

## **SECTION 6 – ZONE PROVISIONS**

### **6.7 – Estate Residential (ER) Zone**

#### **6.7 ESTATE RESIDENTIAL (ER) ZONE**

##### **6.7.1 PERMITTED USES**

No person shall within an Estate Residential (ER) Zone use any land or erect, alter or use any building or structure except as permitted hereunder.

##### **6.7.1.1 Residential uses**

6.7.1.1.1 Single family dwelling house

6.7.1.1.2 Group home in accordance with the provisions of 7.94

##### **6.7.1.2 Non-residential uses**

Public uses or utilities in accordance with the provisions of this By-law.

##### **6.7.2 REGULATIONS FOR RESIDENTIAL USES**

6.7.2.1 Minimum lot area: 4047 sq. metres

6.7.2.2 Minimum lot frontage: 45 metres

6.7.2.3 Minimum dwelling unit gross floor area: 167 sq. metres

6.7.2.4 Minimum ground floor area (where more than 1 storey): 111.5 sq. metres

6.7.2.5 Maximum lot coverage: 20 percent

6.7.2.6 Maximum building height: 11 metres

6.7.2.7 Minimum landscaped open space: 35 percent

6.7.2.8 Maximum number of dwelling houses on a lot: 1 dwelling unit

6.7.2.9 Maximum number of dwelling units on a lot: 1 dwelling unit

##### **6.7.2.10 Minimum yards**

6.7.2.10.1 Front depth: 22.8 metres

6.7.2.10.2 Rear depth: 7.6 metres

6.7.2.10.3 Exterior Side Width: 7.6 metres

6.7.2.10.4 Interior Side Width: 7.6 metres

##### **6.7.2.11 Minimum setback from centre line of street**

6.7.2.11.1 Provincial highway: 41.2 metres

6.7.2.11.2 County or arterial road: 36.2 metres

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6.7.2.11.3 Township road: 32.9 metres

#### 6.7.3 REGULATIONS FOR NON-RESIDENTIAL USE

Regulations for residential uses as set out in 6.7.2 shall apply where applicable to non-residential uses.

#### 6.7.4 REGULATIONS FOR DETACHED ACCESSORY BUILDINGS

6.7.4.1 Exterior side yard width: 9.0 metres

6.7.4.2 Interior side yard width: 3.0 metres

6.7.4.3 Rear yard depth: 3.0 metres

#### 6.7.5 MINIMUM SERVICES

6.7.5.1 A private well with an adequate supply of potable water.

6.7.5.2 A private sewage disposal system approved by the appropriate authority.

#### 6.7.6 REGULATIONS FOR OFF-STREET PARKING

Refer to Section 4.15

#### 6.7.7 SPECIAL PROVISIONS

(98-118)

(98-164)

**ER-1** (Included in subsection 5.32)

(3094)

5.32 Notwithstanding the provisions of Section 6.7.2.1 to the contrary, on that part of Lots 4 and 5, Concession 6 north of County Road No. 5 (Rosedale Avenue) shown as ER-1 on Schedule A2 the following special provisions shall apply in addition to all other applicable provisions of this By-law:

##### 5.32.1 REGULATIONS FOR RESIDENTIAL USE

5.32.1.1 Minimum lot area: 3800 square metres

5.32.1.2 Minimum lot frontage: 42 metres

5.32.1.3 Minimum dwelling unit gross floor area: 133 square metres

**ER-4** (Included in subsection 5.52)

(3116)

5.52 Notwithstanding the provisions of Sections 6.7.2.2 to the contrary, on that part of Lot 16, Concession 1 and part of road allowance between Concession 1 and Broke Front Concession, shown as ER-4 on Schedule A3 the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.52.1 Regulations for residential uses

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5.52.1.1 Minimum lot frontage: 38 metres

**ER-5** (Included in subsection 5.56)  
(3124) 5.56 Notwithstanding the provisions of Sections 6.7.2.3 and 6.7.2.4 to the contrary, on that part of Lot 17, Concession 6 shown as ER-5 on Schedule A5 the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.56.1 Regulations for residential uses

5.56.1.1 Minimum dwelling unit gross floor area: 133 square metres (1431.6 square feet)

5.56.1.2 Minimum ground floor area (where more than 1 storey): 99.75 square metres (1073.8 square feet)

**ER-6** (Included in subsection 5.64)  
(3167) 5.64 Notwithstanding the provisions of Section 6.7.2.2 to the contrary, on that part of Lot 4, Concession 5 shown as ER-6 on Schedule A2 as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.64.1 Minimum lot frontage: 20.11 metres (66 feet)

**ER-7** (Included in subsection 5.85)  
(3241) 5.85 Notwithstanding the provisions of section 6.7.2.2 to the contrary, on that part of Lot 5, Concession 9, shown as ER-7 on Schedule A6, as amended the following special provision shall apply in addition to all other applicable provisions of this By-law:

5.85.1 Minimum lot frontage: 41 metres (135 feet)

**ER-8** (Included in subsection 5.88)  
(3277) 5.88 Notwithstanding the provisions of Sections 4.13, 7.116.5, 7.117.1 and 6.7.2.2 to the contrary, on that part of Lot 4, Concession 5, as shown as ER-8 on Schedule A2 as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.88.1 Front lot line

5.88.1.1 Notwithstanding the provisions of Sections 4.13, 7.116.5, and 7.117.1 of this By-law to the contrary the front lot line and lot frontage for lands zoned ER-8 shall be determined utilizing the line abutting the road allowance of Old Mill Road as the front lot line even though the lands situated between the ER-8 Zone and the subject front lot line are zoned H (Hazard)

5.88.2 Minimum lot frontage: 20.12 metres

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- ER-9** (Included in subsection 5.89)  
(3298) 5.89 Notwithstanding the provisions of Section 6.7.2.2 to the contrary on that part of Lot 2, Concession 6, in the Township of Thurlow shown as ER-9 on Schedule A2, as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:
- 5.89.1 Minimum lot frontage: 44.5 metres
- ER-10** (Included in subsection 5.135)  
(3638) 5.135 Notwithstanding the provisions of Sections 6.7.2.2 and 6.7.2.10.2 to the contrary on that part of Lot 17, Concession Broken Front and Concession 1, shown as ER-10 on Schedule A3, as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:
- 5.135.1 Minimum lot frontage: 38 metres (124.7 feet)
- 5.135.2 Minimum rear yard setback: 30 metres (98.4 feet)
- ER-11** (Included in subsection 5.136)  
(3638) 5.136 Notwithstanding the provisions of Sections 6.7.2.2 and 6.7.2.10.2 to the contrary on that part of Lot 17, Concession Broken Front and Concession 1, shown as ER-11 on Schedule A3, as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:
- 5.136.1 Minimum lot frontage: 39 metres (128 feet)
- 5.136.2 Minimum rear yard setback: 30 metres (98.4 feet)
- ER-12** (Included in subsection 5.137)  
(3638) 5.137 Notwithstanding the provisions of Section 6.7.2.2 to the contrary, on that Part of Lot 17, Concession Broken Front and Concession 1, shown as “ER-12” on Schedule “A3”, as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law;
- 5.137.1 Minimum Lot Frontage:: 38 metres (124.7 feet)
- ER-13** (Included in subsection 5.138)  
(3638) 5.138 Notwithstanding the provisions of Section 6.7.2.2 to the contrary on that part of Lot 17, Concession Broken Front and Concession 1, shown as ER-13 on Schedule A3 as amended the following special provisions shall apply in addition to all other applicable provisions of this By-law:
- 5.138.1 Minimum lot frontage: 33 metres (108.3 feet)
- ER-14** (Included in subsection 5.161)  
(3706) 5.161 Notwithstanding the provisions of Sections 6.7.2.1 and 6.7.2.2 to the contrary on that part of Lot 4, Concession 5, in the Township

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of Thurlow shown as ER-14 on Schedule A2 as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.161.1 Minimum lot area: 2493 square metres (.616 acres)

5.161.2 Minimum lot frontage: 30.48 metres (100 feet)

**ER-15** (Included in subsection 5.162)

(3706)

5.162 Notwithstanding the provisions of Sections 6.7.2.1 and 6.7.2.2 to the contrary on that part of Lot 4, Concession 5, in the Township of Thurlow shown as ER-15 on Schedule A2 as amended, the following special provisions shall apply in addition to all other applicable provisions of this By-law:

5.162.1 Minimum lot area: 2833 square metres (.7 acres)

5.162.2 Minimum lot frontage: 41.7 metres (136.9 feet)

**ER-18** (Included in subsection 5.183)

(3825)

5.183 Notwithstanding the provisions of Sections 6.7.1.1, 4.8.3 and 4.8.4 to the contrary, on that part of Lot 4, Concession 5, in the Township of Thurlow shown as ER-18 on Schedule A attached hereto, the following special provisions shall apply in addition to all other applicable provisions of the By-law:

5.183.1 A home occupation shall be permitted within a parcel zoned ER-18.

5.183.2 One person, not resident in the dwelling on a lot zoned ER-18 shall be permitted to work within the home occupation.

5.183.3 No more than 50% of the gross floor area of the dwelling may be used for the home occupation. The home occupation shall be permitted within an accessory structure on a lot zoned ER-18.

Notwithstanding the provisions of Sections 6.7.1.1 and 4.8 of By-law 3014, as amended on the lands to be zoned as ER-18, which lands are described above, a home occupation is allowed for under an ER-18 Zone, shall be permitted as a Temporary Use without a residence on the property for a period of not more than three (3) years from the date of the passing of this By-law. Upon the expiration of this three (3) year period the home occupation as allowed for under the ER-18 Zone may only continue if the business owner/manager lives in a single unit dwelling on the subject property.

**ER-19**

(98-118)

File No.: B-77-586

Block A, Plan 1887, part of Lot 5, Concession 5, (38 Old Mill Road, Foxboro), formerly in the Township of Thurlow, now in the City of Belleville, County of

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Hastings

- 6.7.7.1 Notwithstanding and in addition to the provisions of Section 6.7.1.1 to the contrary, on Block A, Plan 1887, part of Lot 5, Concession 5, City of Belleville, formerly in the Township of Thurlow, shown as ER-19 on Schedule A attached hereto a Bed and Breakfast establishment shall be added to the list of permitted uses. (Maximum 3 bedrooms may be used for the accommodation of overnight guests).

#### ER-19

OMB Files: Z 940076, Z 940085  
Order dated April 17, 1996  
Thurlow Zoning File 4/94

(Included in subsection 5.190)

5.190 Notwithstanding the provisions of Section 6.7.2.10.2 to the contrary on that part of Lot 14, Concession 7, in the Township of Thurlow shown as ER-19 on Schedule A attached hereto, the following special provisions shall apply in addition to all of the other applicable provisions of the ER Zone as established by By-law 3014:

- 5.190.1 Minimum setback for all buildings and structures from a lot line which abuts property zoned or designated "Prime Agriculture" shall be 45.7 metres.

#### ER-19-h HOLDING PROVISIONS

(2004-193) *File No.: B-77-763*

*Part of Lot 20, Registered Plan 21M-175, and part of Lot 14, Concession 7, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings*

- 6.7.7.2 Notwithstanding the provisions of Subsection 6.7.1 of this By-Law, within the area zoned ER-19-h and ER-21-h, no person shall erect any building or structure or use any building, structure or land for any purpose, other than the uses that existed on the day of the passage of this By-Law. The "h" holding symbol shall be removed in accordance with Section 36 of the Planning Act, R.S.O., 1990, as amended, provided that the concerns of Quinte Conservation with respect to the hydrogeological investigation report dated March 2004 and submitted by Geo-Logic Inc. have been satisfactorily addressed.

(2005-123) (NOTE TO FILE: By-Law Number 2005-123, passed June 27, 2005, removed the "h" holding symbol **only from the lands described as** part of Lot 20, Registered Plan 21M-175 and part of Lot 14, Concession 7, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings.)

#### ER-20

(98-164) File No.: B-77-598

Part of Lot 4, Concession 5, (170 Mudcat Road), formerly in the Township of

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Thurlow, now in the City of Belleville, County of Hastings

- 6.7.7.1. Notwithstanding the provisions of section 6.7.2.2 within the area zoned ER-20, the minimum lot frontage shall be 33 metres.

#### ER-20

OMB Files: Z 940076, Z 940085  
Order dated April 17, 1996  
Thurlow Zoning File 4/94

(Included in subsection 5.191)

- 5.191 Notwithstanding the provisions of Sections 6.7.2.1., 6.7.2.2., 6.7.2.10.2 to the contrary on that part of Lot 14, Concession 7, in the Township of Thurlow shown as ER-20 on Schedule A attached hereto, the following special provisions shall apply in addition to all of the other applicable provisions of the ER Zone as established by By-Law 3014:

5.191.1 The minimum lot area and frontage requirements for all lots within the ER-20 Zone shall be as detailed on Schedule B of this By-Law.

5.191.2 The minimum rear yard setback for lots in an ER-20 Zone shall be: 45.7 metres for lots 22, and 23. The minimum rear yard setback for lots 24 and 25 shall be 7.6 metres.

[Schedule B goes on to list area and frontage requirements as follows: Lot 22, 1.27 hectares, 88.5 metres; Lot 23, 1.34 hectares, 90.2 metres; Lot 24, 2.29 hectares, 90.2 metres; and Lot 25, 0.88 hectares, 29.3 metres.]

#### ER-21

(2004-193) File No.: B-77-763

Part of Lot 20, Registered Plan 21M-175, and part of Lot 14, Concession 7, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

- 6.7.7.2 Notwithstanding the provisions of Subsection 6.7.2.2, within the area zoned ER-21 the minimum lot frontage shall be 40 metres.

#### ER-21-h HOLDING PROVISIONS

(2004-193) *File No.: B-77-763*

*Part of Lot 20, Registered Plan 21M-175, and part of Lot 14, Concession 7, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings*

- 6.7.7.2 Notwithstanding the provisions of Subsection 6.7.1 of this By-Law, within the area zoned ER-19-h and ER-21-h, no person shall erect any building or structure or use any building, structure or land for any purpose, other than the uses that existed on the day of the passage of this By-Law. The "h" holding symbol shall be removed in accordance with Section 36 of the Planning Act,

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R.S.O., 1990, as amended, provided that the concerns of Quinte Conservation with respect to the hydrogeological investigation report dated March 2004 and submitted by Geo-Logic Inc. have been satisfactorily addressed.

(2005-123) (NOTE TO FILE: By-Law Number 2005-123, passed June 27, 2005, removed the "h" holding symbol **only from the lands described as** part of Lot 20, Registered Plan 21M-175 and part of Lot 14, Concession 7, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings.)

#### **ER-22**

(2011-93) File No.: B-77-888

Part of Lot 11, Concession 5, formerly in the Township of Thurlow, now in the City of Belleville, County of Hastings

6.7.7.3 Notwithstanding the provisions of Subsection 6.7.1, within the area zoned ER-22, a maximum of 17 single detached vacant land condominium units shall be permitted subject to a minimum distance of 7.6 metres from any boundary of the ER-22 zone for all main and accessory buildings. For the purpose of this Zone, a 'Lot' as defined in Subsection 7.116 shall mean a unit in a vacant land plan of condominium established pursuant to the Condominium Act.

Notwithstanding the provisions of Subsection 4.7.1, within the area zoned ER-22 condominium units shall be permitted to front on a common elements condominium private road.

Notwithstanding the provisions of Subsections 6.7.2. and 6.7.4, only the provisions of Subsections 6.7.2.3, 6.7.2.4, 6.7.2.5, 6.7.2.6 and 6.7.2.7 shall apply within the area zoned ER-22.