

# TOWNSHIP OF GUELPH ERAMOSIA CONSOLIDATED ZONING BYLAW

34-95

## “The Rockwood Ridge Subdivision By-law”

This publication represents an Office Consolidation only of By-law 34-95 as amended up to December 2011 and is not to be construed as an enactment of the Municipal Council. Specific reference to the parent by-law and all of its amendments (listed in the table below) is required in order to verify accuracy of the information. These documents are available at the Township of Guelph-Eramosa Municipal Office, 8348 Wellington Road 124, P.O. Box 3000, Rockwood, Ontario.

By-law No.	Amendment	Name	Location	Approved 3rd Reading	Status
7/2000	-	Seaton	Blk. 78, RP 61M-15 (Rockwood)	21-Feb-00	In Effect
9/2000	-	Seaton	Pt. Lot 3, Con. 4, (Rockwood)	20-Mar-00	In Effect
22/2001	-	Seaton	Pt. Of West Half Lots 3 and 4, Con. 5 (Rockwood)	11-Jun-01	In Effect
23/2001	-	Seaton	Pt. Of West Half Lots 3 and 4, Con. 5 (Rockwood)	11-Jun-01	In Effect
47/2002	Rezone, Lift Holding Provision	Seaton	Pt. Block 79, Plan 61M-15 (Rockwood Ridge Sub. Phase 1-20' strip)	16-Sep-02	In Effect
18/2003	Lift Holding Provision	Seaton	Pt. of the W1/2 Lots 3 and 4, Con. 5 (Eramosa)	17-Mar-03	In Effect
66/2003	Lift Holding Provision & Amendments	Seaton	Rockwood Ridge Subdivision	20-Oct-03	In Effect
9/2004	Lift Holding Provision	Seaton	Rockwood Ridge Subdivision, Phase 2C	1-Mar-04	In Effect
10/2004	Lift Holding Provision	Seaton	Rockwood Ridge Subdivision, Phase 2D	15-Mar-04	In Effect
56/2005	Rezone & Amendments	Seaton	Rockwood Ridge Subdivision, Pt Lots 3 and 4, Conc. 5 (Eramosa)	17-Oct-05	In Effect

**APPENDIX "B"**  
**To the Order of the Ontario Municipal Board**  
**made on the 2<sup>nd</sup> day of August, 1994**

**THE CORPORATION OF THE TOWNSHIP OF**  
**ERAMOSIA**  
**By-law 34-95**

**A By-law to Amend Bylaw 14-1977 of the Township of Eramosa**

WHEREAS it is considered desirable for the control of development within the area of the Township of Eramosa known as the 'Rockwood Ridge Subdivision' to prohibit the use of land and the erection and use of buildings or structures except for certain purposes, and to regulate the type of construction and the height, bulk, location, size, floor area, character and use of buildings in according with the provisions of Section 34 of the Planning Act, R.S.O. 1990;

NOW THEREFORE the Council of the Corporation of the Township of Eramosa enacts as follows:

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# SECTION 1 ADMINISTRATION

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## 1.1 TITLE

This By-law may be referred to as “The Rockwood Ridge Zoning By-law”.

## 1.2 BUILDING PERMITS

The requirements of this By-law must be met before a Building Permit is issued by the Township for the erection or alteration of any building or structure.

## 1.3 ENFORCEMENT

Any person convicted of a violation of this By-law is liable, at the discretion of the convicting Justice, on first conviction to a fine of not more than \$20,000.00 and on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

## 1.4 SEVERABILITY

A decision of a Court that one or more of the provisions of this By-law are invalid in whole or in part does not affect this validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

## 1.5 EFFECTIVE DATE

This By-law shall come into force the day that it was passed where there are no objections received or where objections are received upon the approval of the Ontario Municipal Board in accordance with the provisions of the Planning Act.

## 1.6 REPEAL OF FORMER BY-LAW

The provisions of By-law 14-1977 of the Township of Eramosa are hereby repealed insofar as they affect the lands shown on Schedule ‘A’ to this By-law.

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## **SECTION 2 ESTABLISHMENT OF ZONES**

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### 2.1 ZONES

For the purposes of this By-law, the following zones are established and they may be referred to by the name or by the symbol set opposite the name of the zone below:

R1	-	Residential First Density
R2	-	Residential Second Density
RM1	-	Residential Multiple Use
RMU1	-	Residential Mixed Use One
RMU2	-	Residential Mixed Use Two
RMU3	-	Residential Mixed Use Three
C1	-	Neighbourhood Commercial
OS	-	Open Space

### 2.2 ZONE SCHEDULE

The zones and zone boundaries are shown on the attached Schedule 'A' which forms part of this By-law.

### 2.3 DETERMINING ZONE BOUNDARIES

- a) A zone boundary which is shown approximately at a lot line, street or lane is considered to be at the boundary of the lot line, street or lane.
- b) A zone boundary shown approximately in the centre line of a street or lane is considered to be the centre line of the street or lane.
- c) Unless the location of a zone boundary is specified by dimensions on the zoning map, a zone boundary which lies within a lot shall be fixed by the scale of the Schedule upon which it is shown.

### 2.4 COMPLIANCE WITH BY-LAW

No person shall change the use of any building, structure or land or erect or use any building or structure or occupy any land or building except in conformity with the provisions of this By-law.

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## SECTION 3 PERMITTED USES

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### 3.1 RESIDENTIAL FIRST DENSITY ZONE (R1)

#### 3.1.1 The following uses are permitted in the Residential First Density (R1) Zone:

- i) Single detached dwellings
- ii) Semi-detached dwellings
- iii) Duplex dwellings
- iv) Triplex dwellings
- v) Fourplex dwellings
- vi) A home occupation subject to Section 5.1
- vii) Accessory apartments within single detached and semi-detached dwellings.

#### 3.1.2 Special Provisions

- a) On those lands denoted by the symbol \*1, \*2, \*3 and \*4, as shown on Schedule 'A', 60 percent of the lots shall have frontages of 15.2 metres or greater and a minimum of 80 percent of the lots shall be used for single detached dwellings.

### 3.2 RESIDENTIAL SECOND DENSITY ZONE (R2)

#### 3.2.1 The following uses are permitted in the Residential Second Density (R2) Zone:

- i) Single detached dwellings
- ii) Semi-detached dwellings
- iii) Street townhouse dwellings
- iv) Block townhouse dwellings
- v) Home occupations subject to Section 5.1
- vi) Accessory apartments within single detached, semi-detached, and street townhouse dwellings

### 3.3 RESIDENTIAL MULTIPLE ONE ZONE (RM1)

#### 3.3.1 The following uses are permitted in the Residential Multiple One (RM1) Zone:

- i) Street townhouse dwellings
- ii) Block townhouse dwellings
- iii) Apartment dwellings
- iv) Home occupations subject to Section 5.1
- v) Accessory apartments within street townhouse dwellings

### 3.4 RESIDENTIAL MIXED USE ONE ZONE (RMU1)

3.4.1 The following uses are permitted in the Residential Mixed Use One (RMU1) Zone:

- i) Street townhouse dwellings
- ii) Apartment dwellings
- iii) Service uses
- iv) Institutional uses
- v) Home occupations subject to Section 5.1
- vi) Accessory apartments within street townhouse dwellings

### 3.5 RESIDENTIAL MIXED USE TWO ZONE (RMU2)

3.5.1 The following uses are permitted in the Residential Mixed Use Two (RMU2) Zone:

- i) Street townhouse dwellings
- ii) Block townhouse dwellings
- iii) Apartment dwellings
- iv) Institutional uses
- v) Home occupations subject to Section 5.1
- vi) Accessory apartments within street townhouse and block townhouse dwellings

### 3.6 RESIDENTIAL MIXED USE THREE ZONE (RMU3)

3.6.1 The following uses are permitted in the Residential Mixed Use Three (RMU3) Zone:

- i) Apartment dwellings
- ii) Service uses
- iii) Institutional uses
- iv) Home occupations subject to Section 5.1

### 3.7 NEIGHBOURHOOD COMMERCIAL ZONE (C1)

3.7.1 The following uses are permitted in the Neighbourhood Commercial (C1) Zone:

- i) Apartment dwellings in the same building as retail or service uses
- ii) Block townhouse dwellings
- iii) Retail stores
- iv) Service uses
- v) Institutional uses
- vi) Restaurants
- vii) Home occupations subject to Section 5.1



### 3.8 OPEN SPACE ZONE (OS)

3.8.1 The following uses are permitted in the Open Space (OS) Zone:

- i) Public recreational buildings and parks
- ii) Stormwater management facilities
- iii) Natural environment uses or areas

### 3.8.2 Special Provisions

- a) On those lands denoted by the Zone symbol OS\*A, as shown on Schedule 'A', the only uses permitted are listed in Section 3.8.1 ii) and iii).

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## SECTION 4 USE STANDARDS

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### 4.1 ZONES

No person shall erect any building or structure in any of the following Zones except in accordance with Section 5, General Provisions, and the following Zone Standards tables:

ZONE	TABLE
Residential Zones	Tables A, B, C, D, E and F
Commercial Zone	Table G
Open Space Zone	Table H

**TABLE A  
STANDARDS FOR THE R1 ZONE**

ZONE PROVISION	DWELLING UNIT TYPE OR USE				
	SINGLE DET. DWELLING	SEMI-DET. DWELLING	DUPLEX DWELLING	TRIPLEX DWELLING	FOURPLEX DWELLING
Minimum lot area	400 sq. m.	250 sq. m.	500 sq. m.	500 sq. m.	650 sq. m.
Minimum frontage	12.2 m	9.0 m.	15.2 m.	18.0 m.	18.0 m.
Minimum front yard	4.5 m.	4.5 m.	4.5 m.	4.5 m.	4.5 m.
Minimum setback to garage	6.0 m. (*2)	6.0 m. (*2)	6.0 m. (*2)	6.0 m. (*2)	6.0 m. (*2)
Minimum rear yard	7.5 m.	7.5 m.	7.5 m.	7.5 m.	7.5 m.
Interior side yard	1.2 m.	1.5 m. (*1)	1.2 m.	1.5 m (*1)	1.5 m.
Other interior side yard *4	1.5 m. (*1)	0.0 m.	1.5 m. (*1)	1.5 m.	3.0 m.
Exterior side yard	3.0 m.	3.0 m.	3.0 m.	3.0 m.	3.0 m.
Maximum lot coverage *3	40%	40%	40%	40%	40%
Minimum landscaped open space	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Maximum height	10.6 m.	10.6 m.	10.6 m.	10.6 m.	10.6 m.
SPECIAL PROVISIONS (*)					
<p>*1 – Where there is no attached garage or exterior side yard, the minimum interior yard shall be increased to 3.0 metres</p> <p>*2 – In no case shall any part of an attached or detached garage extend closer to the front lot line than the principal building on the lot</p> <p>*3 – Notwithstanding the 35% maximum for coverage for single detached dwellings, bungalows (with or without lofts) shall have a maximum lot coverage of 40%</p> <p>*4 – Notwithstanding the 1.5 metre Other Interior side yard for single detached dwellings, the garage portion of a bungalow (with or without a loft) or a single storey garage which is attached to a two storey dwelling, may have an Other Interior side yard of 0.9 metres</p>					

**TABLE B  
STANDARDS FOR THE R2 ZONE**

ZONE PROVISION	DWELLING UNIT TYPE OR USE				
	SINGLE DET. DWELLING	SEMI-DET. DWELLING	STREET TH DWELLINGS	BLOCK TH DWELLINGS	
Minimum lot area	270 sq. m.	210 sq. m.	175 sq. m. (*2)	Not applicable	
Minimum frontage	9.0 m.	7.0 m. (*6)	6.0 m. (*3)	Not applicable	
Minimum front yard	4.5 m. (*7)	4.5 m. (*7)	4.5 m. (*7)	4.5 m. (*7)	
Minimum setback to garage	6.0 m. (*5)	6.0 m. (*5)	6.0 m. (*5)	6.0 m. (*5)	
Minimum rear yard	7.5 m.	7.5 m.	7.5 m.	7.5 m.	
Interior side yard	1.2 m. (*1)	1.0 m. (*1)	0.0 m. (*4)	1.0 m.	
Other interior side yard	0.6 m.	0.0 m.	0.0 m.	1.0 m.	
Exterior side yard	3.0 m. (*7)	3.0 m. (*7)	3.0 m. (*7)	3.0 m. (*7)	
Maximum lot coverage	40%	45%	60%	60%	
Minimum landscaped open space	Not applicable	Not applicable	Not applicable	20%	
Maximum height	10.6 m.	10.6 m.	10.6 m.	10.6 m.	
Maximum density	Not applicable	Not applicable	Not applicable	35 upha.	
<b>SPECIAL PROVISIONS (*)</b>					

\*1 – Where there is no attached garage, exterior side yard or rear lane access, the minimum interior yard shall be increased to 3.0 metres or 1.5 metres with a shared driveway.

\*2 – The lot area may be reduced to 160 sq. m. if the driveway accessing the individual dwelling unit does not cross the front lot line and is not located in the front yard.

\*3 – The minimum lot frontage may be reduced to 5.5 metres if the driveway accessing the individual dwelling unit does not cross the front lot line and is not located in the front yard.

\*4 – The minimum side yard for end units shall be 1.0 metre.

\*5 – In no case shall any part of an attached or detached garage extend closer to the front lot line than the principal building on the lot.

\*6 – Where there is no attached garage, exterior side yard, rear lane access (public or private) or shared driveway, the minimum lot frontage shall be increased to 8.5 metres.

\*7 – Where the required parking is provided to the rear of the dwelling unit and accessed by a driveway crossing the exterior side lot line in the rear yard, or accessed by a lane located to the rear, or accessed by a shared driveway serving four or more dwelling units, this yard may be reduced to 3.0 metres. Where this provision applies, no other driveway, and no other parking, in the front yard shall be permitted.

**TABLE C  
STANDARDS FOR THE RM1 ZONE**

ZONE PROVISION	DWELLING UNIT TYPE OR USE			
	STREET TH DWELLINGS	BLOCK TH DWELLINGS	APARTMENT DWELLINGS	
Minimum lot area	175 sq. m. (*1)	not applicable	not applicable	
Minimum frontage	6.0 m. (*2)	not applicable	not applicable	
Minimum front yard	4.5 m. (*6)	4.5 m. (*6)	6.0 m.	
Minimum setback to garage	6.0 m. (*4)	6.0 m. (*4)	6.0 m. (*4)	
Minimum rear yard	7.5 m.	6.0 (*5)	7.5 m.	
Interior side yard	0.0 m. (*3)	1.0 (*5)	4.0 (*5)	
Other interior side yard	0.0 m.	1.0 (*5)	4.0 (*5)	
Exterior side yard	4.5 m. (*6)	not applicable	not applicable	
Maximum lot coverage	60%	60%	50%	
Minimum landscaped open space	not applicable	20%	25%	
Maximum height	10.6 m.	10.6 m.	10.6 m.	
Maximum density	not applicable	35 upha.	65 upha.	
<b>SPECIAL PROVISIONS (*)</b>				
<p>*1 - The lot area may be reduced to 160 sq. m. if the driveway accessing the individual dwelling unit does not cross the front lot line and is not located in the front yard.</p> <p>*2 – The minimum lot frontage may be reduced to 5.5 metres if the driveway accessing the individual dwelling unit does not cross the front lot line and is not located in the front yard.</p> <p>*3 – The minimum side yard for end units shall be 1.0 metre.</p> <p>*4 – In no case shall any part of an attached or detached garage extend closer to the front lot line than the principal building on the lot.</p> <p>*5 – This yard shall be increased to 7.5 metres if the yard is located between a wall of the principal building and the rear lot line of an abutting lot(s) which is in a R1 Zone.</p> <p>*6 – Where the required parking is provided to the rear of the dwelling unit and accessed by a driveway crossing the exterior side lot line in the rear yard, or accessed by a lane located to the rear, or accessed by a shared driveway serving four or more dwelling units, this yard may be reduced to 3.0 metres. Where this provision applies, no other driveway, and no other parking, in the front yard shall be permitted.</p>				

**TABLE D  
STANDARDS FOR THE RMU1 ZONE**

ZONE PROVISION	DWELLING UNIT TYPE OR USE			
	STREET TOWNHOUSE DWELLINGS	APARTMENT DWELLINGS	SERVICE OR INSTITUTIONAL USE	
Minimum lot area	160 sq. m.	not applicable	160 sq. m.	
Minimum frontage	5.5 m.	not applicable	5.5 m.	
Minimum front yard	0.0 m.	0.0 m.	0.0 m.	
Minimum setback to garage	(*2)	(*2)	0.0 m.	
Minimum rear yard	6.0 m.	6.0 m.	6.0 m.	
Interior side yard	0.0 m. (*3)	0.0 m.	0.0 m.	
Other interior side yard	0.0 m.	0.0 m.	0.0 m.	
Exterior side yard	0.0 m.	0.0 m.	0.0 m.	
Maximum lot coverage	60%	60%	60%	
Minimum landscaped open space	Not applicable	Not applicable	Not applicable	
Maximum height	10.6 m.	10.6 m.	10.6 m.	
Maximum density	Not applicable	65 upha.	Not applicable	
<b>SPECIAL PROVISIONS (*)</b>				
<p>*1 – Any lot line abutting a lane shall be deemed to be the rear lot line and any yard abutting a lane shall be deemed to be a rear yard. All other lot lines and yards shall be determined from this point of reference.</p> <p>*2 - Driveways used for accessing a street townhouse or apartment dwelling unit shall cross the rear lot line and attached garages shall either be attached to the rear wall of the principal building on the lot or located between the rear wall of the principal building on the lot and the rear lot line, provided it is located a minimum of 0.3 metres from the rear lot line.</p> <p>*3 – The minimum side yard for end units shall be 1.0 metre.</p>				

**TABLE E  
STANDARDS FOR THE RMU2 ZONE**

ZONE PROVISION	DWELLING UNIT TYPE OR USE				
	STREET TOWNHOUSE DWELLINGS	BLOCK TOWNHOUSE DWELLINGS	APARTMENT DWELLINGS	SERVICE OR INSTITUTIONAL USE	
Minimum lot area	160 sq. m.	Not applicable	Not applicable	160 sq. m.	
Minimum frontage	5.5 m.	Not applicable	Not applicable	5.5 m.	
Minimum front yard	0.0 m.	0.0 m.	0.0 m.	0.0 m.	
Minimum setback to garage	(*1)	(*1)	(*1)	(*1)	
Minimum rear yard	6.0 m.	6.0 m.	6.0 m.	6.0 m.	
Interior side yard	0.0 m. (*2)	1.0 m.	0.0 m.	0.0 m.	
Other interior side yard	0.0 m.	1.0 m.	0.0 m.	0.0 m.	
Exterior side yard	Not applicable	Not applicable	Not applicable	Not applicable	
Maximum lot coverage	60%	60%	60%	60%	
Minimum landscaped open space	Not applicable	20%	Not applicable	Not applicable	
Maximum height	10.6 m.	10.6 m.	10.6 m.	10.6 m.	
Maximum density	Not applicable	35 upha.	65 upha.	Not applicable	
<b>SPECIAL PROVISIONS (*)</b>					
<p>*1 – Driveways used for accessing an individual street townhouse dwelling fronting on a public street shall not cross the front lot line and attached garages shall either be attached to the rear wall of the principal building on the lot or located, if detached, to the rear of the principal building on the lot provided it is located a minimum of 0.3 metres from the rear lot line. Common driveways accessing three or more dwelling units may cross the front lot line to access a parking area located to the rear of the dwelling units.</p> <p>*2 – The minimum side yard for end units shall be 1.0 metre.</p> <p>*3 – Notwithstanding the maximum lot coverage of 60% for street or block townhouse dwellings a maximum coverage of 65% is permitted for bungalow and bungalow with loft street or block townhouse dwellings.</p>					

**TABLE F  
STANDARDS FOR THE RMU3 ZONE**

	MIXED USE APARTMENT /SERVICE USE / INSTITUTIONAL BUILDING				
ZONE PROVISION					
Minimum lot area	Not applicable				
Minimum frontage	Not applicable				
Minimum setback from front lot lint	4.5 m.				
Minimum setback from side lot lines	6.0 m. (*1)				
Minimum setback from rear lot line	7.5 m.				
Minimum front yard	Not applicable				
Minimum setback to garage	Not applicable				
Interior side yard	Not applicable				
Other interior side yard	Not applicable				
Exterior side yard	Not applicable				
Maximum lot coverage	50%				
Minimum landscaped open space	30%				
Maximum building height	10.6 m.				
Maximum density on lot	71 upha.				
SPECIAL PROVISIONS (*)					

\*1 – The setback shall be increased to 7.5 metres for that part of the building closest to the interior side lot line located on the northern boundary of the area designated by this By-law.

That Council of the Corporation of the Township of Guelph / Eramosa shall not remove the Holding (H) Symbol from Residential Mixed Use Three (RMU3) zone until the following condition is complied with:

- i) A Market Impact Study is prepared by a qualified professional which demonstrates that the proposed service commercial development will not have an undue impact on the downtown core of Rockwood. The Study shall include consideration of long and short term impacts of any proposed new service commercial development on the downtown core to the satisfaction of the Township.



**TABLE G  
STANDARDS FOR THE C1 ZONE**

ZONE PROVISION	DWELLING UNIT TYPE OR USE				
	BLOCK TH DWELLINGS	MIXED USE BUILDING			
Minimum lot area	Not applicable	Not applicable			
Minimum frontage	Not applicable	Not applicable			
Minimum front yard	0.0 m.	0.0 m.			
Minimum setback to garage	Not applicable	Not applicable			
Minimum rear yard	7.5 m.	7.5 m			
Interior side yard	1.0 m.	0.0 m.			
Other interior side yard	1.0 m.	0.0 m.			
Exterior side yard	0.0 m.	0.0 m.			
Maximum lot coverage	60%	60%			
Minimum landscaped open space	20%	Not applicable			
Maximum height	10.6 m.	10.6 m.			
Maximum density	35 upha.	Not applicable			
SPECIAL PROVISIONS (*)					
NONE					

**TABLE H  
STANDARDS FOR THE OS ZONE**

ZONE PROVISION	DWELLING UNIT TYPE OR USE				
	PUBLIC RECREATIONAL BUILDINGS				
Minimum lot area	Not applicable				
Minimum frontage	Not applicable				
Minimum front yard	3.0 m.				
Minimum setback to garage	Not applicable				
Minimum rear yard	5.0 m.				
Interior side yard	5.0 m				
Other interior side yard	5.0 m.				
Exterior side yard	3.0 m.				
Maximum lot coverage	35%				
Minimum landscaped open space	Not applicable				
Maximum height	10.6 m.				
Maximum density	Not applicable				
SPECIAL PROVISIONS (*)					
NONE					

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## **SECTION 5 GENERAL PROVISIONS**

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### 5.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use provided that the principle building or structure is already in existence on the lot, but shall not include the following:

- i) any occupation for gain or profit conducted within or accessory to a dwelling unit or lot except as specifically permitted in accordance with this By-law; or
- ii) any building used for human habitation except where specifically permitted by this By-law.

Except as otherwise provided by this By-law in all Zones, any accessory building or structure shall comply with the front and exterior yard setback of the Zone within which it is located.

#### 5.1.1 Detached Accessory Apartments

Detached accessory apartments are only permitted in the R1 Zone. In addition, the maximum number of detached accessory apartments permitted in the R1 Zone is 15 percent of the total number of lots in each R1 Zone. Detached accessory apartments are not permitted if the principal building on the lot contains an accessory apartment.

#### 5.1.2 Number of Detached Accessory Buildings Permitted on a Lot

Only one detached accessory building containing an accessory dwelling unit, a home occupation and / or private garage is permitted on a lot in the R1 Zone. Only one detached accessory building containing a home occupation and/or private garage is permitted on a lot being used for each principal building or block townhouse dwelling unit in all Zones except the R1 Zone.

### 5.1.3 General Provisions for Accessory Home Occupations

One home occupation is permitted per principal dwelling unit. Where a home occupation is permitted in a Zone, a home occupation:

- a) shall be conducted entirely within an enclosed building;
- b) shall not detract from the residential character of the dwelling or the lot on which the home occupation is located;
- c) shall not involve the external storage or display of materials or finished products associated with the home occupation use;
- d) shall not create any waste or unsightly conditions visible off the lot;
- e) shall not occupy more than 25 percent of the floor area of the principal dwelling unit;
- f) shall not detract from the residential character of the lot, other than by the placement of a sign, without internal illumination, attached flat against a wall of a building on the lot, such sign to be no greater than .15 square metres in area;
- g) shall not consist of an occupation that discharges or emits odorous, noxious or toxic matter or vapours, heat, glare, noise or radiation, or recurrently generated ground vibrations;
- h) shall not consist of an occupation that results in traffic congestion, electrical interference, fire hazards or health hazards;
- i) shall not consist of an occupation that involves the salvage, repair, maintenance or sales of motor vehicles or motor vehicle engines or parts; and,
- j) shall not consist of an occupation that involves the sale of a commodity not produced on the premises, except that telephone or mail order sales of goods shall be permitted provided that customers do not enter the premises to inspect, purchase or take possession of the goods.

### 5.1.4 Regulations for Accessory Buildings

Private detached garages, detached accessory dwelling units and detached home occupations are permitted subject to the following provisions:

## REGULATIONS FOR ACCESSORY BUILDINGS

Minimum setback from front lot line	6.0 metres
Minimum setback from exterior side lot line if garage is accessed by a driveway crossing the front lot line	3.0 metres
Minimum setback from exterior side lot line if garage is accessed by a driveway crossing the exterior side lot line	6.0 metres
Minimum setback from interior side and rear lot line if wall closest to and running parallel to lot line has no openings	0.5 metres
Minimum setback from interior side and rear lot line if wall closest to and running parallel to lot line has openings	1.2 metres
Minimum setback for a private detached garage from rear lot line if rear lot line abuts a public and private lane	0.3 metres
Maximum height	1.5 storeys

In no case shall an accessory building extend closer to the front or exterior side lot line than the principal building on the lot.

Notwithstanding the yards set out above, a private detached garage can be located within 0.5 metres of the interior side and / or rear lot line provided the private detached garage is to be attached to another private detached garage on an abutting lot.

### 5.1.5 Accessory Structure Encroachments

Notwithstanding the yard and setback provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, retaining walls, fences, signs or similar uses which comply with this By-law are permitted in any required yard or in the area between the street line and the main building on the lot.

### 5.1.6 Fire Escapes

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed fire escapes may project into any required setback a maximum distance of 1.0 metre.

- 5.1.7 Ornamental Structures – Notwithstanding the yard and setback provisions of this By-law to the contrary, sills, chimneys, cornices, eaves, gutters, bay windows, parapets, or other ornamental structures may project into any required yard of the area between the street line and the required setback a maximum distance of 0.6 metres.
- 5.1.8 Decks, Steps, Balconies or Patios – Notwithstanding the yard and setback provisions of this By-law, to the contrary, decks, balconies, steps and patios, may project into any required yard. Where the floor of any balcony or deck is more than 1.0 metre above finished grade, the setback requirements for the principle use shall apply. For the purposes of calculating the required yards or lot coverage in any zone, these structures shall not be considered part of the building.
- 5.1.9 Unenclosed Porches – Unenclosed porches including those within below grade cellars, may be permitted within the required front and exterior side yards to within 3.0 metres of the exterior side or front lot line in all R1, R2 and RM1 zones.
- 5.2 DRIVEWAYS – Driveways used for the parking of motor vehicles are permitted in all Zones subject to the following provisions:

Maximum width -	<u>the lesser of 6.0 metres or 50% of the lot frontage</u>
Minimum setback from interior side lot line	1.0 metre
Minimum setback from exterior side lot line	3.0 metres

Notwithstanding the above requirements, a driveway can be located closer than 1.0 metre to the interior side lot line if the driveway is to be shared with a driveway on an abutting lot.

5.3 LOCATION AND NUMBER OF PRINCIPAL DWELLING UNITS

Unless specified elsewhere in this By-law, no more than one dwelling unit shall be permitted on a lot. Notwithstanding the total number of units shown in column 2 below, a maximum of 494 principal dwelling units are permitted on the lands covered by this By-law. The number of principal dwelling units permitted in each area, as shown on Schedule 'B' to this By-law, shall be in accordance with the table below:

1 AREA	2 Maximum # of Principal Dwelling Units	3 Maximum # of Principal Dwelling Units in the R1 Zone	4 Maximum # of Principal Dwelling Units not in the R1 Zone
1	100	60	60
2	150	91	74
3	120	96	36
4	179	71	139

#### 5.4 FRONTAGE ON A STREET

No person shall erect any building or structure in any Zone unless the lot upon which such building or structure is to be erected has frontage upon a street.

The above provisions shall not apply to prevent the erection of a permitted building or structure on a lot in registered plan of subdivision where a properly executed Subdivision Agreement has been entered into with the Township, notwithstanding that the street or streets will not be assumed by the Township until the end of the maintenance period.

#### 5.5 HEIGHT EXCEPTIONS

Notwithstanding the height provisions of this By-law to the contrary, nothing in this By-law shall apply to prevent the erection, alteration, or use of the following listed accessory buildings or structures, provided the main or principal use is permitted within the Zone in which it is located and provided all other applicable provisions of this By-law are complied with: a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill, a radio or television tower or antenna or air conditioner duct, or similar structures.

#### 5.6 HEIGHT OF DWELLING UNITS

Notwithstanding any other height requirement in this By-law, there shall be no more than a one storey difference in height between two adjacent principal buildings within the R1 and R2 Zones that both front on the same street or between two adjacent principal buildings that both front on the same street but are separated by any Zone line.

#### 5.7 HOLDING PROVISION

In any Zone, where an (H) is attached to the Zone Symbol, the uses permitted in that Zone are restricted to the existing uses until the (H) is removed in accordance with the provisions of the Planning Act.

#### 5.8 NOXIOUS TRADE

Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which, from its nature or the materials used therein, is defined as a noxious trade, business or manufacture under the Health Protection and Promotion Act, S.O., 1983, as amended.

#### 5.9 PARKING AREA REGULATIONS

5.9.1 Location of Required Parking – Parking spaces required by this By-law shall be provided on the same lot and in the same zone as the building or structure or use requiring the parking with the exception of the following:

(a) the required parking for retail and services uses may be located on a different lot and/or Zone than the use for which the parking is required provided such parking is located within 200 metres of the use and is signed and held exclusively for that use.

(b) the required parking for retail and services uses may be located on both sides of the streets which abut the lot on which the use is located.

5.9.2 Size of Parking Space – Each on-site parking space shall be 2.75 metres in width and 5.5 metres in length.

5.9.3 Parking Area Surface – Parking spaces, areas and driveways connecting the parking space or area with a street shall be paved or graded, drained and treated to prevent the escape of dust and erosion.

5.9.4 Parking Area Location on Lot – Notwithstanding the yard and setback provisions of this By-law, to the contrary, in the RMU2, RMU3, RM1 and C1 Zones, uncovered surface parking areas shall be set back a minimum of 1.0 metre from any lot line.

5.9.5 More Than One Use on a Lot – When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.

Notwithstanding the above paragraph, when a mix of residential and non-residential uses are accommodated on a lot in accordance with this By-law, the parking requirement shall be 75 percent of the requirement for the residential uses, plus the requirement for the non-residential uses provided there shall be no less parking than the amount that would have been required for the residential uses if the non-residential uses did not exist.



5.9.6 Parking Space Requirements – Parking shall be provided for various uses in accordance with the table below. If the calculation in the number of parking spaces required results in a fraction, the required number of spaces shall be rounded up to the next highest whole number.

### PARKING SPACE REQUIREMENTS

Use	Parking Requirement
Accessory apartment	1 space
Single detached, semi-detached, duplex, block townhouse and street townhouse dwelling unit	2 spaces
Fourplex, triplex and apartment dwelling unit	1.33 spaces
Retail stores	1 parking space for each 28 sq. m. of floor area devoted to retail sales or merchandising
Service uses, with the exception of clinics	1 parking space for each 40 sq. m. of floor area devoted to the service use
Restaurants	1 parking space for each 9 sq. m. of the floor area accessible to the public, exclusive of public washroom areas
Places of worship, community centres, bandstands, theatres, stadiums or places of assembly	1 space for each four seats or 1 space for each 2.0 metres of bench space
Clinics	1 space for 25 sq. m. of floor area
Hospitals, rest homes, nursing homes	1 space for every two beds and 1 space for every two employees
Museums, art galleries, libraries	1 space for each 46.4 square metres of floor area devoted to public use

## 5.10 PUBLIC USES

### 5.10.1 Public Services

The provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the Township or County, or any Public Authority including any Department or Ministry of the Government of Canada or Ontario or any Conservation Authority established by the Government of Ontario and, for the purposes of this Section, shall include Ontario Hydro, any telephone, telegraph or cable TV company and any natural gas distribution system operated by a Company distributing gas to the residents of the Township, which company possesses all the necessary powers, rights, licences and franchises. A stormwater management facility shall be considered a public use.

### 5.10.2 Provisions for Public Uses

- a) no goods, materials or equipment shall be stored outside the building or structure located on the lot, except as may otherwise be permitted under this By-law;
- b) the Zone provisions of the Zone in which the use is located shall be complied with except as otherwise provided in Section 5.10.3 of this By-law;
- c) no building or structure erected in accordance with the provisions of this Section shall be used for the purposes of an office or maintenance or works depot; and
- d) that such building or structure is designed and maintained in general harmony with the uses permitted within the respective Zone.

### 5.10.3 Streets and Installations

Nothing in this By-law shall prevent land from being used as a street or highway, or prevent the installation of a watermain, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro, or communication line or high voltage and extra high voltage electrical facilities owned and operated and maintained by Ontario Hydro.

#### 5.11 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any land, building or structure is used or erect any building, or structure, or construct an addition to any existing building or structure, or sever any lands, if the effect of such action is to cause the original adjoining, remaining or new building, structure or lot to be in contravention with this By-law.

#### 5.12 SPECIAL USES PERMITTED

A tool shed, construction trailer, scaffold or other building or structure incidental to construction is permitted in all Zones on the lot where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than 120 consecutive days or the failure to maintain a current building permit.

#### 5.13 TEMPORARY SALES USE

Nothing in this By-law shall prevent the use of land for a sales office for the sale of dwelling units or other units provided that the following criteria are met:

- a) the dwelling units or other units to be sold are within the limits of the area designated by this By-law; and,
- b) any sales office is removed within sixty days after completion of the last dwelling unit or other units as the case may be.

#### 5.14 MODEL HOMES

Notwithstanding the definition of lot contained in Section 6.34 of this By-law, a model home is permitted on a lot shown on a Plan of Subdivision which has received Draft Approval.

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## **SECTION 6 DEFINITIONS**

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### 6.1 ACCESSORY

A use, separate building or structure, which is clearly secondary and devoted to the permitted use, building or structure located on the lot. No accessory building or structure shall be used for human habitation except as specifically permitted in this By-law.

### 6.2 ACCESSORY APARTMENT

A second dwelling unit either in the principal building on the lot or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility and with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is accessory to the principal dwelling on the lot.

### 6.3 ALTER

Any alteration in a bearing wall or partition, column, beam or structure or any increase in the area or cubic content of a building or structure.

### 6.4 APARTMENT BUILDING

A building containing five or more apartment dwellings.

### 6.5 ATTACHED

A building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.

### 6.6 BASEMENT

That portion of a building partially below ground level and which has at least one-half or more than one-half of the area of the exterior wall between finished grade and first floor level exposed. No part of the basement floor shall be used in calculating any minimum floor area as required in this bylaw, except as specifically permitted under the definition of 'Floor Area'.

### 6.7 BOARDING HOUSE

A dwelling in which meals are regularly serviced for a consideration to three or more persons other than the owner, lessee or tenant of the dwelling, or members of his immediate family.

#### 6.8 BUILDING

Any structure having a floor area greater than 9.3 square metres consisting of a wall, roof and floor or any one or more of them or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto.

#### 6.9 BUILDING HEIGHT

The vertical distance, between the finished grade of the centre of the front of the building; and

- a) In the case of a flat roof, the highest point of the roof's surface or parapet;
- b) In the case of a gable, hip, mansard or gambrel roof, the average height between the eaves and ridge.

#### 6.10 CELLAR

That portion of a building which was more than one-half of the area of the exterior wall below grade. No part of the cellar floor shall be used in calculating any minimum floor area as required in this By-law.

#### 6.11 CLINIC

A building within which a medical or related practice is carried on for the treatment of humans, by one or more practitioners.

#### 6.12 CLUB

An association of persons, whether incorporated or not, united by some common interest, meeting periodically for co-operation or conviviality, but not for business or profit. Club shall also mean, where the context requires, a premises owned or occupied by the members of such association within which the activities of the club are conducted.

#### 6.13 CORPORATION

The Corporation of the Township of Eramosa.

#### 6.14 DRIVE-IN RESTAURANT

An establishment which is primarily engaged in serving food and beverages which are consumed on its premises by customers seated in motor vehicles parked on the site, or engaged in providing customers with take-out service of food and beverages for off-site consumption.

#### 6.15 DRIVEWAY

An area used for the parking of motor vehicles and for accessing single detached, semi-detached, duplex, triplex, fourplex and street townhouse dwellings.

An area accessing block townhouses, apartment buildings, office buildings and grouped commercial uses are considered to be driveways leading to a parking area.

#### 6.16 DWELLING

A building or portion of a building designed, intended or occupied as a residence for one or more persons.

#### 6.17 DWELLING, APARTMENT

A dwelling unit located within an apartment building.

#### 6.18 DWELLING, DUPLEX

The whole of a two or three storey building divided horizontally into two separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

#### 6.19 DWELLING, FOURPLEX

The whole of a two or three storey building divided horizontally and/or vertically into four dwelling units each of which has an independent entrance either directly or through a common vestibule.

#### 6.20 DWELLING, SEMI-DETACHED

The whole of a building divided vertically into two separate dwelling units.

6.21 DWELLING, SINGLE DETACHED

A detached building containing one dwelling unit.

6.22 DWELLING, STREET TOWNHOUSE

A building divided vertically and containing no less than three nor more than eight dwelling units attached by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade and having frontage on a public street.

6.23 DWELLING, BLOCK TOWNHOUSE

A building divided vertically and containing no less than three nor more than eight dwelling units attached by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

6.24 DWELLING UNIT

A room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside.

6.25 FINISHED GRADE

The average elevation of the finished surface of the ground at ground level on any one side of a building or structure.

6.26 FLOOR AREA

The interior area of all the floors within the building except for the normal space requirements for heating, laundry, mechanical equipment or inside parking and except for any area where the clear height between floor and ceiling is less than 1.3 metres.

6.27 GARAGE, ATTACHED

A private garage accessory to a dwelling on the same lot and attached thereto by a common wall and/or common roof structure.

6.28 GARAGE, PRIVATE DETACHED

A fully enclosed accessory building which is designed or used for the sheltering of one or more private motor vehicles and storage of household equipment incidental to the residential occupancy. A private detached garage may share common walls with other detached garages.

6.29 GARAGE, PUBLIC

A building designed, intended or used for the commercial repair, service or storage of motor vehicles.

6.30 HOME OCCUPATION

An occupation carried on by the occupant of a dwelling on his premises as a secondary use.

6.31 INSTITUTIONAL USE

The use of land, buildings or structure for a public or non-profit purpose and may include places of worship, indoor recreation facilities, day nurseries, community centres and government facilities.

6.32 LANDSCAPED OPEN SPACE

The percentage of a lot not covered by buildings, structures, driveways, walkways and parking areas.

6.33 LANE

A public or private right-of-way providing a means of access to a lot.

6.34 LODGING OR ROOMING HOUSE

A dwelling in which sleeping quarters are regularly let for a consideration to three or more persons other than the owner, lessee or tenant of the dwelling or members of his immediate family.

6.35 LOT

A parcel or tract of land which might be legally conveyed by way of deed, transfer, mortgage, charge or agreement of sale and purchase without consent under the provisions of the Planning Act.

6.36 LOT AREA



The total area of a lot contained within the boundaries of the lot.

#### 6.37 LOT, CORNER

A lot situated at the intersection of and abutting upon two streets, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents at the street extremities of the side lot lines), contain an angle of not more than 135 degrees. In the case of a curved corner, the corner of the building lot shall be deemed to be the point of the street line nearest to the point of intersection of the said tangents.

#### 6.38 LOT COVERAGE

The area of the lot covered or to be covered by buildings or structures. For the purposes of calculating lot coverage, unenclosed porches, patios, decks, steps or balconies shall not be considered.

#### 6.39 LOT FRONTAGE

The distance, measured along the front lot line, between the points where the street line is intersected by the side lot lines. On lots which do not have parallel side lot lines, the lot frontage shall be calculated by measuring the length of the line which runs 7.5 metres back and parallel to the line joining the points where the front lot line intersects with the side lot lines.

#### 6.40 LOT LINE

Any line intended to define the boundary of the lot.

#### 6.41 LOT LINE, EXTERIOR

The side lot line which abuts a street.

#### 6.42 LOT LINE, FRONT

The line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting the street shall be deemed to be the front lot line and the longer lot line abutting the street shall be deemed to be the exterior lot line. In the case of a through lot, only one of the lot lines abutting the street shall be deemed to be the front lot line.

6.43 LOT LINE, INTERIOR

A lot line which does not abut a street

6.44 LOT LINE, REAR

The lot line farthest from or opposite to the front lot line.

6.45 MIXED USE BUILDING

A building containing one or more of the uses permitted in a Mixed Use or C1 zone other than block townhouses.

6.46 MODEL HOME

An unoccupied dwelling unit erected on a lot shown on a Plan of Subdivision which has received Draft Approval and used for the purpose of selling lots and/or dwelling units located in the area designated by this By-law.

6.47 MOTOR VEHICLE

An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, R.S.O., c.198, as amended.

6.48 NATURAL ENVIRONMENT AREA

Any open space area, intended to be left in its natural state and used only for public utilities and non-intensive outdoor recreation activities.

6.49 PARK, PUBLIC

Any open space or recreational area, owned or controlled by the Corporation of the Township of Eramosa or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, community, and special parks or areas and may include one or more athletic fields, field houses, fair grounds, cultural buildings, community centers or similar uses.

6.50 PARKING AREA – An area or areas or land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principal use is located, for the purpose of parking motor vehicles, and may include the area within a garage, driveway and/or carport. In any Residential Zone such parking area may include tandem parking within a garage, driveway and/or carport.

6.51 PERSON – An individual, association, firm, partnership, corporation, municipal corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

6.52 PLACES OF WORSHIP

A building dedicated to a religious worship, such as a church, a chapel, a temple, a parish hall and a synagogue.

6.53 PRINCIPAL OR MAIN BUILDING

Any building which is carried on the principal purpose for which the building lot is used.

6.54 PUBLIC AUTHORITY

Any Federal, Provincial, County or Municipal agencies, and includes an commission, board, authority or department established by such agency and shall include Ontario Hydro, and Bell Canada.

6.55 RESTAURANT

An establishment which is primarily engaged in serving food and beverages which are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon, and as accessory use thereto may be engaged in providing customers with take-out service food and beverages for off-site consumption.

6.56 RETAIL STORE

A building where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail or rental and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles sufficiently only to service such stores. Convenience stores are considered to be retail stores.

6.57 SERVICE USE

A use whose function is to provide services to individuals, business or government establishments and similar organizations, including personal, business, health, legal, engineering, planning and other professional services, membership organizations, clubs and other miscellaneous services. A business or professional office is considered to be a service use.

#### 6.58 SETBACK

The horizontal distance from the lot line, measured at right angles to such lot line, to the nearest part of any building or structure for which a setback is required by this By-law.

#### 6.59 STOREY

That part of a building, not including a cellar, between a floor and the floor, ceiling or roof next above it.

Any portion of a building, or part of which is below the ground, shall be deemed a storey if its ceiling height is more than 1.2 metres above the finished grade at the centre of the front of the building.

#### 6.60 STOREY, HALF

A storey which is located immediately under a sloping roof. In computing the floor area, that part of the roof over which the ceiling is less than 1.3 metres in height shall not be considered.

#### 6.61 STREET

A public street, road or highway, providing the primary means of access to a lot. Notwithstanding the foregoing, a limited or controlled access highway shall be deemed to be a street for the purpose of this By-law.

#### 6.62 STRUCTURE

Anything constructed or built, either permanent or temporary, which is fixed to or resting on or below the ground.

6.63 TOWNSHIP

The Corporation of the Township of Eramosa.

6.64 USE

The purpose for which a lot or a building or structure or any combination thereof, is designed, arranged, intended, occupied or maintained and “used” shall have a corresponding meaning.

6.65 YARD

A space open from the ground to the sky on the same lot upon which a building or structure is located.

6.66 YARD, EXTERIOR SIDE

A yard extending from the front yard to the rear yard between the exterior side lot line and the nearest wall of any building on the lot for which the yard is required.

6.67 YARD, FRONT

A yard extending from side lot line to side lot line, and from and parallel the street line, to nearest part of the main building or structure to the lot, disregarding open terraces or steps.

6.68 YARD, INTERIOR SIDE

A yard extending from the front yard to the rear yard between the interior side lot line and the nearest wall of any building on the lot for which the yard is required.

6.69 YARD, REAR

A yard extending from side lot line to side lot line, and from rear lot line (or from the apex of the side lot line if there is no rear lot line) to the nearest part of the main building or structure of the lot, disregarding open terraces or steps.

6.70 YARD, REQUIRED

A yard which this by-law requires to be provided and within which, unless specifically stated, no building or structure or any part of a building or structure or other obstruction except a lawful boundary wall or fence shall be located.

6.71 YARD, SIDE

A yard extending from the building line to the rear yard and from the side lot line to the nearest point of the main building or structure on the lot.

#### 6.72 ZONE

The category of use or activity of land, buildings, structures or activities permitted by this By-law.

#### 6.73 ZONE PROVISIONS

The permissible uses, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking requirements, and all other Zones provisions as are set out within the By-law for the respective Zones.

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**SECTION 7  
ENACTMENT**

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APPROVED BY THE ONTARIO MUNICIPAL BOARD ON

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