

SECTION 10 - RESIDENTIAL 1 (R1) ZONE

10.1 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 Residential (R1) zones.

10.2 PERMITTED USES

- (a) One single detached dwelling and uses, buildings and structures accessory thereto.
- (b) Home Occupations
- (c) Accessory Apartment Dwelling
- (d) Second Dwelling Unit

10.3 REGULATIONS FOR DWELLINGS

Minimum Lot Frontage	18m 20m for a corner lot
Minimum Lot Area	600 sq. m.
Maximum Lot Coverage	Lot size < 600 sq m - 25 percent Lot size = 600 sq m 800 sq m - 30 percent Lot size > 800 sq m - 35 percent
Minimum Front Yard	7.5m
Minimum Interior Side Yard	(i) 1.5m for a one-storey dwelling (ii) 2.0m for 2 storeys (iii) 2.5 m for 2.5 storeys (iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.
Minimum Rear Yard	10m
Maximum Height of Building	i) 2.5 storeys ii) 9m

10.4 ADDITIONAL REGULATIONS FOR DWELLINGS ON INFILL LOTS

Minimum Interior Side Yard	(iv) 2.0m for a one-storey dwelling
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	(v) 2.5m for a 1.5 or 2 storey dwelling (vi) 3.0m for a 2.5 storey dwelling (iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m
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EXCEPTIONS TO RESIDENTIAL 1 (R1) ZONE

R1-6 (129-1990) 4045 West Main Street

Nothing shall prevent the continued use of the lands indicated as R1-6 on Schedule "A" for an auto body shop.

**R1-68 (129-90) Edgemere Lane south side, West of Kraft Road
RELOCATED TO WR-68**

R1-69 (129-1990) 708 Lakeside Road

Nothing shall prevent the use of the lands indicated as R1-69 on Schedule 'A' for a single detached dwelling with an addition for an accessory dwelling unit ("in-law" suite) and the following provisions shall apply to the addition for the accessory dwelling unit:

- (a) Minimum Front Yard Setback shall not be less than 4.26 metres from the street line.
- (b) Minimum Side Yard Setback shall not be less than 5.18 metres from the side lot line.
- (c) Maximum Floor Area: 97.5456 square metres
- (d) Maximum Height: Two storeys

R1-139 (129-1995) Yacht Harbour Road, South Side RELOCATED TO WR-139

R1-143 (214-1995) 4217 Erie Road, RELOCATED TO WR-143

R1-147 (231-1995) Yacht Harbour Road, South Side, RELOCATED TO WR-147

R1-216 (214-1999) Lakecrest Court

These lands are zoned "Residential 1 R1-216 Zone" and all of the provisions that relate to lands zoned "Residential 1 R1 Zone" by this by-law shall apply to those lands zoned "Residential 1 R1-216 Zone" except:

- (a) That notwithstanding the requirements of section 10.3(a) the minimum lot frontage shall not be less than 11.7 metres and
- (b) That notwithstanding the requirements of Subsection 10.3(b) the minimum lot area shall not be less than .12 hectares, and

- (c) The minimum setback for all buildings and structures from the Lake Erie 100-year flood elevation of 177.2 metres G.S.C. shall not be less than 15 metres.

R1-217 (214-1999) Lakecrest Court

These lands are zoned "Residential 1 R1-217 Zone" and all of the provisions that relate to lands zoned "Residential 1 R1 Zone" by this by-law shall apply to those lands zoned "Residential 1 R1-217 Zone" except:

- (a) That notwithstanding the requirements of Subsection 10.3 (a) the minimum lot frontage shall not be less than 23.5 metres and
- (b) That notwithstanding the requirements of Subsection 10.3 (b) the minimum lot area shall not be less than .14 hectares.

R1-218 (214-1999) Lakecrest Court, (145-2000) North Shore Drive, west of Maple Leaf Avenue RELOCATED TO WR-218

R1-227 (145-2000) North Shore Drive, west of Maple Leaf Avenue

These lands are zoned "Residential 1 R1-227 Zone" and all of the provisions that relate to lands zoned "Residential 1 Zone" by this by-law shall apply to those lands zoned "Residential 1 R1-227 Zone" except:

- (a) that notwithstanding the requirements of Subsection 16.3, the minimum floor area shall not be less than 140 square metres;
- (b) That the minimum rear yard setback shall not be less than 10 metres except the minimum rear yard along Lake Erie shall be not less than 15 metres from the 100 year floodline of 177.2 metres referenced to in the Geodetic Survey of Canada Datum.

R1-228 (155-2000) 4401A Erie Road RELOCATED TO WR-228

R1-231 (OMB ORDER #1516) West Main Street, south side, west of Coral Avenue

These lands are zoned "Residential 1 Holding R1-231 Zone" and all of the provisions that relate to lands zoned "Residential 1 R1 Zone" by this by-law shall apply to those lands zoned "Residential 1 Holding R1-23 Zone". Once the Holding has been removed, after the owners have graded and constructed drainage works in accordance with the approved overall lot drainage and grading plan and serviced the proposed lots concurrently including road restoration to the satisfaction of the Town, the development of these lands shall comply with all the provisions that relate to lands zoned "Residential 1 R1 Zone" by this by-law, except that notwithstanding the requirements of Subsection 10.3 the minimum lot frontage shall not be less than 16.4 metres.

R1-232(H) (OMB ORDER #1516) West Main Street, south side, west of Coral Avenue

These lands are zoned "Residential 1 Holding R1-232(H) Zone" and all of the provisions that relate to lands zoned "Residential 1 R1 Zone" by this by-law shall apply to those lands zoned "Residential 1 Holding R1-232(H) Zone. Once the Holding has been removed, after the owners have graded and constructed drainage works in accordance with the approved overall lot drainage and grading plan and serviced the proposed lots concurrently including road restoration to the satisfaction of the Town, the development of these lands shall comply with all the provisions that relate to lands zoned "Residential 1 R1 Zone" by that by-law, except:

- (a) that notwithstanding the requirements of Subsection 10.3 the minimum lot frontage shall not be less than 17.1 metres.
- (b) that notwithstanding the requirements of Subsection 10.3 the minimum westerly side yard setback shall not be less than 6 metres

R1-243 (119-2001) (Relocated to CMU5-520)

R1-244(H) (129-2001) (Relocated to CMU3-244)

R1-255 (211-1994) Shirley Road, west side, north of Thunder Bay Road

Deleted by Amending By-law No. 38-2013.

R1-256 (26-1992) Shirley Road, west side, north of Thunder Bay Road

Deleted by Amending By-law No. 38-2013.

R1-258 (129-1990) 722 Ridge Road North

Nothing shall prevent the continued use of the lands indicated as R1-258 on Schedule "A" for a funeral home and uses, buildings and structures accessory thereto.

R1-293 (20-1994) Dominion Road, north side, east of Prospect Point Road N

These lands are zoned "Residential 1 R1-293 Zone" and all of the provisions that relate to lands zoned "Residential 1 R1 Zone" by that by-law shall apply to those lands zoned "Residential 1 R1-293 Zone" except that notwithstanding the provisions of Subsection 10.3, the minimum front yard shall not be less than 9 metres.

R1-299(H) (20-2000) Yacht Harbour Road, north side, east of prospect Point Road South

These lands are zoned "Residential 1 Holding R1-299(H) Zone" and all of the provisions that relate to lands zoned "Residential 1 R1 Zone" by this By-law shall apply to those lands zoned "Residential 1 Holding R1-299(H) Zone" on Schedule A, except:

- (a) that notwithstanding the requirements of Subsection 6.5, the lots shall not be required to have frontage on a public street;
- (b) that notwithstanding the requirements of Subsection 5.151, the front lot line shall be the lot line that divides the lot from the private lane, and;

- (c) that notwithstanding the requirements of Subsection 10.3(a), the minimum lot frontage shall not be less than 21 metres.

R1-346 (186-05, 40-06) Ridgeway Estates, southeast corner of Prospect Point Road and Thunder Bay Road

These lands are zoned Residential 1 R1-346 and all the provisions of By-law 129-90 is amended that relate to lands zoned Residential 1 R1 Zone by this by-law shall apply to those lands zoned Residential 1 R1-346 Zone on the attached Schedule A subject to the following special provision:

- (a) Notwithstanding the requirements of Subsection 10.3 – Regulations for dwellings
- Minimum lot frontage shall not be less than 17.7 metres for an interior lot.
- (b) Notwithstanding the requirements of Subsection 10.3 – Regulations for Dwellings
- Minimum interior side yard for one storey dwellings with attached garages or carports shall be no less than 1.2 metres

R1-347 (186-05) Ridgeway Estates, southeast corner of Prospect Point Road and Thunder Bay Road

These lands are zoned Residential 1 R1-347 and all the provisions of By-law 129-90 is amended that relate to lands zoned Residential 1 R1 Zone by this by-law shall apply to those lands zoned Residential 1 R1-347 Zone on the attached Schedule A subject to the following special provision:

- (a) Notwithstanding the requirements of Subsection 10.3 – Regulations for dwellings
- Minimum front yard setback shall not be less than 6.5 metres to the dwelling and 6 metres to an attached garage or carport
 - Maximum lot coverage shall not be greater than 40%
 - Minimum exterior side yard shall not be less than 2 metres except where an attached garage or an attached carport faces the exterior side lot line the setback shall not be less than 6 metres
 - Minimum rear yard setback shall not be less than 6.5 metres

R1-348 (186-05) Ridgeway Estates, southeast corner of Prospect Point Road and Thunder Bay Road

These lands are zoned Residential 1 R1-348 and all the provisions of By-law 129-90 is amended that relate to lands zoned Residential 1 R1 Zone by this by-law shall apply to those lands zoned Residential 1 R1-348 Zone on the attached Schedule A subject to the following special provision:

- (b) Notwithstanding the requirements of Subsection 10.3 – Regulations for dwellings

- Maximum lot coverage shall not be greater than 40%
- Minimum front yard setback shall not be less than 5 metres to the dwelling and 6 metres to the attached garage or attached carport
- Minimum exterior side yard shall not be less than 2 metres except where an attached garage or an attached carport faces the exterior side lot line the setback shall not be less than 6 metres
- Minimum rear yard setback shall not be less than 6.5 metres

R1-349 (186-05) Ridgeway Estates, southeast corner of Prospect Point Road and Thunder Bay Road

These lands are zoned Residential 1 R1-349 and all the provisions of By-law 129-90 is amended that relate to lands zoned Residential 1 R1 Zone by this by-law shall apply to those lands zoned Residential 1 R1-349 Zone on the attached Schedule A subject to the following special provision:

- (a) Notwithstanding the requirements of Subsection 10.3 – Regulations for dwellings
- Maximum lot coverage shall not be greater than 40%
 - Minimum front yard setback shall not be less than 5 metres to the dwelling and 6 metres to the attached garage or an attached carport
 - Minimum exterior side yard shall not be less than 2 metres except where an attached garage or an attached carport faces the exterior side lot line the setback shall not be less than 6 metres

R1-365 (191-06 + 151-08) Ridgeway Estates Phase 2, east side of Prospect Point Road and south side of Thunder Bay Road

These lands are zoned “Residential 1 R1-365 Zone”, and all the provisions of By-law 129-90 as amended that relate to lands zoned Residential 1 R1 Zone by this by-law shall apply to those lands zoned “Residential 1 R1-365” Zone on the attached Schedule A subject to the following special provisions:

- a) Minimum front yard setback shall not be less than 4 metres to the dwelling and 6 metres to the attached garage or an attached carport
- b) Minimum interior side yard setback shall not be less than 1.2 metres.
- c) Maximum lot coverage of 40%
- d) Minimum rear yard setback shall not be less than 9 metres.

R1-369 (191-06 + 151-08) Ridgeway Estates Phase 2, east side of Prospect Point Road and south side of Thunder Bay Road

These lands are zoned Residential 1 R1- 369 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Residential1 R1 Zone by this by-law shall apply to those lands zoned Residential 1 R1- 369 Zone on the attached Schedule A subject to the following special provisions:

- a) Minimum front yard setback shall not be less than 4 metres to the dwelling and 6 metres to an attached garage or attached carport;
- b) Minimum interior side yard setback shall not be less than 1.2 metres
- c) Maximum lot coverage 40%
- d) Minimum rear yard setback 16 metres

R1-390 (121-08) High Pointe, north end of Green Acres Drive

These lands are zoned Residential 1 R1-390 Zone, and all of the provisions of By-law 129-90 as amended that relate to lands zoned Residential 1 R1 Zone by this by-law shall apply to those lands zoned Residential 1 Holding R1-390 (H) Zone on the attached Schedule A subject to the following special provisions:

- a) A maximum lot coverage of 40%.
- b) A minimum front yard setback of 6 metres.
- c) A minimum interior side yard setback of 1.0 metres for 1 storey, 1.5 metres for over 1 storey and all units to have attached garages.
- d) A minimum rear yard of 8 metres.

R1-406 (90-09) Ridgeway-By-the-Lake Phase 3

These lands are zoned Residential 1 R1-406 Zone, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned Residential 1 R1 Zone by this by-law shall apply to those lands zoned Residential 1 R1-406 Zone on the attached Schedule "A" subject to the following special provisions:

- a) Minimum front yard setback shall not be less than 4 metres to the dwelling and 6 metres to an attached garage;
- b) Minimum interior side yard setback shall not be less than 1.2 metres;

- c) Minimum exterior side yard setback shall not be less than 2 metres and where an attached garage faces the exterior side lot line the setback shall not be less than 6 metres;
- d) Maximum lot coverage 45%;
- e) Minimum rear yard setback 9 metres.

R1-407 (90-09) Ridgeway-By-the-Lake Phase 3

These lands are zoned Residential 1 R1-407 Zone, and all of the provisions of By-law No.129-90 as amended that relate to lands zoned Residential 1 R1 Zone by this by-law shall apply to those lands zoned Residential 1 R1-407 Zone on the attached Schedule A subject to the following special provisions:

- a) Minimum front yard setback shall not be less than 4 metres to the dwelling and 6 metres to an attached garage;
- b) Minimum interior side yard setback shall not be less than 1.2 metres;
- c) Minimum exterior side yard setback shall not be less than 2 metres and where an attached garage faces the exterior side lot line the setback shall not be less than 6 metres;
- d) Maximum lot coverage 50%;
- e) Minimum rear yard setback 5.5 metres;
- f) Minimum lot area 535 square metres.

R1-504 (65-2014) 3651 Switch Road

These lands are zoned “Residential 1 (R1-504) Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Residential (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-504) Zone” on the attached Appendix “1” shall be subject to the following special provisions:

- i) Minimum lot frontage– 4.72 metres
- ii) Minimum lot size–8391 square metres
- iii) Notwithstanding the requirements of Subsection “6.16 Municipal Services”, the single detached dwelling constructed on the lot shown as Part 1 on Appendix “1” may be serviced by a private water supply until such time as a municipal water supply becomes available at the lot frontage.

R1-515(H) (70-2015) – CNR Lands fronting w/s of Stevensville Road

These lands are zoned “Residential 1 (R1-515(H)) Holding Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-515(H)) Holding Zone” subject to the following special provision:

- a) The Holding provision shall not be removed from any lands in this zone, nor shall any lands within this zone be used for residential purposes until all required environmental studies have been completed, and a plan for any required site remediation has been submitted to, and approved by, the appropriate regulatory agencies.

R1-539 (35-2016) – 3799 Switch Road

These lands are zoned “Residential 1 (R1-539) Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-539) Zone” subject to the following provisions:

- a) Notwithstanding Subsection 6.5 the existing driveway is permitted as a private road.
- b) Notwithstanding Subsection 6.16 a private water supply and septic system is permitted.
- c) Notwithstanding Subsection 10.3, the following regulations shall apply:

Minimum lot frontage	0m
Minimum lot area	6300 sq.m

R1-540 (35-2016) – 3787 Switch Road

These lands are zoned “Residential 1 (R1-540) Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-540) Zone” subject to the following provisions:

- a) Notwithstanding Subsection 6.5 the existing driveway is permitted as a private road.
- b) Notwithstanding Subsection 6.16, a private water supply and septic system is permitted.
- c) Notwithstanding Subsection 10.3, the following regulations shall apply:

Minimum lot frontage	0m
Minimum lot area	5700 sq.m.

R1-541 (35-2016) – 3757 Switch Road

These lands are zoned “Residential 1 (R1-541) Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-541) Zone” subject to the following provisions:

- a) Notwithstanding Subsection 6.5 the existing driveway is permitted as a private road.
- b) Notwithstanding Subsection 6.16, a private water supply and septic system is permitted.
- c) Notwithstanding Subsection 10.3, the following regulations shall apply:

Minimum lot frontage	0m
Minimum lot area	3950 sq.m.

R1-542 (35-2016) – 3647 Switch Road

These lands are zoned “Residential 1 (R1-542) Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-542) Zone” subject to the following provisions:

- a) Notwithstanding Subsection 6.5 the existing driveway is permitted as a private road.
- b) Notwithstanding Subsection 10.3, the following regulations shall apply:

Minimum lot frontage	0m
Minimum lot area	5300 sq.m.

R1-543 (35-2016) – 3633 Switch Road

These lands are zoned “Residential 1 (R1-543) Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-543) Zone” subject to the following provisions:

- a) Notwithstanding Subsection 6.16, a private water supply and septic system is permitted.
- b) Notwithstanding Subsection 10.3, the following regulations shall apply:

Minimum lot frontage	8m
Minimum lot area	7600 sq.m.

R1-544 (35-2016) – 0 and 2941 Townline Road – South Side – between Black Creek Trail and the QEW

These lands are zoned “Residential 1 (R1-544) Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-544) Zone” subject to the following provision:

- a) Notwithstanding Subsection 6.16 a private septic system is permitted for a single detached dwelling, subject to Regional Municipality of Niagara, Niagara Peninsula Conservation Authority and any other applicable regulatory authority approval.

R1-545 (35-2016) – 2875, 2907, 2915, 2929, 2935 and 2955 Townline Road – South Side – between Black Creek Trail and the QEW

**TOWN OF FORT ERIE COMPREHENSIVE ZONING BY-LAW 129-90
OFFICE CONSOLIDATION**

These lands are zoned “Residential 1 (R1-545) Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-545) Zone” subject to the following provision:

- a) Notwithstanding Subsection 6.16 a private septic system is permitted with existing single detached dwelling.

R1-546 (35-2016) – 3725, 3715, 3649, 3617, 3603, 3595, 3571, 3543, 3529, 3515, 3497 and 3485 Switch Road – West Side

These lands are zoned “Residential 1 (R1-546) Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-546) Zone” subject to the following provision:

- a) Notwithstanding Subsection 6.16 a private water supply is permitted.

R1-547 (35-2016) – 3633 Switch Road

These lands are zoned “Residential 1 (R1-547) Zone” and all of the provisions of By-law 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-547) Zone” subject to the following provisions:

- a) Notwithstanding Subsection 6.5 the existing driveway is permitted as a private road.
- b) Notwithstanding Subsection 6.16, a private water supply and septic system is permitted for a single detached dwelling, subject to satisfying regional private septic system criteria, Conservation Authority and any other regulatory authority approval.
- c) Notwithstanding Subsection 10.3, the following regulations shall apply:

Minimum lot frontage	0m
Minimum lot area	8700 sq.m.

R1-572 (25-2017) Switch Road, West Side

These lands are zoned “Residential 1 (R1-572) Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-572) Zone” on the attached Appendix “1” and shall be subject to the following provisions:

- a) Notwithstanding Subsection 6.16 a private water supply is permitted.

R1-665 (88-2021) 0-7103 Burleigh Road North (Part 1)

These lands are zoned “Residential 1 (R1-665) Zone”, and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Residential 1 (R1) Zone” by this by-

law shall apply to those lands zoned “Residential 1 (R1-665) Zone” subject to the following special regulations:

- a) Minimum lot frontage 10.50 m
- b) Minimum lot area 409.60 sq m
- c) Maximum height of building one (1) storey and 6.00 m

R1-668 (97-2021) 129 Cook Avenue (Part 1)

These lands are zoned “Residential R1 (R1-668) Zone” (Part 1), and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Residential (R1) Zone” by this by-law shall apply to those lands zoned “Residential R1 (R1-668) Zone” subject to the following special regulations:

- a) Minimum Lot Frontage - 15 m
- b) Minimum Lot Area - 571 sq.m

R1-669 (97-2021) 129 Cook Avenue (Part 2)

These lands are zoned “Residential R1 (R1-669) Zone” (Part 2), and all of the provisions of By-law No. 129-90 as amended that relate to lands zoned “Residential (R1) Zone” by this by-law shall apply to those lands zoned “Residential R1 (R1-669) Zone” shown as Part 2 on the attached Appendix “1” and shall be subject to the following special regulation:

- a) Minimum Lot Frontage - 17 m

R1-671 (133-2021) 3719 Highland Drive (Part 1)

These lands are zoned “Residential 1 (R1-671) Zone” (Part 1), and all of the provisions that relate to lands zoned “Residential 1 (R1) Zone” by this by-law shall apply to those lands zoned “Residential 1 (R1-671) Zone”, subject to the following special provisions:

- a) Minimum Rear Yard to Dwelling – 2.00 m
- b) Minimum Rear Yard to Existing Deck – 1.90 m
- c) Minimum Exterior Side Yard to Existing Garage Face – 0.82 m
- d) Minimum Interior Side Yard Setback on East Side of Dwelling - 10.00 m