

## Section 3 – General Provisions

### 3.1. Application of the By-law

The provisions of this By-law shall not apply to all lands within the Township of Springwater except as may otherwise be specified herein, and no building or structure shall hereafter be erected or altered, nor the use of any building, structure or lot changed in whole or in part, except in conformity with the provisions of this By-law

### 3.2. Zones

- a) For the purpose of this By-law, the Township of Springwater has been divided into zones, the boundaries of which are shown on Schedule A which is attached hereto and forms part of this By-law.
- b) The zones are referred to by the following names or symbols and are identified on Schedule A by the following symbols.

Zone	Known As
Residential (R1)	R1
Residential (R2)	R2
Residential (R3)	R3
Residential (R4)	R4
Residential (R5)	R5
Urban Residential One	UR1
Urban Residential Two	UR2
Urban Residential Three	UR3
Residential Estate	RE
Residential Rural	RR, ALC & RSP-H
Residential Seasonal	RS
Residential Conversion	RC
General Commercial	GC
Local Commercial	CL
Mixed Use	MU
Highway Commercial	CH
Rural Commercial	CR
Tourist and Recreational Commercial	CT
Campground Commercial	CC
Park Model Trailer Commercial	CPM
Adult Entertainment Commercial	CA
Kennel	K
General Industrial/Inside Storage	MI
General Industrial/Outside Storage	MO
Extractive Industrial	ME

<b>Zone</b>	<b>Known As</b>
Waste Disposal	WD
Institutional	I
Open Space	OS
Environmental Protection	EP
Agricultural	A
Agricultural Consolidation	AC

- c) Where the boundary of any zone is uncertain and on the Map Schedule attached hereto the boundary:
- i. Is shown following a street, lane, railway right-of-way, railtrail, electric transmission line right-of-way or watercourse, then the centre line of the street, lane, railway right-of-way, rail trail, electric transmission line right-of-way or watercourse is the zone boundary; or
  - ii. Is shown running parallel to a street line or other line or is irregular, then the zone boundary may be determined in accordance with the scale shown on the Map Schedule.

### **3.3. Licenses, Permits and Other By-laws**

Nothing in this By-law shall be interpreted to relieve any person from the obligation to comply with the requirements of any other law or By-law in force within the Township, or from obtaining any permit, license, permission, authority or approval required by this or any other law or By-law or by any regulation or by-law of the County of Simcoe or the Ministry of Transportation in regard to signs in the vicinity of roads under the jurisdiction of these agencies.

### **3.4. Building By-laws**

No person shall erect any building or structure except in accordance with the provisions of this By-law, all other applicable Building By-laws of the Township, the Ontario Building Code Act or any other applicable law.

### **3.5. Greater Restrictions**

This By-law shall not be effective to reduce or mitigate in any way any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

### **3.6. Requirements for Lot**

Except as otherwise specified in this By-law, no building or structure shall be erected, altered, extended or enlarged except upon a lot nor shall any land be used for any permitted use unless it comprises a lot; but this

provision shall not prevent the use of any parcel or tract of land for agricultural purposes excluding the erection or enlargement of any building or structure except a fence.

**3.7. Accessory Buildings, Uses and Structures**

3.7.1. Where a use is permitted under the provisions of this By-law, accessory uses, buildings and structures normally incidental to the main use, building or structure shall also be permitted provided that in no case shall the gross floor area of an accessory building or structure to a residential use exceed the gross floor area of the residential use.

3.7.2. Any accessory building may be erected as part of the main building provided that all yard and area requirements of this By-law are complied with in respect to a main building rather than an accessory building.

3.7.3. In all zones, except as may be provided herein, any accessory building which is not part of the main building shall be erected to the rear of the projected front main wall of the main building. All accessory buildings shall comply with the yard requirements of the zone in which such building is situated. For the purpose of this subsection, the front main wall of the main building shall be defined as that wall or point of a main building which is closest to the front lot line. The projected front main wall of the main building shall be that line drawn parallel to the front lot line and projected along or through that wall or point of a wall of a main building which is closest to the front lot line. In the Agricultural (A) Zone, any accessory building or structure may be located in front of a residential building. Private garages in the Residential Seasonal (RS) Zone and the Residential Conversion (RC) Zone may be located to the front of the dwelling but shall comply with the applicable setback requirements for accessory uses.

3.7.4. In all zones other than Residential, any accessory building or structure to an accessory residential use shall remain equal to or less than the gross floor area of the dwelling unit on the lot.

3.7.5.

a) Attached Accessory Buildings

No attached garage to a residential use shall exceed the height of the dwelling.

b) Detached Accessory Buildings

In the Agricultural (A) and Rural Residential (RR) Zones, no detached accessory building to any residential or accessory residential use shall

exceed the height of the dwelling, to a maximum height of 4.5 metres (14.76 ft.).

In all other Residential Zones no detached accessory building to any residential or accessory residential use shall exceed the height of the dwelling, to a maximum height of 4.5 metres (14.76 ft.).

- 3.7.6. Where a temporary accessory building is necessary for the storage of tools or materials for use in connection with the construction of the main building on a lot in any zone, the accessory building may be erected on the lot before the erection of the main building provided that a building permit is issued for the main building and further, provided such building shall be used only for the purpose of storage. When the main building is ready for occupancy or construction has been abandoned, the temporary storage building shall be removed. "Abandoned" in this subsection means the failure to proceed in accordance with the Ontario Building Code Act with the construction work.
- 3.7.6.1. Nothing in this By-law shall prevent the occupation of an existing dwelling on a property while a second dwelling is being constructed, as long as the owner has entered into an agreement with the Municipality, to the Municipality's satisfaction, which provides that no more than one dwelling will be occupied at a time and which establishes requirements, including site rehabilitation and securities, for the removal of the existing dwelling upon occupation of the new dwelling, or for the removal of unfinished construction within a specified timeframe.
- 3.7.7. No accessory building or structure shall be used for human habitation except where a dwelling is a permitted accessory use.
- 3.7.8. Notwithstanding any other provisions of this By-law to the contrary, where a mutual garage is erected on the common lot line between two lots, no interior side yard is required. The regulations governing the location of any accessory building in relation to a lot line shall not apply to prevent erection or use of a jointly owned double garage which services two dwellings whose common lot line shall be the dividing line of such garage.
- 3.7.9. Unless otherwise required, in any Commercial or Industrial Zone no accessory building shall be located within 1.5 metres (4.92 ft.) of an interior side or rear lot line or within 3 metres (9.84 ft.) of the boundary of any Residential Zone or residential use.
- 3.7.10. Unless otherwise required, the minimum distance between a main building and any accessory building in any Commercial or Industrial Zone shall be 3 metres (9.84 ft.) and in all other zones shall be 1.5 metres (4.92 ft.)

- 3.7.11. Accessory communication devices such as satellite dish antennae shall, within any residential zone, be deemed to be accessory structures for the purpose of this By-law and shall comply with General Provisions subsections 21 – Yard Encroachments and 23 – Height Exceptions and all other provisions of this By-law.

**3.8. Fences**

For the purpose of this By-law, fences are deemed not to be structures.

**3.9. Swimming Pools**

A swimming pool is permitted as an accessory use to a permitted residential or agricultural use:

- a) In the front or side yard on any lot if;
- b) No part of such pool is located closer to any lot line or street line than the minimum distance required for the principal building located on such lot;
- c) Any building or structure, other than a dwelling, required for changing clothing or for pumping or filtering facilities or other similar accessory buses, complies with the provisions of this By-law respecting an accessory building on such lot.
- d) In a rear yard a swimming pool shall be set back a minimum of 1.2 metres (3.94ft) from an interior side lot line, exterior side lot line or rear lot line but any apron around such pool may extend to the lot line;
- e) Any accessory building to a swimming pool shall comply with all the relevant provisions of this By-law regarding accessory building, uses and structures;
- f) Every swimming pool shall be enclosed by a fence in accordance with the provisions of the appropriate municipal regulations in effect;
- g) For the purpose of lot coverage calculations, swimming pools are deemed not to be structures.

**3.10. Main Building**

Not more than one (1) single detached dwelling shall be allowed on any lot in any zone unless otherwise specifically permitted.

**3.11. Accessory Dwellings**

- 3.11.1. Where an accessory dwelling permitted under the provisions of this By-law is to be erected, the regulations of this Section shall be complied with.

3.11.2. Where a detached accessory dwelling is to be erected, the following regulations shall apply:

- |  |   |
|--|---|
| a) Minimum Lot Area  | 3250.0 m <sup>2</sup> (34,983.85 ft. <sup>2</sup> ) |
| b) Minimum Yards   |   |
| i. Front   | 9.0 m (29.53 ft.)                                   |
| ii. Rear   | 7.5 m (24.61 ft.)                                   |
| iii. Interior Side   | 3.0 m (9.84 ft.)                                    |
| iv. Exterior Side  | 9.0 m (29.53 ft.)                                   |
| c) Dwelling Area (minimum ground floor area)   | 11 m <sup>2</sup> (1,076.43 ft. <sup>2</sup> )      |
| d) Building Height (maximum)   | 21 m (36.0 ft.)                                     |
| e) Accessory Buildings   | Refer to General Provisions                         |
| f) Minimum setback from main building  | 3.0 m (9.84 ft.)                                    |
| g) In addition to the minimum number of parking spaces required for the principal use, two (2) parking spaces for such dwelling shall be provided on the same lot. |   |

3.11.3. Where an attached accessory dwelling is to be erected or created, the following regulations shall apply:

- |  |  |
|--|--|
| a) Minimum Lot Area  | 1855.0m <sup>2</sup> (19,967.71 ft. <sup>2</sup> ) |
| b) Minimum Gross Floor Area of Dwelling  | 70 m <sup>2</sup> (753.49 ft. <sup>2</sup> )       |
| c) Minimum Rear Yard Area  | 230 m <sup>2</sup> (2,475.78 ft. <sup>2</sup> )    |
| d) The dwelling shall be located in other than the basement or cellar of any building.   |  |
| e) In addition to the minimum number of parking spaces required for the principal use, two (2) parking spaces for such dwelling shall be provided on the same lot. |  |

### **3.12. Servicing Requirement**

No land may be used and no buildings or structures may be erected unless:

Connected to a municipal sanitary sewer and/or water supply where available, or

Where municipal services are not available, alternative servicing shall be provided to the satisfaction of the approval agency having jurisdiction.

### **3.13. Model Home Requirements**

Notwithstanding any other provisions of this By-law, and more particularly notwithstanding any Holding (H) Symbol on the lands, where a model home agreement has been executed between the Township and the owner, and where:

- a) Draft Plan Approval has been granted; and
- b) The required easements, agreements and securities are provided to facilitate servicing to the plan, the total number of permits for single

detached or semi-detached model home dwellings shall not exceed ten percent (10%) of the total number of single detached and semi-detached building lots in the plan of subdivision to a maximum of 10, and in addition, one street townhouse building containing a maximum of 8 dwelling units, subject to the following restrictions:

- i. The type of Model Home shall be consistent with the zone classification in which the model home is to be located;
- ii. The Model Home shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the plan of subdivision, and substantial completion of services, obtaining any required Building Permits to the satisfaction of the Township;
- iii. The Model Home shall comply with all other provisions of this By-law, as though the units were constructed on the lot within the registered plan of subdivision; and
- iv. The Model Home shall comply with all applicable terms and conditions of the said model home agreement.

**3.14. Occupancy of Partially Completed Dwellings**

No building shall be used for human habitation before an occupancy permit has been issued by the Municipality under the Ontario Building Code Act.

**3.15. Use of Cellars**

No dwelling unit shall be located within a cellar or part of a cellar of any building. The whole or any part of a cellar shall not be used for calculating the required minimum floor area of any dwelling unit. No portion of a dwelling unit which is located in a cellar shall be used for any purpose other than a furnace room, a bedroom, a sanitary facility, a laundry room, a storage room, a recreation room or a room with a similar use.

**3.16. Frontage & Street Access to a Public Street**

No building or structure shall be erected, extended or enlarged on any lot within the Township of Springwater unless such lot has frontage and street access onto a street constructed to Provincial, County or Township standards, whichever is the case. This does not apply to prohibit the erection of any buildings or structures on any lot existing on a private road at the date of passing of this By-law, but all other provisions of this By-law apply.

The above provisions do not apply to prohibit the erection of any building on a lot on a registered plan of subdivision where a subdivision agreement has been entered into but the streets will not be assumed until the end of the maintenance period.

### **3.17. Measurement of Setback and Yard Requirements**

Where the regulations of a zone include a requirement that the minimum yard of a lot or parcel of land shall be a specific number of metres, such minimum yard shall be determined by measuring at right angles from either the street line of the street or the lot line abutting such yard in the direction of such lot or parcel of land a distance equal to the said specific number of metres in the relevant regulation of such particular zone.

Notwithstanding certain specific definitions of this By-law or the above, in the case of a zone boundary which is located between the lot line and the use to which the setback applies, the setback shall be calculated from the zone boundary.

### **3.18. Special Setbacks**

Notwithstanding any other provisions of this By-law, where a lot abuts a Provincial Highway, the provisions of the Public Transportation and Highway Improvement Act shall apply with regard to building and structure setbacks from the highway centre line or right-of-way, and other related matters.

Notwithstanding any other provisions of this By-law, where a lot abuts a County Road, the provisions of the applicable County of Simcoe By-law shall apply with regard to setbacks for buildings, structures and other related matters.

Notwithstanding the provisions of this By-law to the contrary, where a single detached dwelling is to be erected in a built-up area where there is an established building line which is less than the required front yard setback, such dwelling may be erected to the established building line.

For the purpose of the above paragraph, “the established building line” means the average setback of the existing dwellings. A building line is considered to be established when at least 3 such buildings have been erected on any one side of a continuous 300 metres (984.25 ft.) of land with street frontage

### **3.19. Setback from Natural Gas Pipelines**



Notwithstanding any other provision in this By-law, no building or structure shall be located within ten (10) metres (32.81 ft.) of a natural gas pipeline right-of-way.

**3.20. Setback from Railway**

Notwithstanding any other provision in this By-law, no building or structure shall be located within 30 metres (98.43 ft.) of a railway right-of-way that has not been abandoned in accordance with the National Transportation Act.

**3.21. Yard Encroachments**

Except as otherwise provided in this By-law, every part of any required yard shall be open and unobstructed except for the following:

**3.21.1. Ornamental Structures**

Sills, bay windows, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters, similar ornamental structures or attached accessory communication devices may project into any required yard a maximum distance of 0.75 metres (2.46 ft.).

**3.21.2. Patios**

Patios that are at grade level may project into any required yard.

**3.21.3. Decks**

Decks may project into any required front or exterior side yard a maximum distance of 1.2 metres (3.94 ft.) and may project into any required interior side yard a maximum distance of 0.75 metres (2.46 ft.) and may project into any required rear yard a maximum distance of 3 metres (9.83 ft.)

**3.21.4. Porches/Verandas**

Porches/verandas may project into any required front or rear yard a maximum distance of 1.2 metres (3.94 ft.) and shall not exceed an area of 1.5 square metres (16.15 ft.2).

**3.21.5. Balconies**

Balconies may project into any required front or rear yard a maximum distance of 1.2 metres (3.9 ft.) provided that they are located at a greater height than the bottom of the first floor ceiling.

3.21.6. Steps and Accessibility Ramps

Steps and accessibility ramps to an entrance may project into any required front or exterior side yard a maximum distance of 1.2 metres (3.94 ft.) and may project into any required interior side yard a maximum distance of 0.75 metres (2.46 ft.) and may project into any required rear yard a maximum distance of 2.5 metres (8.20 ft.).

3.21.7. Railway Spur

In any Industrial Zone a railway spur shall be permitted within a required interior side or rear yard.

**3.22. Sight Triangle**

3.22.1. Except as otherwise specified in this By-law, or as may be required by County or Provincial regulation, on a corner lot within the triangular space formed by the street lines for a distance of ten (10) metres (32.81 ft.) from their point of intersection, no hedge, shrub, tree, fence, sign or other such structures shall be planted, maintained or erected.

3.22.2. Where any street crosses a railway at the same grade, no building or structure shall be erected within forty-five (45) metres (147.64 ft.) of the point of intersection of the centre line of both the railway and the street.

**3.23. Height Exceptions**

Notwithstanding the height provisions established in each zone, nothing in this By-law shall apply to prevent the erection of a church spire, belfry, clock tower, chimney, farm building or structure, water tank, communication tower or satellite dish antenna, silo, windmill, drive-in theatre screen, forestry tower, aid to navigation, flag pole, ventilator, elevator enclosure, fire hose tower or mechanical penthouse. A mechanical penthouse shall not cover an area greater than 75 percent of the total floor area of the top storey and shall have a minimum distance of three (3) metres (9.84 ft.) of flat floor area at its base on at least three sides. The height of the mechanical penthouse shall not exceed 4.5 metres (14.76 ft.) without increasing the horizontal distance to the edge of the building but shall not exceed six (6) metres (19.68 ft.) in height.

**3.24. Corner Lots**

Where a lot is situated at the intersection of or abutting upon two or more streets where the angles of intersection do not exceed 135 degrees, the shortest of the lot lines which abut those streets shall be construed to be the front lot line, or as otherwise defined herein.

**3.25. Through Lots**

Where a lot which is not a corner lot has frontage on more than one street, the setback and front yard requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.

**3.26. Lakeside Properties**

All new buildings and structures, except those requiring direct access to the water as an operational necessity such as a boathouse, marina, marina service building or facility, or such similar building or structure shall be setback at least eighteen (18) metres (59.06 ft.) from the water's edge. Furthermore, no septic system tile field shall be located closer than 15 metres (49.21 ft.) from the water's edge.

**3.27. Watercourse and Slope Regulations**

Notwithstanding anything in this By-law, save and except for the provisions of the Lakeside Properties and Public Uses Sections, or a building or structure used for the control of erosion or flooding, no building or structure shall be erected or placed in the following areas:

- a) Within thirty (30) metres (98.43 ft.) of the high water mark of a watercourse, including a municipal drain, except where a municipal drain or ditch forms part of a road allowance, notwithstanding that such watercourse is not shown on any schedule forming part of this By-law and in the case of a septic system tile field, within fifteen (15) metres (49.21 ft.);
- b) No building or structure shall be permitted within a flood plain unless such permission has been granted by the Conservation Authority or appropriate agency; and
- c) No permit shall be issued for any building or septic system tile field, within any land situated within fifteen (15) metres (49.21 ft.) of any top of bank, the slope of which exceeds thirty-three (33) percent from horizontal. Notwithstanding the minimum setback distance herein, a shorter distance may be permitted, without the need to amend this By-law, where permission has been granted by the Conservation Authority and/or appropriate government agency having jurisdiction, in a form including studies and tests suitable to the Chief Building Official.

**3.28. Excepted Lands, Buildings and Non-Conforming Uses**

- 3.28.1. The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing this By-law so long as it continues to be used for that purpose.
- 3.28.2. The provisions of this By-law shall not apply to prevent the erection or use of a building or structure for a purpose prohibited by this By-law for which a building permit has been issued prior to the date of the passage of this By-law so long as such building or structure, when erected, is used for the purpose for which it was erected, and provided that the erection of such building or structure is commenced within the time requirements as set out in the Building Permit and such building or structure is completed within a reasonable time after the erection thereof is commenced.
- 3.28.3. No person shall change the purpose for which any land, building or structure is used, or erect any new building or alter any existing building or convey lands from any existing parcel if the effect of such action is to cause the original, adjoining or remaining lands, buildings or structures to be in contravention of this By-law. If the contravention is a result of an expropriation or acquisition by an authority possessing such powers, or is a result of an authorization granted pursuant to the provisions of the Planning Act, the remaining lands, building or structures shall be deemed to conform to the provisions of this By-law.
- 3.28.4. Nothing in this By-law shall apply to prevent the replacement or strengthening to a safe condition of any building or structure or part thereof occupied by a non-conforming use, provided such replacement or strengthening does not change the location or increase the height, area or volume of the building or structure. Foundations are permitted in order to strengthen the building provided that the volume and useable floor area are not increased.
- 3.28.5. Where a building or structure, occupied by a permitted use, has been located within a minimum yard as required herein, the said building or structure may be enlarged, repaired, renovated or replaced behind or along a line drawn parallel to the adjacent lot line, projected through that point of the building or structure nearest to the said adjacent lot line. This does not confer the right to reduce any other yard and/or setback requirement of this By-law.
- 3.28.6. Where a building or structure, occupied by a permitted use, has been located within a minimum setback from an adjacent zone or building as may be required herein, the said building or structure may be enlarged, repaired, renovated or replaced no closer than that point of the building or structure nearest to the said adjacent zone or building. This does not

confer the right to reduce any other yard and/or setback requirement of this By-law.

- 3.28.7. Where both a setback and yard requirement are calculated in regard to the Excepted Lands, Buildings and Non-Conforming Uses subsections 5 and 6, the greater requirement shall prevail.
- 3.28.8. Notwithstanding any other provision of this By-law, except as set out in the Kennel (K) Zone, a lot held in distinct and separate ownership on the date of passage of this By-law, except for a lot on a registered plan deemed not be a plan under the Planning Act, as amended, having less than the minimum frontage and/or area required by this By-law, may be used for a purpose permitted in the zone in which said lot is located, provided that all other applicable provisions in this By-law are complied with.
- 3.28.9. Where Hydro One acquires land for the purpose of a distribution or transmission line or where an authority possessing power of expropriation or acquisition or is authorized pursuant to the provisions of the Planning Act acquires land and such acquisition deprives a parcel of land of street frontage, the part of such parcel so deprived of street frontage shall be deemed for the purpose of this By-law, to have frontage on such street, provided the land has a permanent right of street access to such street.

**3.29. Minimum Lot Area**

Subject to the provisions of the Excepted Lands, Buildings and Non-Conforming Uses Section, the minimum lot area shall be as contained in the appropriate section of this By-law for the zone in which the lot is located. However, larger area may be required by the appropriate authority pursuant to the provisions of the Ontario Building Code, the Environmental Protection Act or similar legislation having jurisdiction.

**3.30. Public Uses**

- 3.30.1. Nothing in this By-law shall prevent the use of any land or use of any building or structure for the purpose of public use, provided that:
- a) No goods, material or equipment shall be stored in the open except as permitted in this By-law;
  - b) The lot coverage, setbacks and yard requirement provisions of this By-law shall be complied with, excepting electric power facilities;
  - c) Notwithstanding part b) above, in the case of any building used for a public service which has a maximum gross floor area of less than 45 square metres (484.39 ft.2), the minimum requirements for all yards shall be 3 metres (9.84 ft.).

- d) Any building or above-ground use carried on under the authority of this Section in any Residential or Agricultural Zone shall be designed and maintained in general harmony with the residential buildings of type permitted in the zone; and
- e) Any parking and loading regulations prescribed for these uses are complied with.

3.30.2. Nothing in this By-law shall prevent the use of any land as a public street or public park.

3.30.3. Nothing in this By-law shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority.

3.30.4. Nothing in this By-law shall prevent the use of any land for a wayside pit or quarry or a portable asphalt plant used on public authority contracts and may be permitted without the need for official plan amendment, rezoning or development permit under the Planning Act in all areas, except those areas of existing development or a particular environmental sensitivity which have been determined to be incompatible with extraction.

### **3.31. Prohibited Uses**

3.31.1. Except as otherwise specifically permitted in this By-law, the following uses are prohibited in any zone:

- a) Refining coal oil or petroleum products;
- b) Tanning hides or skins
- c) Manufacturing gas except for personal utilization involving a permitted agricultural use;
- d) Manufacturing glue;
- e) A track or area for the racing of motor vehicles, motorcycles, go-carts or snowmobiles;
- f) Locating or storing on any land for any purpose whatsoever any disused railroad car, truck, bus or coach body or Part thereof, whether or not the same is situated on a foundation;
- g) Bulk storage of chemicals or waste; and
- h) The establishment of any pit or quarry.

3.31.2. In addition to the uses prohibited in subsection 1 of this Section, any use is prohibited which, from the nature of the materials used therein is declared under the Public Health Act or any regulations adopted thereunder to be noxious trade, business or manufacture. In addition to the uses prohibited in subsection 1 of this Section, all uses of land and the erection or use of any building or structure for a purpose not permitted under the "Permitted Uses" subsection of one or more zones established

by the By-law are and shall be deemed to be prohibited in each such zone, except for those uses of land and the erection or use of any building or structure for a purpose expressly permitted under the applicable provisions of the Public Uses Section hereof.

**3.32. Multiple Uses**

Notwithstanding anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with, but no dwelling shall be located within 3 metres (9.84 ft.) of any other building on the lot except a building accessory to such dwelling. A dwelling used as an accessory use in the same building will be allowed where permitted by this By-law.

**3.33. Industrial Uses**

Except for areas where full municipal services are available, only dry industries shall be permitted in any zone where such uses may be permitted in the Township of Springwater. Dry industries are those which do not use water or other liquids in any industrial process.

**3.34. Home Occupation**

Home occupation uses, which are subject to the Section entitled Licenses, Permits and Other By-laws as well as the Building By-laws Section of this By-law shall be permitted only in the zones indicated in this By-law provided that the portion of the dwelling used as a dwelling unit shall not be less than the minimum floor area as specified and shall be maintained in accordance with the following provisions:

- a) Not more than a total of three (3) persons shall be involved in the home occupation, of which at least one person shall be a resident;
- b) Not more than 25 percent or 45 square metres (484.39 ft.<sup>2</sup>) of the gross floor area of the dwelling is devoted to said uses;
- c) One off-street parking space shall be provided for each 30 square metres (322.93 ft.<sup>2</sup>) of floor area devoted to said use in addition to that required for the dwelling. In the case of a non-resident employee one (1) additional space shall be provided. In the case of a professional office one (1) space shall be provided for every 20 square metres (215.29 ft.<sup>2</sup>) of floor area occupied by the office. In the case of a health professional or hairdresser, one (1) space shall be provided for every 10 square metres (107.64 ft.<sup>2</sup>) of floor area devoted to the said use;
- d) The residential character of the dwelling shall not be changed including landscaping;

- e) The home occupation shall not interfere with television or radio reception or create noise, dust, vibration or fumes which are apparent or audible from adjacent properties;
- f) There shall be no outside storage or display of materials, containers, finished products or mechanical equipment used in conjunction with the home occupation;
- g) In an Agricultural or Rural Residential Zone, a home occupation may be permitted in either a dwelling or an accessory building or structure. In other zones the home occupation use shall be confined to the dwelling on the lot; and
  - i. Where a home occupation is permitted in an accessory building or structure, the total gross floor area devoted to the home occupation, either located exclusively in the accessory building or in combination with the dwelling, shall not exceed 25% or 45 square metres (484.39 ft.<sup>2</sup>) of the gross floor area of the dwelling.
  - ii. Any street access shall meet the minimum distance requirements of the applicable road authority having jurisdiction.

### **3.35. Home Industry**

Home industry uses, which are subject to the Section entitled Licenses, Permits and Other By-laws as well as the Building By-laws Section of this By-law, shall be permitted only in the zones indicated in this By-law provided that any portion of the dwelling used as a dwelling unit shall not be less than the minimum floor area as specified and the use shall be maintained in accordance with the following provisions:

- a) Not more than a total of three (3) persons shall be involved in the home occupation, of which at least one person shall be a resident;
- b) Not more than 25 percent or 45 square metres (484.39 ft.<sup>2</sup>) of the gross floor area of the dwelling is devoted to said uses;
- c) In addition to part b), a building accessory to a residential use may be used for the purpose of a home industry subject to the zone provisions for accessory buildings. Notwithstanding any other provisions of this By-law to the contrary, the maximum above grade floor area of any accessory building devoted to the home industry shall not exceed 115 square metres (1237.89 ft.<sup>2</sup>).
- d) A minimum of two (2) off-street parking spaces shall be provided in addition to those required for the dwelling;
- e) The residential character of the dwelling shall not be changed including landscaping;
- f) Outside storage and display is permitted subject to the following:



- i. Outside storage shall be located to the rear of the projected front main wall of the residential dwelling and shall comply with the setback provisions for accessory buildings, uses and structures of the applicable zone, however, no outside storage shall be permitted within 15 metres (49.21 ft.) of an abutting Residential, Open Space or Industrial zone or adjacent residential use;
- ii. Outside storage shall not be more than 50% of the floor area above grade of the home industry accessory building used in connection with the home industry and such storage of any goods or materials shall not exceed 1.5 metres (4.92 ft.) in height above grade and shall be enclosed and screened from view;
- iii. Outside display of finished products may be permitted in front of the projected front main wall of the residential dwelling but shall be set back to comply with the minimum yard requirements of the zone;
- iv. Outside display of finished products as permitted in Part iii) above, shall not occupy an area in excess of 20 square metres (215.28 ft.<sup>2</sup>) measured within the perimeter of the display area;
- v. The area used for outside display shall be in addition to and separated from the area required for parking; and
- vi. The area used for outside display shall be surfaced and maintained with either concrete, asphalt, crushed stone and/or other hard surface and dustless materials, or maintained as a lawn.

### **3.36. Bed and Breakfast**

No person shall engage in a permitted bed and breakfast except in accordance with the following provisions:

- a) The bed and breakfast shall be permitted only in the zones indicated in this By-law and shall be clearly accessory to the main residential use and shall not change the residential character of the lot;
- b) No person other than a person residing in the residence containing the bed and breakfast shall be employed except as is necessary for housekeeping purposes;
- c) The bed and breakfast shall not have more than four (4) rooms for overnight guest purposes;
- d) The guest rooms shall not contain kitchen facilities;

- e) Only one plate or sign, attached to the dwelling or located in the front yard shall be permitted and no flashing or animated sign shall be used. The maximum size of any sign shall not exceed the dimensions of 90 centimetres by 90 centimetres (35.43 in. by 35.43 in.);
- f) The bed and breakfast shall not create or become a nuisance, in particular, in regard to noise, traffic and parking; and
- g) Any street access shall meet the minimum distance requirements of the applicable road authority having jurisdiction.

### **3.37. Group Homes**

Notwithstanding any other provisions of this By-law, a group home may be established in the following zones:

- a) Agricultural
- b) All Residential Zones
- c) Institutional

Providing that:

- i. No parking space may be used for snow storage in compliance with the Off-street Parking Requirements, subsection 12 of this By-law;
- ii. Any dwelling unit used for a group home must be fully detached;
- iii. A group home shall be separated from any other group home by a minimum distance of 2 kilometres (1.24 miles); and
- iv. All other provisions of the respective zones are complied with.

### **3.38. Garden Suite**

A garden suite may be permitted by way of a Temporary Use By-law and furthermore may be subject to an agreement with the Municipality. For the purpose of this By-law a garden suite shall mean a 1-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing single detached dwelling and that is designed to be portable.

### **3.39. Outside Storage**

3.39.1. Except as otherwise permitted in this By-law, no outside storage of goods or materials shall be permitted in any zone.

3.39.2. Except as may be provided herein where outside storage is permitted it shall be located to the rear of the projected front main wall of the main building and shall comply with the setback provisions for accessory buildings, uses and structures of the applicable zone, however no outside

storage use shall be permitted within fifteen (15) metres (49.12 ft.) of an abutting Residential, Open Space, Environmental Protection or Institutional Zone or residential use.

- 3.39.3. Notwithstanding subsection 2 of this Section, in the case of outside storage in an Extractive Industrial (ME) and a Waste Disposal (WD) Zone, the setback for the outside storage of goods and materials shall comply with the zone provisions for minimum yards of the applicable zone.
- 3.39.4. Where permitted, outside storage may be subject to site plan control under the Planning Act, as amended, and without limiting the generality of the foregoing, may include requirements in regard to the buffering and screening of the use from adjacent uses.

### **3.40. Outside Display and Sale of Goods**

- 3.40.1. Such outside display and sale is accessory to a commercial or industrial use carried on in an enclosed building or portion thereof on the same lot;
- 3.40.2. The area used for outside display and sale is subject to the following:
- a) The area shall not be more than twice the floor area above grade of the commercial or industrial building or portion thereof of any building constructed upon the lot, and used for the commercial or industrial purposes for which outside display and sale is permitted;
  - b) Notwithstanding part a) above, such area for outside display and sale shall not be more than thirty-five percent (35%) of the lot area;
  - c) The above provisions do not apply and no maximum area is set in the case of a motor vehicle sales or rental establishment, a farm implement sales outlet, a recreational house trailer sales, service or display outlet, a prefabricated building sale or display outlet, a swimming pool sales and display outlet, a nursery and garden centre or a mobile home sales and display outlet.
- 3.40.3. The area used for outside display and sale shall provide side and rear yards in accordance with the provisions of the zone in which the land is situated, but in any event, shall not be closer to any side or rear lot line than 3 metres (9.84 ft.) and if the interior side lot line or rear lot line of a lot upon which such outside display and sale is permitted abuts a Residential Zone, then a landscaped open space area shall be provided along such abutting lot line or a portion thereof to a depth of not less than 3 metres (9.84 ft.).
- 3.40.4. The area used for outside display and sale shall be in addition to and separated from the area required for parking.

- 3.40.5. The area used for outside display and sale shall be surfaced and maintained with either concrete, asphalt, crushed stone and/or other hard surface and dustless materials, or maintained as a lawn.
- 3.40.6. Where permitted, outside display may be subject to site plan control under the Planning Act, as amended, and without limiting the generality of the foregoing, may include requirements in regard to the buffering and screening of the use from adjacent uses.

**3.41. Off-Street Parking Requirements**

- 3.41.1.1. A parking space shall have a minimum length of 6 metres (19.69ft.) and a minimum width of 3 metres (9.84ft.)
- 3.41.1.2. A bus space shall have a minimum length of 11 metres (36ft.) and a minimum width of 3 metres (9.84 ft.)
- 3.41.2. Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- 3.41.3. For every building or structure to be erected or enlarged in any zone, off-street parking shall be provided and maintained in accordance with the following provisions or other applicable legislation:

<b>Type of Building or Use</b>	<b>Minimum Number of Required Parking Spaces</b>
Banks, business and professional offices or office spaces associated with a commercial or industrial use	1 space for each 20 m <sup>2</sup> (215.29 ft. <sup>2</sup> ) of ground floor area plus 1 space for each 37 m <sup>2</sup> (398.28 ft. <sup>2</sup> ) or remaining gross floor area.
Billiard parlours and bowling lanes	3 spaces per bowling lane and 1 space per billiard table.
Bed and Breakfast	1 space for each designated guest room in addition to the required parking for the residential use.
Cannabis Production Facilities	1 space per 100 square metres of gross floor area
Clinic and Veterinary Clinic	6 spaces per practitioner.
Commercial establishments providing accommodations	1 space per guest room plus 1 space per 10 m <sup>2</sup> (107.64 ft. <sup>2</sup> ) of gross floor area of the building devoted to public uses.
Commercial Use not specifically listed in this Section	1 space per every 20 m <sup>2</sup> (215.29 ft. <sup>2</sup> ) of gross floor area
Eating establishment, restaurant, place of entertainment	1 space per every 14 m <sup>2</sup> (150.69 ft. <sup>2</sup> ) of public floor area, with a minimum of 10 spaces.
Golf course	25 spaces per 9 holes.
Group Home	1 space for each of the maximum number of staff members required to be in attendance at any one time plus 1 visitor space in addition to the required parking for the residential use.
Industrial Use not specifically listed in this Section	1 space per every 40 m <sup>2</sup> (430.57 ft. <sup>2</sup> ) of gross floor area.
Institutional Use not specifically listed in this Section	Where there are fixed seats, 1 space for every 6 seats, or 3.5 m (11.49 ft.) bench space. Where there are no fixed seats 1 space for each 9 m <sup>2</sup> (96.88 ft. <sup>2</sup> ) of floor area devoted to public use.
Mini storage warehouse	5 spaces or 1 space per 25 units, whichever is greater.
Miniature golf and golf driving range	1 space per tee or hole.
Nursing home, hospital, home for the aged	1 space per each 2 beds or each 40 m <sup>2</sup> (430.57 ft. <sup>2</sup> ) of gross floor area, whichever is greater.
Nursery school	1 space per staff member plus 1 space for each fifth child design capacity.
Parks and Recreational Uses not specifically listed in this Section	1 parking space for each 4 visitors making up the total capacity of the use shown on the site plan or declared by the owner.

<b>Type of Building or Use</b>	<b>Minimum Number of Required Parking Spaces</b>
Places of assembly such as halls, lodges, labour union halls, dance halls, community centres and other places of public assembly	1 space for each 4 persons maximum design capacity.
Place of worship	1 space per every 5 seats of the maximum seating capacity.
Post offices, museums, art galleries and libraries	1 space for each 47 m <sup>2</sup> (505.92 ft. <sup>2</sup> ) of public floor area.
Private or commercial clubs, athletic and recreational establishments	1 space for each 7 persons maximum design capacity.
Recreational trailer campground or park model trailer campground	1 space per recreational trailer or park model trailer site plus three-tenths (.3) of a space per site provided for visitor parking located conveniently within the trailer campground.
Residential (including any dwelling in any Zone)	2 spaces per dwelling unit.
Retail lumber and building supply outlet	1 space for each 28 m <sup>2</sup> (301.39 ft. <sup>2</sup> ) of retail floor area with a minimum of 6 spaces
Retail store	1 space for every 30 m <sup>2</sup> (322.93 ft. <sup>2</sup> ) of gross floor area.
School, elementary	1 space for every 4.64 m <sup>2</sup> (50 ft. <sup>2</sup> ) of gymnasium plus one bus space for every three (3) classrooms.
School, secondary	1 space for every 4.64 m <sup>2</sup> (50 ft. <sup>2</sup> ) of gymnasium or 3 spaces for every one classroom, whichever is greater, plus one bus space for every three (3) classrooms.
Undertaking establishment	1 space for each 5 chapel seating spaces with a minimum of 10 spaces
Tennis courts	4 spaces per court
Tourist establishment	1.25 spaces per guest room, cottage or cabin
All uses, buildings and structures not specified above	1 space for each 28 m <sup>2</sup> (301.39 ft. <sup>2</sup> ) or fraction thereof of gross floor area.

3.41.4. Where the calculation of the required number of parking spaces results in a fraction, 1 full parking space shall be provided to represent the fraction.

3.41.5. Notwithstanding the yard and setback provisions of this By-law, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback as follows:

<b>Zone</b>	<b>Yards in which Required Parking Area Permitted</b>
Agricultural	All yards, provided that no part of any parking area, other than a driveway, is located closer than 1 metres (3.28 ft.) to any street line.

Zone	Yards in which Required Parking Area Permitted
Residential	All yards, except in the required front and exterior side yards wherein parking shall be limited to a properly surfaced driveway.
Commercial	All yards provided that no part of any parking area, other than a driveway, is located closer than 3 metres (9.84 ft.) to any Residential Zone, 1.5 metres (4.92 ft.) to any street lines, or 7 metres (19.69 ft.) to any street line in a Campground Commercial Zone. Furthermore, no driveway shall be located closer than 3 metres (9.84 ft.) to a lot line that abuts any Residential Zone or residential use.
Industrial	Visitor parking may be located in the front yard. All yards, provided that no part of any parking area or land, other than a driveway, is located or used for the temporary parking or storage of any motor vehicle or trailer, closer than 3 metres (9.84 ft.) from any lot line, or within 15 metres (49.21 ft.) of any street line or boundary of any Residential Zone or within 7.5 metres (24.61 ft.) of the lot line of a lot used for or intended to be used for residential purposes. Furthermore, no driveway shall be located closer than 7.5 metres (24.61 ft.) from a lot line that abuts any Residential Zone or residential use.

3.41.6. Where the owner of a commercial building or structure in a Commercial Zone proposes to provide the required parking spaces and areas in a location other than on the same lot as the use which requires such spaces and areas, then such spaces and areas shall be located not more than 150 metres (492.13 ft.) from the said lot and shall be located within a Commercial Zone. Where a residential use is permitted in a Commercial Zone, the required parking spaces shall be located on the same lot as the residential use, and shall be restricted for the use of the residential occupants only.

When a building, structure or lot accommodates more than one type of use, the parking space requirement for the whole building or lot shall be the sum of the requirements for the separate parts of the building or lot occupied by the separate types of use.

Any area where off-street parking is permitted under this By-law shall be used only for the parking of operative vehicles bearing a motor vehicle license plate currently valid, and for vehicles used in operations incidental to the permitted uses in respect of which such parking spaces and areas are required.

3.41.7. Notwithstanding the foregoing, the owner or occupant of any lot, building or structure in any Residential Zone may use the lot or any private garage of which he is the owner or occupant, erected upon any such lot, for the housing or storage of 1 commercial motor vehicle which he operates

himself, which does not exceed 8000 kilograms. GVW and which does not employ an airbrake system.

- 3.41.8. Notwithstanding the above and the specific provisions contained therein, within the Rural Residential Zone, one (1) commercial motor vehicle, which the owner or occupant of the lot operates himself, may be permitted provided the vehicle and any attached or detached trailer as the design and function may involve, does not exceed 12 metres (39.37 ft.) in total length. Furthermore one (1) licensed, operational school bus which the occupant or owner of the lot operates himself may be permitted on a lot in a Rural Residential Zone.
- 3.41.9. For the purpose of this Section, "Commercial motor vehicle" shall mean any commercial vehicle as defined in the Highway Traffic Act, as amended, or the applicable legislation having jurisdiction.
- 3.41.10. When a building or structure has insufficient parking on the date of the passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built and no change of use may occur, however, the effect of which would be to cause an increase in that deficiency. In the case of an addition or alteration and where additional space exists on the lot for parking, the additional parking requirements shall be calculated against the addition or alteration. In the case of a change of use and where additional space exists on the lot for parking, the parking requirement shall be calculated against the entire use.
- 3.41.11. Notwithstanding any provisions of this By-law the provisions regarding the minimum number of required parking spaces shall not apply where an agreement between Council and the owner of a property has been entered into pursuant to the Planning Act as amended, exempting the owner from the requirement to provide parking, in the Elmvale commercial district as shown on Schedule "A" of this By-law.
- 3.41.12. Each parking space must be readily accessible at all times and arranged in such a manner to provide access and maneuvering space for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle.
- 3.41.13. Ingress and egress to and from the required parking spaces and areas for any land use shall be provided by means of an unobstructed driveway.
- 3.41.14. The width of any access driveway, measured along the street line, shall be governed by the Township Engineering Standards implemented through



Site Plan Control and/or the Entrance Permit By-law, or through County or Provincial regulations as may be applicable.

- 3.41.15. Where a ramp to parking facilities provides access from a street, such a ramp shall not be located closer than 8 metres (26.25 ft.) from the street line and a level stopping space shall be provided between the ramp and the street grade so as to provide adequate vision to the street in both directions.
- 3.41.16. In the case of a parking structure completely or partly below finished grade it shall not be necessary to comply with the setback requirements of the particular zone except that the minimum distance between such a structure and the street line shall be 8 metres (26.25 ft.).
- 3.41.17. Where parking requirements are related to seating capacity and seating is by open benches, each 0.5 metres (1.64 ft.) of open bench shall be counted as one (1) seat.
- 3.41.18. The lights used for illumination of a parking area shall be so arranged so to divert the light away from adjacent lots or streets.
- 3.41.19. A structure not more than 4.8 metres (15.74 ft.) in height and not more than 4.7 square metres (50.59 ft.2) in area may be erected in the parking area for the use of parking attendants.
- 3.41.20. No sign other than direction signs and the name of the owner which shall not exceed 1.1 square metres (11.84 ft.2) in total area shall be erected in any parking area.
- 3.41.21. No gasoline pump or other service station equipment shall be located or maintained on any parking area.
- 3.41.22. No parking or loading facility or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 2 metres (6.56 ft.) of any lot line or street line or within 3 metres (9.84 ft.) of the boundary of any Residential Zone.

**3.42. Loading Space Requirements**

- 3.42.1. No person shall erect or use any building or structure in any zone for any commercial or industrial purpose involving the movement of goods unless loading spaces are provided and maintained in accordance with the following provisions calculated on the non-residential floor area:

Area of Building	Loading Space Requirement
200m <sup>2</sup> (2152.85 ft. <sup>2</sup> ) or less	None

Area of Building	Loading Space Requirement
Exceeding 200 m <sup>2</sup> (2152.85 ft. <sup>2</sup> ) but not 930 m <sup>2</sup> (10,010.76 ft. <sup>2</sup> )	1 space
Exceeding 930 m <sup>2</sup> (10,010.76 ft. <sup>2</sup> )	2 loading spaces plus a minimum of 1 additional loading space for each 1400 m <sup>2</sup> (15,069.97 ft. <sup>2</sup> ) or fraction thereof in excess of 930 m <sup>2</sup> (10,010.76 ft. <sup>2</sup> )

- 3.42.2. Each loading space shall be at least 11 metres (36.09 ft.) long, 3 metres (9.84 ft.) wide and have a vertical clearance of at least 4.2 metres (13.78 ft.).
- 3.42.3. The required loading spaces shall be provided on the lot occupied by the building or structure for which the said loading spaces are required and shall not form a part of any street or lane.
- 3.42.4. For any commercial use, the required loading spaces shall be located only in an interior side yard or rear yard provided such loading spaces are located no closer than 15 metres (49.221 ft.) to any street line, 3 metres (9.84 ft.) to any Residential Zone or residential use, or 1.5 metres (4.92 ft.) to any lot line.
- 3.42.5. For any industrial use, no loading space or part thereof shall be located and no land shall be used for loading purposes within 3 metres (9.84 ft.) of any lot line, or within 15 metres (49.21 ft.) to any street line or boundary of any Residential Zone, or within 7.5 metres (24.61 ft.) of the lot line of a lot used for or intended to be used for residential purposes.
- 3.42.6. Access to loading spaces shall be by means of a driveway contained within the lot on which the spaces are located and leading to a street or lane.
- 3.42.7. The driveways or loading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- 3.42.8. When a building or structure has insufficient loading spaces on the date of passing of this By-law to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition. However, no addition may be built and no change of use may occur, the effect of which would be to cause an increase in that deficiency.

**3.43. Storage / Parking of Special Vehicles**

- 3.43.1. No person shall use any lot in any zone for the purpose of storing a recreational trailer, commercial trailer, auto trailer, boat or boat trailer

except in accordance with the provisions of this Section or as provided elsewhere in this By-law.

3.43.2. For the purpose of this Section, “auto trailer” shall mean a trailer, enclosed or unenclosed, designed to transport a single car and such other equipment, up to a maximum length of 13.41 metres (44 ft.) from the rear to the front inclusive of the tongue or fifth wheel connection.

3.43.3. In an Agricultural Zone the outside storage of a travel trailer, an auto trailer, a commercial trailer, boat or boat trailer is permitted only where such use:

- a) Is accessory to an existing permitted use; and
- b) Is located in the rear yard or side yard; and
- c) Meets the setbacks for accessory buildings in the applicable zone; and
- d) Is limited to a maximum of one of each of the following:
  - i. A travel trailer
  - ii. An auto trailer
  - iii. A commercial trailer
  - iv. A boat and/or boat trailer

3.43.4. In a Residential Zone, the outside storage of a travel trailer, an auto trailer, a boat or boat trailer is permitted only where such use:

- a) Is accessory to an existing permitted use; and
- b) Is located in the rear yard or side yard; and
- c) Meets the setbacks for accessory buildings in the applicable zone; and
- d) Is limited to a maximum of one of each of the following:
  - i. A travel trailer
  - ii. An auto trailer
  - iii. A boat and/or boat trailer

3.43.5. In a Residential Seasonal or Residential Conversion Zone the outside storage of a travel trailer, an auto trailer, a boat or boat trailer is permitted only where such use:

- a) Is accessory to an existing permitted use; and
- b) Is located in the rear yard or side yard; and
- c) Meets the setbacks for accessory buildings in the applicable zone; and
- d) Is limited to a maximum of one of each of the following:
  - i. A travel trailer
  - ii. An auto trailer
  - iii. A boat and/or boat trailer

- 3.43.6. Notwithstanding subsection 4 of this Section, in a Residential (R3) Zone, the storing of a travel trailer, an auto trailer or boat trailer is only permitted within a fully enclosed buildings.
- 3.43.7. The provisions of subsection 4 of this Section shall apply to an accessory residential use in a non-residential zone.
- 3.43.8. In any Residential Zone, the outside storage of park model trailers and commercial trailers is not permitted except where permitted elsewhere in this By-law.
- 3.43.9. In all zones, human habitation is prohibited in a recreational trailer, commercial trailer, auto trailer, boat or boat trailer.
- 3.43.10. Notwithstanding the preceding subsections, the limitations imposed therein shall not restrict the number of recreational trailers, commercial trailers, auto trailers, boats and/or boat trailers that are fully enclosed within a private garage.
- 3.43.11. Notwithstanding the preceding subsections, the parking on a driveway of an auto trailer, travel trailer, boat or boat trailer may be permitted in a Residential or Agricultural Zone during the season for which it was designed, provided that such lot is not used for apartment building dwelling purposes.

### **3.44. Holding Zones**

- 3.44.1. Within any zone where the suffix “H” has been added to the zone symbol (ie R1H), or to the first letter of the zone category (ie RH) except in regard to the commercial category, which will be shown as “C/H”, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in subsection 2 and also such use, building structure shall be in accordance with the regulations contained in subsection 3 of this Section.
- 3.44.2. Permitted Uses
- a) Agricultural use in accordance with Minimum Distance Separation requirements
  - b) Conservation and wildlife sanctuary including a forestry use;
  - c) Public park;
  - d) Public use in accordance with the provisions of the Public Use Section herein;
  - e) Uses existing at the date of passing of this By-law in accordance with the provisions of subsection 3 below;

- f) Accessory buildings and uses to any permitted use in accordance with the provisions of subsection 3 below;
- g) New residential dwelling units are not permitted in conjunction with any of the above uses.

**3.44.3. Zone Regulations**

3.44.3.1. For an agricultural or conservation and wildlife use, the zone provisions of the Agricultural Zone shall apply.

3.44.3.2. An existing detached dwelling shall comply with the provisions of the Agricultural Zone.

3.44.3.3. A public park shall comply with the provisions of the Open Space (OS) Zone.

3.44.3.4. Special Holding Zone Provisions, Schedule "A" (Elmvale) All lands within the former Village of Elmvale as shown on Schedule "A" which are zoned with a hold symbol ("H"), shall not be further developed or redeveloped until the Township is satisfied that an adequate water supply and sanitary sewage disposal servicing facilities and capacity are available to service the area proposed to be developed, and that all appropriate agreements between the developer and the Municipality have been finalized.

**3.44.4. Future Uses**

For more detailed information in regard to the possible future permitted uses which may occur within these zones, reference should be made to the Official Plan of the Township of Springwater.

**3.45. Zone Exceptions**

The various Zone Sections of this By-law contain subsections entitled Zone Exceptions. Within the Zone Exception subsections may be contained specific regulations, provisions or permitted uses that apply to the specific lots or areas as set out in the locational description of the exception and as indicated on the map schedule to this By-law. Unless specifically set out otherwise in the exception, where a use is permitted by the exception it is in addition to the other uses permitted within the zone. In regard to an exception to a regulation or provision of a zone, a general provision or a definition of this By-law, it is understood that all other regulations, provisions and definitions of this By-law continue to apply.

**3.46. Minimum Distance Separation**

- 3.46.1. Notwithstanding any other yard or setback provision of this By-law to the contrary, lands to be rezoned from an Agricultural Zone to a Residential, Institutional, Commercial, Industrial or Open Space Zone will comply with the Minimum Distance Separation (MDSI) Calculation.
- 3.46.2. Notwithstanding any other provisions of this By-law to the contrary, a residential use to be located upon an existing lot of record 1.0 hectare or less in size and permitted in the Agricultural (A) Zone, will not be required to comply with the Minimum Distance Separation (MDSI) Calculation.
- 3.46.3. Notwithstanding any other provisions of this By-law to the contrary, a residential use to be located upon an existing lot of record greater than 1.0 hectare in size and permitted in the Agricultural (A) Zone, will comply with the Minimum Distance Separation (MDS I) Calculation.
- 3.46.4. Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDSII) Calculation.
- 3.46.5. Notwithstanding any other provisions of this By-law to the contrary, the MDS II calculated separation distances will be measured from the nearest point of an existing vacant lot of record 1.0 hectare in size or less, to the nearest point of livestock facility. The existing lot of record shall be within the Agricultural or a Rural Residential Zone and the proposed livestock facility shall be located in the Agricultural Zone.

### **3.47. Temporary Use By-laws**

(By-laws paraphrased for referral use only. Please refer to the original By-law for full wording.)

- 3.47.1. 2008 Flos Road Four West Part Lot 3, Con. 4, Flos; Roll No. 4341030003180050000  
(Heppelle By-law 5000-064)  
The placement of a garden suite shall be permitted until July 4, 2019.
- 3.47.2. 3353 Pinegrove Road, Part Lot 19, Con. 11, Vespra; Roll No. 4341010006225000000  
Perron By-law 5000-120  
  
A garden suite shall be permitted until March 22, 2020.
- 3.47.3. 1398 Old Second Road North, Part Lot 46, Con. 2, Part 21 on 51R-3775, Flos Roll No. 4341030001052000000 (Beatty By-law 5000-123)  
  
A garden suite shall be permitted until April 6, 2020.

- 3.47.4. 1484 Old Second Road North, Part Lot 46, Con.2, Parts 1 & on 51R-1822, Flos  
Roll No. 4341030001056000000 (Tusevljak By-law 5000-124)
- The retention of the existing dwelling during the construction of a replacement dwelling shall be permitted.
- 3.47.5. 3314 George Johnston Road, Part Lot 19, Con. 10, Part on 51R-37558  
Roll No. 4341010006172500000 (Quinlan By-law 5000-142)
- The retention of the existing dwelling during the construction of a replacement dwelling shall be permitted.
- 3.47.6. 1933 Vespra Valley Road, Part of West Part Lot 8, Con. 8,  
Part Part 3 on RP 51R-2386, Vespra  
Roll No 4341010005028000000 (Hawman By-law 5000-160) (TU-2012-001)
- The retention of the existing dwelling during the construction of a replacement dwelling shall be permitted until July 16, 2015.
- 3.47.7. 32340 Dobson Road, Part Lot 18 & 19, Con. 8, Vespra, Roll No.  
4341010006028000000  
(Yorkwood By-law 5000-165) (TU-2012-002)
- The construction of six (6) model homes shall be permitted until October 1, 2015.
- 3.47.8. East Half Lot 18, Con. 12 (Vespra)  
3166 Pinegrove Road (P. Sleeth Temporary Second Dwelling Unit By-law 5000-174)
- Notwithstanding the provisions of Section 26.2.1(a) of By-law 5000 as amended, and subject to the terms of the Agreement entered into between the parties, the retention of the existing dwelling during the construction of a replacement dwelling, as set out on Schedule "A" attached hereto and forming part of this By-law, shall be permitted for a term not to exceed May 21st, 2014 or two months from the date of the issuance of an Occupancy Permit for the replacement dwelling, whichever comes first.
- 3.47.9. N Pt Lot 26, Concession 3, Flos  
3681 Flos Rd 4 West, Roll 4341030005042000000  
By-law 5000-216 (TU-2015-001 Gillies)

Notwithstanding the provisions of Section 33.2.1(a) of By-law No. 5000 as amended, and the terms of the Agreement entered into between the parties, the mobile/modular home existing on the property may be used as a garden suite for their in-laws and a new single detached dwelling may be constructed on the property, as set out on Schedule "A" attached hereto and forming part of this By-law, and shall be permitted until (10 yrs from date of by-law) or until abandonment of the temporary use, whichever comes first, subject to the terms of the Agreement entered into between the parties.

- 3.47.10. East Part Lot 31, Con 1, being Part 1 on Plan 51R-15144, Vespra  
1777 Old Second Road South, Roll 4341 010 001 18600 0000  
Simcoe Soils Management – Temporary Top Soil Transfer Station  
By-law 5000-249

Notwithstanding the provisions of Sections 28.2.2 & 28.4.9 of By-law 5000 as amended, and subject to the terms of the Agreement entered into between the parties, a temporary top soil transfer station, as set out on Schedule "A" attached hereto and forming part of this By-law, shall be permitted for a term not to exceed three (3) years from the date of this By-law or upon surrender of the exiting aggregate license to the MNRF, whichever comes first, unless an extension is granted by Council, subject to the terms of the Agreement.

- 3.47.11 Lot 44, Plan 51M-694, former Medonte  
22 Davenport Drive, Roll No. 4341 020 081 15588 0000  
TU-2019-001 – Dennis (Garden Suite)

Notwithstanding the provisions of Section 4.2.1(a) of By-law No. 5000 as amended, and the terms of the Agreement entered into between the parties, the placement of a garden suite shall be permitted on the property, as set out on Schedule "A" attached hereto and forming part of this By-law, and shall be permitted until ten (10) years from date of by-law or until abandonment of the temporary use by the intended resident(s) as set out in the Temporary Use Agreement, whichever comes first.

- 3.47.12 OS Part Lot 64, Concession 1, former Flos  
2364 South Orr Lake Road, Roll No. 4341 030 002 03500 0000  
TU-2019-004 – Cottonwood Management Inc. (Garden Suite)

Notwithstanding the provisions of Section 4.2.1(a) of By-law No. 5000 as amended, and the terms of the Agreement entered into between the parties, the placement of a garden suite shall be permitted on the property, as set out on Schedule "A" attached hereto and forming part of this By-law, and shall be permitted until ten (10) years from date of by-law or until



abandonment of the temporary use by the intended resident(s) as set out in the Temporary Use Agreement, whichever comes first.

3.47.13 TU-2020-001 – Backyard Chickens – Applying to all land geographically located within the Township of Springwater

Notwithstanding the provisions of Section 35 of By-law 5000, as amended the following definitions shall apply for a term not to exceed (3) years from the date of this by-law:

‘Domestic Animal shall mean a dog, cat, or similar pet which is generally understood to be domesticated and is typically kept indoors at a residence. For the purpose of this by-law a domestic animal shall include backyard chickens as defined herein.’

‘Backyard Chickens - the accessory keeping of hens for the purpose of companionship as a pet or providing eggs for personal consumption by occupants of a dwelling on the same lot, and does not include accessory livestock, or agricultural uses otherwise defined by the Township of Springwater’s Zoning By-law.’”

3.47.14 North Part Lot 8, Concession 3, Flos  
1335 Flos Road Four East, Roll No. 4341 030 003 08100  
5000-342 - TU-2021-003 – Smith Brothers Farm Inc

Notwithstanding the provisions of Section 33.2 of By-law No. 5000, as amended, and the terms of the Agreement entered into between the parties, a temporary indoor baseball training facility shall be permitted within the Agricultural (A) Zone of the subject property, as set out on Schedule ‘A’ attached hereto and forming part of this By-law, in accordance with the definition and provisions provided herein:

***Indoor Baseball Training Facility shall mean a building or structure designed and equipped primarily for the practicing or teaching of baseball skills and may include an accessory workout gymnasium, change rooms, or offices.***

- i. The maximum number of buildings to be used for an indoor baseball training facility is two (2);
- ii. The maximum size of a gym building is to be 90 square metres (968 square feet);
- iii. The maximum size of a batting tunnel building is to be 115 square metres (1,237 square feet);
- iv. The maximum amount of parking spaces shall be twenty (20);

The indoor baseball training facility shall be permitted from the date of the executed Temporary Use Agreement for a term not exceeding 18 months

or upon completion of the required planning process to permit a permanent use, whichever comes first, unless an extension is granted by Council subject to the terms of the Agreement.

**3.48 Additional Residential Units**

3.48.1 Any Additional Residential Unit shall be developed in accordance with the following provisions:

a. Additional Residential Units shall be permitted on lands zoned to permit a single detached, semi-detached, townhouse dwelling or located within a detached accessory building on the same lot as the Primary Dwelling.

b. A maximum of two Additional Residential Units shall be permitted on a lot, one within the same Building as the Primary Dwelling and one located in a detached accessory building to the Primary Dwelling.

c. In accordance with the Off-Street Parking Requirements for a residential use, two (2) parking spaces per Additional Residential Unit is required to be provided and maintained on site for the sole use of the occupant of an additional residential unit and may include tandem parking spaces.

d. Additional Residential Units shall be appropriately serviced and shall comply with all applicable health and safety standards, including but not limited to those set out in the Ontario Building Code and the Ontario Fire Code.

e. Additional Residential Units shall not be permitted on a lot that is used for a Bed and Breakfast or Group Home.

f. Additional Residential Units shall not be permitted within the Residential Seasonal (RS) Zone.

g. A separate entrance shall be required for the Additional Residential Unit and shall be located on the rear or side of the Primary Dwelling; this does not limit the ability to utilize existing entrances on the front main wall of the Primary Dwelling.

h. A home occupation shall not be permitted within an Additional Residential Units.

3.48.2 Additional Residential Unit within a Primary Dwelling:

a. The Additional Residential Unit within a Primary Dwelling shall not exceed 40% of the Gross Floor Area of the Primary Dwelling.

b. Notwithstanding the above provision, if the proposed Additional Residential Unit is to be located in the lower half (basement) of the Primary Dwelling, the unit shall not exceed 50% of the Gross Floor Area of the Primary Dwelling.

c. A separate entrance shall be required for the Additional Residential Unit and shall be located on the rear or side of the Primary Dwelling; this does not limit the ability to utilize existing entrances on the front main wall of the Primary Dwelling.

d. All other provisions of the respective zones are complied with.

3.48.3 Additional Residential Unit within an Accessory Building:

a. The Additional Residential Unit within a Detached Accessory Building shall not exceed 40% of the Total Gross Floor Area of the Primary Dwelling to a maximum of the permitted accessory building floor area for the applicable zone or a maximum 115 m<sup>2</sup> (1,238 ft<sup>2</sup>), whichever is the lesser.

b. The floor area calculation will include the Gross Floor Area of the Detached Accessory Building when utilized for an Additional Residential Units and will include any parking areas.

c. The maximum Building Height of an Additional Residential Unit contained within a Detached Accessory Building is two (2) storeys, and shall not exceed the height of the Primary Dwelling.

d. The applicable setbacks for the Primary Dwelling within the applicable zone applies to an Additional Residential Unit contained within a Detached Accessory Building on a residential lot.

e. An Additional Residential Unit in a Detached Accessory Building may occupy a Yard other than a Front Yard or required Exterior Side Yard.

f. Notwithstanding the above provision, In the Agricultural (A), Residential Conversion (RC) Zones, an Additional Residential Unit contained within a Detached Accessory Building may be located in Front Yard of the Primary Dwelling and the unit shall comply with the applicable Front Yard setback requirements for the Primary Dwelling.

g. A minimum of 1.5 metres shall be provided between the Additional Residential Dwelling Unit in a Detached Accessory Building on the same lot and any other structures permitted on the lot.

h. Crawlspace foundations are permitted in Additional Residential Units to be located in Detached Accessory Building for the purposes of containing mechanical/utility equipment (heating, cooling, plumbing, electrical), provided the same does not allow for human habitation and that same foundation does not exceed 1.8 metres in total height. Crawlspace foundations are not included in the floor area of the Additional Residential Unit.

i. All other provisions of the respective zones are complied with.

### 3.49 Cannabis Production Facility

Cannabis Production Facility uses, which are subject to the Section entitled Licenses, Permits and Other By-laws as well as the Building By-laws Section of this By-law, shall be permitted only in the zones indicated in this By-law and the use shall be maintained in accordance with the following provisions:

a. All Cannabis Production Facilities are subject to Site Plan Control pursuant to Section 41 of the Planning Act;

b. In addition to the requirements of this Section, a Cannabis Production Facility shall comply with all zone provisions of the zone it is located within;

c. A Cannabis Production Facility will be prohibited on any lot within a Residential, Institutional or Commercial Zone;

d. Minimum setback for all structures associated with a Cannabis Production Facility shall be 30.0 metres from all property lines within the Agricultural (A);

e. Notwithstanding d) above, where outdoor cultivation is proposed in the Agricultural (A) zone, no building or structure or portion of land thereof used for cannabis production facility purposes may be located closer than 150 metres to any Residential or Institutional Zone, Parks, Open Space Zone, any residential dwelling in an Agriculture Zone, day nursery, school, community centre, place of entertainment, place of assembly, place of worship, long term care home, retirement home, cultural facility or any other sensitive use;

f. Outdoor storage shall be prohibited on a property on which a Cannabis Production Facility is located;

g. No outdoor signage or advertising related to a Cannabis Production Facility shall be permitted;

- h. Within the General Industrial (MI) Zone, loading spaces for a Cannabis Production Facility must be wholly enclosed building within a building; and,
- i. All uses associated with Cannabis Production Facility, except the outdoor cultivation of cannabis within an Agricultural (A) zone, must take place entirely within a building.