall apply to those lands zoned "Estate Residential Holding ER-307(H) Zone" on Schedule A. Once the Holding has been removed, after the owners have entered into a site plan agreement with the Town, these lands shall comply with all of the provisions that relate to lands zoned "Estate Residential ER Zone" except:

- (a) Notwithstanding the provisions of Subsection 16.2, these lands may only be used for one residential building containing not more than 3 dwelling units, and uses, buildings and structures accessory thereto.
- (b) Notwithstanding the provisions of Subsection 16.3, the lot frontage for these lands shall not be less than 52 metres and the lot area for these lands shall not be less than 18.1 hectares.

**ER-326 (By-law 163-04) Bertie Road NS, at Stevensville Road**

These lands are zoned Estate Residential ER-326 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Estate Residential ER Zone by this by-law shall apply to those lands zoned Estate Residential ER-326 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 16.3 – Minimum Lot Frontage, the minimum lot frontage shall not be less than 39.6 metres.

**ER-327 (By-law 163-04) Bertie Road NS, at Stevensville Road**

These lands are zoned Estate Residential ER-327 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Estate Residential ER Zone by this by-law shall apply to those lands zoned Estate Residential ER-327 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 16.2 – Permitted Uses, the existing accessory structure on part 2 shall be permitted to remain on the property prior to the construction of a dwelling on the property and;
- b) Notwithstanding the requirements of Subsection 16.3 – Minimum Lot Frontage, the minimum lot frontage shall not be less than 42.3 metres measured along the Bertie Street road frontage, and;
- c) Notwithstanding the requirements of Subsection 16.3 – Minimum Floor Area shall not be less than 110 square metres.

**ER-389 (By-law 101-08) 725 Point Abino Road South**

These lands are zoned Estate Residential ER-389 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Estate Residential ER Zone by this by-law shall apply to those lands zoned Estate Residential ER-389 Zone on the attached Schedule A subject to the following special provisions:

- a) Notwithstanding the requirements of Section 6.15(b) (ii) the minimum side yard setback shall not be less than 3 metres;
- b) Notwithstanding the requirements of Subsection 6.47 a dwelling shall be located within the 1:100 year flood elevation as determined by the Niagara Peninsula Conservation Authority.
- c) No building openings are to be located below the floodline elevation of 176.97 m G.S.C.