

4.0 DEFINITIONS

For the convenience of the reader, a number of the words and terms utilized in this By-law are defined in this By-law. In other instances words or terms shall be defined as in accordance with their definitions in applicable law or where not identified in applicable law, they shall be defined in accordance with their common and accepted usage and in the reasonable context of their usage in this By-law. Where other policy or legislation is referenced herein, the successor of said policy or legislation shall be used where the original reference is out-of-date.

ABATTOIR

Means premises designed for the confinement of live animals awaiting slaughter and slaughtering of live animals and the packaging of animal carcasses and may include the processing, packing, treating, and storing of the product on the premises, but shall not include the manufacture of inedible meat by-products, or rendering of such products as tallow, grease, glue, fertilizer, or any other inedible product.

ACCESSORY AGRICULTURAL EQUIPMENT AND SUPPLY SALES OUTLET

Means agricultural equipment and supplies and sales and service shop carried out as an accessory use to an agricultural use. For additional clarification, see definition of Accessory Use.

~~**ACCESSORY APARTMENT**~~

~~Means that part of a building, other than an apartment building, which has been altered, renovated or enlarged to accommodate a second self-contained dwelling unit, which is designed and functions as an accessory to a primary dwelling unit. For additional clarification, see definition of Accessory Use.~~

ACCESSORY BUILDING OR STRUCTURE

Means a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, and exclusively devoted to, the principal use or main building on the same lot. For additional clarification, see definition of Accessory Use. Unless otherwise specifically permitted, an accessory building or structure shall not be used for human habitation.

ACCESSORY RETAIL OUTLET

Means a retail use carried out as an accessory use to another permitted primary use. For additional clarification, see definition of Accessory Use.

ACCESSORY USE

Means a use, customarily and normally subordinate to, incidental to, normally associated with, and exclusively devoted to the principal use and located on the same lot.

~~**ACCOMMODATION UNIT OR TEMPORARY RESIDENTIAL USE**~~

~~Means a room or suite of rooms used or maintained as part of a tourist resort or use for the accommodation of the traveling or vacationing public, and which does not contain a kitchen.~~

ACTIVE RECREATIONAL USE

Means a recreational use or activity requiring alteration of soil or topography or the construction of structures or buildings and includes such activities as golf courses, playing fields, trailer parks, and campgrounds.

ADULT ENTERTAINMENT BUSINESS

TOWNSHIP OF CLEARVIEW

Means premises in which goods or services are provided where a principal feature or characteristic of which is the nudity or partial nudity of any person, a sexual act, or in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement, sign, or display and includes a body-rub parlor.

ADVERSE EFFECT

Means one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or to plant or animal life;
- c) Harm or material discomfort to any person;
- d) An adverse effect on the health of any person;
- e) Impairment of the safety of any person;
- f) Rendering any property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of property; and,
- h) Interference with the normal conduct of business.

AERODROME

Means any area of land, water (including the frozen surface thereof) or other supporting surface used, designed, prepared, equipped, or set apart for use either in whole or in part for the arrival, departure, movement, or servicing of aircraft, and includes any buildings, installations, and equipment situated thereon or associated therewith.

AGGREGATE

Means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other prescribed material.

AGRI-COMPOSTING

Means a facility for composting of non-animal products (other than manure) or by-products for the manufacturing of compost and topsoil mixes or the use of digesters for the generation of energy. This shall not include the removal of on-site topsoil or any other composting facility (e.g. primary domestic waste or animal product or by-product composting facilities are not included in this definition). Agri-composting of manure produce on a farm unit is a component of the agricultural use of the farm. Agri-composting and use of digesters to treat manure from more than the farm unit, or involving use of co-substrates, are subject to specific permitted use provisions of this By-law. Both scales of uses are subject to different provisions of this By-law.

AGRICULTURAL PRODUCE WAREHOUSE

Means an agricultural building used to temporarily store farm produce.

AGRICULTURAL PROCESSING PLANT

Means a facility to process farm produce including row crops, grains, vegetables, fruits, and maple syrup and may include honey, milk, and eggs, but no other animal products.

AGRICULTURAL RELATED USE

Means those farm related commercial and farm related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

AGRI-TOURISM

TOWNSHIP OF CLEARVIEW

Means the activities that are integrated into a farm operation for the purpose of education, entertainment, recreation, hospitality services or direct farm sales designed to generate value added income for the owners, to increase awareness of local agricultural products, activities, heritage, and to increase long term sustainability. Educational experiences may include activities such as farm tours, historical re-enactments, exhibitions, animal feeding, and food processing tours. Entertainment experiences may include activities such as rodeos, riding events or trails, corn mazes, festivals, fairs, animal petting zoos, maple sugar shacks, farm animal and horse competitions, and special seasonal holiday events. Recreation experiences may include activities such as horseback riding, bird and wildlife watching, archery, tubing, guided fishing, fishing ponds, snowshoeing, hiking, cross country skiing, wagon, sleigh and hay rides, photography and painting. Hospitality services may include a permitted bed and breakfast operation and a restaurant seating up to forty (40) guests, bakeries, catering, and custom barbeques. Restaurant services must clearly be related directly to providing the user with an agriculturally related experience and shall not exceed a floor area of more than 93 square metres excluding kitchen and storage areas. In the case of a restaurant, bakery, catering or custom barbeque use, the produce served must come primarily from the host farm or surrounding farms. The mere location of the use on an agricultural property does not qualify it as an agri-tourism use. The principal use of the property shall remain farming.

AGRICULTURAL VETERINARY CLINIC

Means a veterinary clinic used primarily for the purposes of treating livestock and includes a building or structure or part thereof that is used for the purpose of consultation, diagnosis, and office treatment of animals, and may also include the boarding or lodging of these animals in fully enclosed buildings in fields, pastures and other outdoor enclosures. This may also incorporate, as an accessory use, an animal shelter which means a building or structure in which stray or unwanted animals are contained and cared for until they are claimed, sold or destroyed.

AGRICULTURAL USE

Means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fiber, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on farm buildings and structures, including accommodation for full time farm labour when the size and nature of the operation requires additional employment.

AIRPORT

Means an area of land used for the landing, storing and taking off of aircraft and their passengers and/or freight and may include, as accessory uses, ticket offices, restaurants, parcel shipping facilities, customs offices, business offices and retail stores.

ALTER

Means any modification to a land use or the structural component of a building or structure that results in a change of use or any increase or decrease in the volume, frequency, or intensity of a use of land, buildings, or structures.

APARTMENT BUILDING

Means a building consisting of more than four (4) dwelling units with each being accessed by a common corridor system, but not a townhouse or link home.

AQUACULTURE

Means the raising and bulk selling of fish or seafood being undertaken as a commercial venture.

TOWNSHIP OF CLEARVIEW

ARENA

Means a building that is intended for year round recreational use which may include special events, competitions, circuses, concerts, conventions, weddings/banquets, anniversaries, auctions, accessory restaurants, flea markets, trade shows or exhibits, and may include ice making equipment and infrastructure capable of enclosing an artificial ice surface.

ART GALLERY

Means premises used for the preservation, exhibition, and/or sale of paintings, sculptures, or other works of art.

ASSEMBLY HALL

Means a premises used for the gathering together of a number of persons for charitable, civic, cultural, educational, fraternal, political, recreational, social or like purposes, and may include facilities for the consumption of food or drink, but not for any commercial purpose.

ASSEMBLY OPERATION

Means the assembling of finished parts into a final product, but shall not include any large scale manufacturing operation or any operation discharging large amounts of liquids.

ATTACHED

Means a building otherwise in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings. A building may be attached by an enclosed breezeway, where such breezeway shall be no more than 5 metres in length. Where a breezeway is not enclosed or is longer, the buildings joined by the breezeway shall be considered detached.

ATTIC

Means the unfinished space between the roof and ceiling of the top storey or between a dwarf wall and sloping roof.

AUCTION CENTRE

Means a premises used for the storage of goods and materials which are to be sold on the premises by auction.

AVERAGE HIGH WATER MARK

~~Means the average of the high water marks made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation and soil on the other side of the mark.~~

BAKERY

~~Means a building, or part of a building, used for industrial, wholesale production of baked goods, such as bread, biscuits, ice cream cones, cakes, pies, buns or any other bakery products of which flour or a grain meal is the principle ingredient, but does not include a bake shop, restaurant, café, or other premises where such products are made only for consumption on the premises.~~

BAKE SHOP

~~Means a retail store or restaurant where products of a bakery are sold or offered for sale to the public including the baking of products for sale only in the shop.~~

BALCONY

TOWNSHIP OF CLEARVIEW

Means a partially enclosed platform attached to or extended horizontally from one or more main walls of a building.

BANQUET HALL

Means premises used for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages may also be prepared and served.

BASEMENT

Means one or more storeys of a building located below the first storey, and that is below or partly below grade. A basement is greater than 1.8 m in interior height.

BED AND BREAKFAST

Means a dwelling in which guest rooms, accessed from inside the dwelling, are offered by the residential occupants of the dwelling, to the travelling public to facilitate the temporary occupancy for a period of less than 30 consecutive days throughout any part of the calendar year, with or without meals."

~~Means a single detached dwelling in which a maximum of three (3) rooms are provided for temporary accommodation of the traveling public, with or without meals, for hire or pay for less than two weeks consecutively by each customer. Where a lot is zoned Agricultural, Agriculturally Related Commercial, or Rural, a bed and breakfast may have a maximum of five (5) rooms provided for temporary accommodation of the traveling public.~~

BOARDER

~~Means a person who pays rent, fees or other valuable consideration to a proprietor for living accommodation in which cooking, or washroom facilities are shared with other persons. -other than the lessee, tenant, owner, or person related thereto, to whom meals may or may not be provided and where lodging is provided for compensation.~~

BOARDING OR ROOMING HOUSE

~~Means a dwelling in which containing four to six lodging units, which do not appear to function as a dwelling unit, although one may be included with the lodging units. It includes, without limitation, a lodging house, a fraternity or sorority house. It does not include a hotel, a crisis care facility, a hospital, a group home, a rehabilitation center, a crisis centre/care facility, a bed and breakfast, a nursing home or assisted care home, or apartment dwelling house. A boarding house -may involve shared cooking or washroom facilities. Meals may or may not be provided to residents. Common areas, such as living rooms may or may not be provided, with or without meals, is supplied for gain to two (2) or more persons other than the lessee, tenant or owner of said dwelling, but does not mean or include a motel, hotel, bed and breakfast, nursing home, retirement home or home for the aged, hospital, or similar commercial or institutional use, or apartment dwelling house.~~

BOARDING UNIT

Means one or more rooms within a boarding or rooming house used or designed to be used for sleeping accommodations. Boarding units may contain cooking or washroom facilities, but not both.

BOARDING OR RIDING STABLES

Means a building or structure in which horses are boarded and may also include facilities for riding and showing of horses.

BOATHOUSE

TOWNSHIP OF CLEARVIEW

Means an accessory building used for the storage of private boats and accessory equipment but shall not include habitable living space.

~~BODY RUB~~

~~Means the kneading, manipulating, massaging, touching, or stimulating, by any means, of a person's body or part thereof, but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed, or registered to do so under the law of the Province of Ontario.~~

~~BODY RUB PARLOUR~~

~~Means any premises or part thereof where a body rub is performed, offered, or solicited in pursuance of a trade, calling, business, or occupation but does not include any premises or part thereof where medical or therapeutic treatment is given by a person otherwise duly qualified, licensed or registered to do so under the law of the Province of Ontario.~~

BUILDING

Means an edifice, whether temporary or permanent, that is used or built for the shelter, accommodation or enclosure of persons, animals or chattels, having either a complete roof or a complete wall(s), coupled with a floor, columns, or other structural components. A building does not include a structure.

BUILDING, TOWNHOUSE

Means a building that is vertically divided into a minimum of three (3) dwelling units, each of which has an independent entrance at grade to the front and rear of the building.

BUILDING SUPPLY OUTLET

Means premises in which building, construction and/or home improvement materials are offered for retail or wholesale and which may include, as an accessory or primary use, the outdoor storage and display of such materials as specified by permitted uses in this By-law.

~~BUILDING LINE~~

~~Means a line lying in the interior of a lot drawn parallel to a lot line for the purpose of establishing the minimum distance that must exist between a building or structure, erected upon the land and a lot line.~~

BUILDING, MAIN, PRIMARY, OR PRINCIPLE

Means a building that functions as the building in which the principal permitted use, as opposed to an accessory use, of the lot is conducted.

BULK STORAGE ESTABLISHMENT

Means a place where land, building, or structure is used for the storage of goods, materials, machinery, and/or equipment.

BUSINESS OR PROFESSIONAL OFFICE

Means premises used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods.

CAMPGROUNDS

Means an area of land used and maintained as grounds for tourism related camping or the temporary parking of truck campers, trailers, or tents, but not including mobile homes.

CAMPSITE

TOWNSHIP OF CLEARVIEW

Means that part of a camping establishment which is occupied on a temporary basis only by a truck camper, trailer, or tent.

CARGO CONTAINER

A portable container, whether constructed of corrugated steel or other material, that is intended in its original manufacture to ship, store or otherwise handle goods or chattels. A cargo container may also be known or referred to as a shipping or freight container.

CARPORT

Means a structure whose roof is structurally dependent upon the main building and is therefore an attached building which has not more than seventy-five (75%) percent of the structure enclosed by walls and which is used for the temporary parking or storage of motor vehicles.

CEMETERY

Means lands set aside to be used for the interment of human remains and may include as an accessory use, a mausoleum, a columbarium, crematorium, or other structures intended for the interment of human remains.

CHIMNEY

Means a primarily vertical shaft enclosing at least one (1) flue for conducting flue gases from a fireplace or furnace to the outdoors and shall be inclusive of the firebox, smoke chamber and the exterior area which encloses the fireplace and flue.

~~**CLINIC, MEDICAL**~~

~~Means a public or private building used for medical, surgical, dental, physiotherapeutic, chiropractic or other human health treatment by one (1) or more practitioners together with their qualified assistants and the building may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories, and pharmacies used in connection with and forming part of in-patient care.~~

CLUB, PRIVATE

Means a meeting place for members of an organization not operated for profit or of an athletic, social, or recreational club not operated for profit.

COMMERCIAL USE

~~Means the use of land, buildings or structures for the supply for sale of goods and/or services.~~

~~**COMMERCIAL**~~

~~Means the use of lands, buildings, or structures for the purpose of buying and selling commodities, or supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction, and other similar uses.~~

COMMERCIAL GREENHOUSE

Means a premises used for the growing of flowers, fruits, vegetables, plants, shrubs, trees, and similar vegetation which are sold directly from the lot either by wholesale or retail.

COMMERCIAL PARKING LOT

Means a parking lot where parking spaces are provided for temporary use for monetary compensation.

COMMERCIAL SCHOOL

TOWNSHIP OF CLEARVIEW

Means a premises used as a school conducted for profit, including a studio of a dance teacher or a music teacher, an art school, a golf school, and any other similar specialized school, and may include a trade school which means a premises used as a school where students are taught a trade or profession including business schools, hair dressing schools, and specific trade training.

COMMERCIAL SELF-STORAGE FACILITY

Means a premises used for the temporary storage of household items within buildings that are divided by a common wall and floor which are generally accessible by means of individual loading doors or lockers.

~~Means a premises used for the temporary storage of household items and seasonal, recreational or commercial vehicles, boats, and trailers in indoor storage areas or lockers, which are generally accessible by means of individual loading doors. Outdoor storage is permitted only where specifically indicated in this By-law.~~

COMMUNITY CENTRE

Means a facility used for community activities, including cultural, recreational, and institutional uses which is controlled by a public authority.

CONDOMINIUM

Means an individual dwelling unit under separate ownership or intended for separate ownership in a multiple unit structure with common elements. For the purposes of the determination of an acceptable location for an associated sales office or model home, the sales office or model home shall be located within a condominium unit or on common lands incorporated within the plan of condominium.

CONFERENCE CENTRE

Means a formal meeting area comprised of meeting rooms and/or associated lodging and meal facilities for the holding of meetings, conferences, trade shows, professional education seminars, or similar assembly purposes.

CONSERVATION USE

Means an area of land which is used to preserve, protect, and/or improve components of the natural heritage system for the benefit of society and the natural environment and which may include, as an accessory use, hiking trails and/or cross country ski trails, public picnic areas and shelters, public nature interpretation centres and public information centres.

CONTAINER, MOVING

Means a portable container other than a shipping container, that is not made of corrugated metal, loaded on and off a semi-trailer truck, used by moving companies for the purpose of persons moving from one address to another.

CONTAINER, SHIPPING

Means a pre-fabricated metal container that is conventionally used for the purposes of shipping goods usually on container ships, rail transport and semi-trailer trucks without being opened, but does not include a truck body, trailer or transport trailer.

CONTRACTOR SHOP

Means a building or structure of any building trade or general contractor, where equipment and materials are stored, or where a contractor performs shop or assembly work, but does not include outdoor storage.

CONTRACTOR YARD

TOWNSHIP OF CLEARVIEW

Means an area of land where equipment and materials used by a construction, landscaping or excavating contractor are stored or where a contractor performs assembly work. This may include the use of the site for minor repairs or maintenance to construction equipment. This does not include the stockpiling of soil, aggregate, or any other landscaping material unless specifically permitted.

CORNER LOT

Means a lot at the intersection of two or more public streets or upon two parts of the same public street with such street(s) containing an angle of not more than 135 degrees or a lot upon which the tangents at the street extremities of the interior side lot lines contain an angle of not more than 135 degrees. The corner of a lot on a curved corner shall be that point on the street line nearest the point of intersection of the said tangents.

CORPORATION

Means the Corporation of the Township of Clearview.

COUNCIL

Means the Council of the Corporation of the Township of Clearview.

COUNTY

Means the Corporation of the County of Simcoe.

~~**CRISIS CENTRE / CARE FACILITY**~~

~~Means a place where short term and temporary accommodation is provided for persons requiring immediate care. In addition to providing counseling, meals and lodging may be provided. This does not include a drug or alcohol rehabilitation centre, a half way house, a criminal rehabilitation/parolee centre or long term care facility.~~

CUSTOM WORKSHOP

Means a premises used by a trade, craft or guild for the manufacture, in small quantities, of made to measure clothing or articles including the sale of such products at retail and, for the purpose of this Bylaw shall include upholstering but does not include metal spinning, woodworking, or furniture manufacturing.

DAIRY PRODUCTS PLANT

Means a milk pasteurization and/or bottling plant, a cheese factory or butter factory, condensed or powdered milk factory, creamery, casein factory, milk or cream shipping or receiving station, ice cream factory and any other premises where milk or cream is received for shipment, distribution, processing, or manufacturing.

DATA PROCESSING CENTRE

Means premises used for information storage and retrieval through the use of electronic computers, the production of computer programs, word processing, and the maintenance of records including corporate accounts and cheque processing.

DAYCARE CENTRE

Means a provincially licensed and regulated premise regulated under the Child Care and Early Years Act where children are provided with temporary care and/or guidance for a continuous period, not exceeding twelve (12) hours and may include a nursery school and a day nursery.

DECK

Means an unenclosed structure that is accessory to a residential use, whether attached or detached from the main building, and used as an outdoor living area, with a foundation or

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pillars holding it erect and a floor which is above finished grade and shall include a landing or a stair attached to the deck.

DEVELOPMENT

Means the creation of a new lot, a change in land use or the construction of buildings and structures, but does not include:

- a) Activities that create or maintain infrastructure authorized under a Provincial or Federal environmental assessment process;
- b) Works subject to the Drainage Act.

DRIVEWAY

Means a defined area of a lot that provides access for motor vehicles from a public or private street or a lane to facilities such as a parking area, parking lot, loading space, private garage, building, or structure.

DRY CLEANING DISTRIBUTION DEPOT

Means a premises used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing, or cleaning in a laundry plant and for the pressing and distribution of any such articles or goods which have been subjected to any such process.

DRY CLEANING ESTABLISHMENT

Means a building or part thereof, used for the purpose of receiving, pressing, dyeing, dry cleaning and distribution of any such articles, goods, or fabric wherein only non-flammable solvents are, or can be used, no odours or fumes are emitted, no noise or vibration is created which causes nuisance or inconvenience within or exterior to the premises.

DRY INDUSTRIAL USE

Means an industrial use which does not require the use of water in the manufacturing, processing, fabricating, or assembling of any good, substance, article, or thing.

DWELLING

Means one (1) or more habitable rooms, occupied or capable of being occupied by an individual household as an independent and separate housekeeping establishment, in which one (1) kitchen and sanitary facilities are provided for the exclusive use of such household, with a private entrance from outside the building or from a common hallway or stairway inside the building, but does not include a trailer, recreational vehicle or mobile home, or housekeeping units in a hotel or motel or a boarding or lodging house.

DWELLING UNIT

Means a place of residence containing one or more habitable rooms with separate kitchen and bathroom facilities for the private residential use as a single housekeeping unit, designed for year-round occupancy, and shall not include a guest room, hotel or motel, boarding house, mobile home, recreational vehicle, tent or trailer.

DWELLING UNIT, ACCESSORY

Means a dwelling unit which is accessory to a permitted principal use.

DWELLING UNIT, APARTMENT

Means a dwelling unit in an apartment building consisting of a bathroom, a kitchen, and one (1) or more rooms for living, dining, and sleeping.

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DWELLING UNIT, AREA

Means the habitable living space contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, unfinished attic, cellar or sun room, unless such sun room is habitable in all seasons of the year, and excludes public or common halls or areas, stairways and the thickness of outdoor walls. ~~A primary dwelling unit shall be sized no less than 37 m².~~

DWELLING UNIT, BACHELOR

Means a dwelling unit consisting of one bathroom and not more than two (2) habitable rooms providing therein living, dining, sleeping, and kitchen accommodation, individually or in combination.

DWELLING, APARTMENT

Means a dwelling containing three or more dwelling units which have a common entrance from the street level and are connected by a common corridor.

DWELLING, CONDOMINIUM

Means a multiple dwelling in which individual ownerships of dwelling units are permitted under the provisions of the Condominium Act, as amended.

DWELLING, DUPLEX

Means a dwelling unit in a building that is divided horizontally or vertically into two (2) dwelling units, each of which has an independent entrance either directly to the outdoor or through a common vestibule or corridor.

DWELLING, FOURPLEX

Means a dwelling unit in a building that is divided horizontally or a combination of vertically and horizontally into four (4) dwelling units, each of which has an independent entrance either directly to the outdoor or through a common vestibule or corridor.

DWELLING, FIVEPLEX

Means a dwelling unit in a building that is divided horizontally or a combination of vertically and horizontally into five (5) dwelling units, each of which has an independent entrance either directly to the outdoor or through a common vestibule or corridor.

DWELLING, LINKED

Means two (2) or more dwelling units linked only below grade by a common foundation.

DWELLING, MOBILE HOME

Means a dwelling unit that is designed to be mobile, and constructed or manufactured to provide a permanent residence that is certified in accordance with CSA Standards and meets the requirements for a permanent dwelling under the Building Code, but does not include a trailer, travel trailer or truck camper.

DWELLING, SINGLE DETACHED

Means a separate residential building containing only one dwelling unit that is comprised of a kitchen, living space and washroom facilities that are provided for the exclusive use of the residents and has a private entrance from the outside.

DWELLING, SIXPLEX

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Means a dwelling unit in a building that is divided horizontally or a combination of vertically and horizontally into six (6) dwelling units, each of which has an independent entrance either directly to the outdoor or through a common vestibule or corridor.

DWELLING, SEMI-DETACHED

Means a dwelling unit in a building that is divided vertically into two dwelling units that share a common wall above grade.

~~DWELLING, SPLIT LEVEL~~

~~Means a dwelling in which the first floor above the finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being less than the full storey. For the purposes of this By-Law, a split level dwelling shall be considered as a one storey dwelling.~~

DWELLING, SURPLUS

Means a lot approved by the Committee of Adjustment for the purposes of severing a dwelling surplus to a farm operation. This definition shall not apply to undersized lots created under archaic policies, not pertaining to a surplus farm dwelling.

DWELLING, TOWNHOUSE

Means a building containing more than two (2) dwelling units that is divided vertically and where each unit is divided by a common masonry wall and each dwelling unit has an independent entrance to the unit from the outside. This may also include a stacked townhouse which means a townhouse development in which one unit is located above another unit with the building being no more than two (2) stories in height, with no common enclosed access corridor system.

DWELLING, TRIPLEX

Means a dwelling unit in a building that is divided horizontally or a combination of horizontally and vertically into three (3) dwelling units, each of which has an entrance to the outside independently or through a common vestibule or corridor.

EASEMENT

Means an area of land over which a right of entry has been granted for the purpose of constructing and maintaining a right or service which has been legally described in a registered deed.

~~ENDANGERED SPECIES~~

~~Means a species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.~~

ENVIRONMENTAL IMPACT STUDY

Means a study and documentation of the environmental sensitivity of a defined area that assesses the potential impacts and consequences of a proposed development or site alteration that has been prepared by a qualified individual or firm and submitted for review and approval by the Township and other applicable approval authorities.

EQUESTRIAN FACILITY

The use of lands, buildings and/or structures for the boarding of horses, the training of horses and riders, and the staging of equestrian events, but does not include the racing of horses.

EQUIPMENT SALES AND RENTAL ESTABLISHMENT

TOWNSHIP OF CLEARVIEW

Means a premises in which machinery and equipment are offered for sale or kept for rent, lease, or hire.

ERECT

Means to build, construct, reconstruct, alter, or relocate and shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structural alteration of any existing building or structure by an addition, deletion, enlargement, or extension and shall also include removal and relocation, in all instances whether or not such work requires a Building Permit.

ESSENTIAL EMERGENCY SERVICES

Means buildings for the provision of fire, police, and ambulance stations; electrical substations; natural gas pumping facilities; and, municipal water supply treatment facilities.

FAIRGROUND

Means an agricultural fairground operated by an Agricultural Society established under the authority of the Agricultural and Horticultural Organizations Act, R.S.O. 1990, as amended.

FARM COOPERATIVE

Means a retail use providing agricultural or agriculturally related products and services to the agricultural sector.

FARM IMPLEMENT DEALER

Means a building, structure, and/or clearly defined space on a lot that is used for the display and sale, lease, or rental of farm implements or equipment, and may include the servicing, repair, cleaning, polishing, and lubricating of such machinery or equipment and the sale of related accessory and products.

FARM HELP ACCOMMODATION

Means a building or structure on an agricultural parcel that is used seasonally or temporarily by a person(s) for accommodations as a farm labourer(s) consisting of a kitchen, washroom facilities, and living room, dining room, or bedroom.

FARM ROAD-SIDE RETAIL STAND

Means a premises where the products of an agricultural use on the same lot are sold at retail to the traveling public and may include value added produce from the farm.

FARM PRODUCE SALES OUTLET

Means a use accessory to an agricultural use which consists of the retail sale of predominantly locally grown agricultural produce which may be supplemented by other agricultural products.

FARM WINERY OR CIDERY

Means buildings or structures used for the processing of grapes, fruit or honey in the production of wines or ciders, and may include a tasting area.

~~Means buildings or structures used for the processing of grapes, fruit, or honey in the production of wines or ciders, including the fermentation production, bottling, aging, or storage of such products as a secondary use to a farm operation.~~

FARMER'S MARKET

Means a premises where farm products are may be sold from seasonal, non-permanent, open air stalls or booths.

FEEDLOT

TOWNSHIP OF CLEARVIEW

Means an area of land within a fence, pen, or corral wherein livestock such as cattle, horses, sheep, goats, and/or swine are maintained and no permanent vegetative cover is present due to the density of animals kept within the area of land.

FILL LINE

Means a line on a map or By-law Schedule that delineates those lands subject to the Fill, Construction, and Alteration to Waterway Regulations pursuant of Section 28 of the Conservation Authorities Act, R.S.O. 1990, Chapter C27, as amended, and is enforced by the appropriate Conservation Authority.

FINANCIAL INSTITUTION

Means a premises in which financial services are offered to the public and includes a bank, credit union, trust company, savings office, or any other retail banking operation.

FIRST STOREY

Means the storey with its floor closest to the established exterior grade and having a ceiling more than 1.8 metres above established exterior grade.

FISH CAMP

Means the raising and selling of fish to the public where the public also catches such fish, whether or not live release occurs and whether or not the public is required to catch the fish, they are sold, and being undertaken as a commercial venture.

FITNESS CENTRE

Means a premises used for profit or non-profit purposes in which the facilities are provided for recreational or athletic activities such as bodybuilding and exercise classes and may include associated facilities such as a sauna, a swimming pool, a solarium, a cafeteria, and accessory retail uses.

FLOOD FRINGE

For river, stream, and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

FLOOD PLAIN

For river, stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

FLOOD WAY

For river, stream, and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage.

FLOOD HAZARD

Means the inundation, under the conditions specified below, of area adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of the Great Lakes – St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water related hazards;
- b) Along river, stream, and small inland lake systems, the flooding hazard limit is the greater of:

TOWNSHIP OF CLEARVIEW

- i. the flooding resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
 - ii. the one hundred year flood; and,
 - iii. a flood which is greater than i) or ii) which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;
- a) except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

FLOOR AREA, TOTAL GROSS

Means the total area of all floors in a building(s), measured between the exterior faces of the exterior walls of the building or structure at each floor level, exclusive of any basements used for storage purposes.

FOOD PROCESSING ESTABLISHMENT

Means a premises in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

FORESTRY

Means an area of land used for the cultivating and harvesting of trees for the purpose of producing commercial and non-commercial wood products using good forestry practices, including Christmas trees and commercial tree nurseries, and on which the cutting of wood harvested from the lot is located. For the purposes of this By-law, a forestry use does not include a saw and/or wood planing mill or a wood chipping establishment.

FUGITIVE EMISSIONS

Reasonably expected or predictable contaminant occurrences associated with normal operational practices and procedures such as materials handling or outdoor storage, of industrial facilities, which are generally difficult to practically control at the source or on-site. These emissions are not point sources. Fugitive emissions are from all sources. These emissions may include odour, noise, vibration and particulate such as dust. Emissions from a breakdown are not considered 'fugitive'. Breakdown emissions would be covered under a Certificate of Approval contingency plan or are considered to be a 'spill'

FUNERAL HOME

Means a provincially licensed and regulated premise used for furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the human body for interment or cremation.

GARAGE

Means an enclosed building, or part thereof, designed and used for the storage of motor vehicles, tools and household equipment accessory and incidental to residential occupancy, and in which no business, occupation, or service is conducted for profit unless otherwise specifically permitted in this By-law.

GARAGE, ATTACHED

TOWNSHIP OF CLEARVIEW

Means a private garage attached to, but subordinate, incidental to, and exclusively devoted to a dwelling unit.

GARDEN CENTRE

Means a building or structure or lands for the display and retail sale of goods related to gardening and landscaping.

GARDEN SUITE

Means a detached residential structure containing bathroom and kitchen facilities that is an accessory use to an existing dwelling unit and is designed to be portable or removable in accordance with an agreement required for construction and use.

GAS BAR

Means the use of land for one or more gasoline pump islands, as well as any associated canopy and buildings/structures. Such buildings shall be used primarily for the sale of fuel and small accessories required for the operation of motor vehicles, and shall not be used for washing, repairs, oil changes, greasing, or any other maintenance to vehicles. Accessory sale of convenience items to the traveling public may also occur.

GOLF COURSE

Means an outdoor public or private area operated for the purpose of playing golf and includes a golf course, golf course driving range, putting greens, and a miniature golf course and which may include, as accessory uses, a restaurant, a retail store that sells golf equipment and accessories, fitness centre, and other buildings or structures devoted to the maintenance and operation of the golf course.

GOLF DRIVING RANGE

Means an open air or indoor facility where the sport of golf is practiced from individual tees and which may include an accessory structure to house the tees, golf balls and golf club rentals, and a structure from which the golfers tee off.

GOOD FORESTRY PRACTICES

Means:

- a) The proper implementation of harvest, renewal, and maintenance activities known to be appropriate for the forest and environmental conditions under which it is being applied and which minimizes detriments to forest values including important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health; and the aesthetic and recreational qualities of the landscape; and,
- b) The cutting and removal of hazardous, severely damaged, diseased, and insect infested trees which must be removed in order to prevent contamination or infestation of other trees, or which no longer contribute to the achievement of forest values.

GRADE

~~Means the level of the ground at the base of the building or structure. Means the level of the proposed, finished, established or natural ground adjacent the outdoor wall of a building or structure. Finished grade means the final elevation of the ground after development. When expressed as a percent or ratio, grade means the degree of rise or descent of a sloping surface.~~

GROUP HOME

Means a premise used to provide supervised living accommodation, licensed or funded under the Province of Ontario or Government of Canada legislation, for three to six persons.

TOWNSHIP OF CLEARVIEW

~~exclusive of staff, living together in a single housekeeping unit because they require a group living arrangement, community-based housekeeping unit in which up to five individuals, exclusive of staff or receiving family, live under responsible supervision consistent with the requirements of its residents and shall only mean accommodation for residents requiring some form of care and assistance with the physical, social or intellectual tasks of daily living. This does not include a drug or alcohol rehabilitation centre, a half-way house, a criminal rehabilitation/parolee centre, or a foster home.~~

GUEST ROOM

~~Means a room or suite of rooms to be provided for rent or hire and used for sleeping accommodation for a seasonal or temporary period on the basis of a concession, lease, license, permit, rental agreement or similar commercial arrangement and in accordance with exemptions set out in the Residential Tenancies Act and/or municipal licensing requirements, and shall not include a dwelling or any residential use."~~

~~Means a room or suite of rooms used or maintained for the accommodation of the traveling public, and which contains no provisions for cooking.~~

HABITABLE LIVING SPACE

Means any space designed for or capable of being designed for living, sleeping, eating, or food preparation, and may also include a den, library, sewing room, enclosed sun room, or basement.

HARD SURFACE

Means a ground surfacing material such as asphalt, concrete, paving stone, or like material which creates a contiguous hard, immovable surface.

HAZARDOUS SUBSTANCES

Means substances which individually, or in combination with other substances, are normally considered to pose a danger to public health, safety, and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive, or pathological.

HEIGHT

~~For a building, means the vertical distance between the lowest grade of the front wall of the building and the highest point of the roof. For a structure, means the vertical distance between the lowest grade and the highest point of the structure excluding a deck railing or other appurtenances that project above the top of the structure and does not form an integral part of the structure itself. For a building, means the vertical distance between the lowest finished grade at all points around the perimeter of the base or foundation and the highest point of the roof assembly, exclusive of a chimney, spire, steeple or flagpole. For a structure, means the vertical distance between the lowest finished grade at all points around the perimeter of the base or foundation and the highest point of the structure, exclusive of a deck railing or other appurtenance that projects above the top of the structure and does not form an integral part of the structure itself.~~

HEIGHT, MAXIMUM

Means the maximum height permitted.

HEREIN

Means "in this By-law" and shall not be limited to any particular section of this By-law.

TOWNSHIP OF CLEARVIEW

HIGH GROUNDWATER LEVEL

Means the average annual high water level below the surface of the ground in a surficial groundwater deposit as determined at any particular time on any part(s) of a lot by either the Township or Nottawasaga Valley Conservation Authority, or as determined by a qualified engineer or hydrogeologist and approved by the Township or Nottawasaga Valley Conservation Authority.

HOME INDUSTRY

Means a small-scale industrial use as specified in this By-law, that provides services or wares to the rural community and which is an accessory use. For the purpose of this By-law, the repairing of motor vehicles is not a home industry. However, this does not in any way limit the ability of a resident to repair their own equipment or machinery on the property as a normal, incidental use.

HOME OCCUPATION

Means an occupation, trade, business, profession, or craft as specified in this By-law carried on as an accessory use by members of the household on a lot.

HOSPITAL

Means any institution, building, or other premises established for the treatment of persons afflicted with or suffering from sickness, disease, or injury for the treatment of convalescent or chronically ill persons, as a public hospital.

HOTEL

Means a building in which guest rooms, accessed from inside the building, are offered to the travelling public to facilitate the temporary occupancy for a period of less than 30 consecutive days throughout any part of the calendar year, with or without meals. The hotel may include a public dining area, meeting and convention rooms, accessory fitness and recreational amenities, and/or an accessory retail store.

~~Means a premises that contains rooms without cooking facilities that are accessed by a common indoor corridor system and which are rented on a temporary basis, for less than two weeks at one time, to the public for accommodation purposes and which may contain a public dining area, meeting rooms, accessory banquet facilities, or other accessory uses such as gift shops, fitness centres, restaurants, nightclubs, and convention facilities. This does not include motels, boarding or lodging houses, and apartments.~~

HOUSEHOLD

Means one (1) or more persons living as a single housekeeping unit in a dwelling.

INDUSTRIAL USE

Means the use of land, buildings, or structures designed for the purpose of manufacturing, assembling, making, inspecting, finishing, altering, repairing, warehousing or storing any goods, substances, articles, or things or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supply of personal services.

INN

Means a building in which guest rooms, accessed from inside the building, are offered by the residential occupants of the building, to the travelling public to facilitate the temporary occupancy for a period of less than 30 consecutive days throughout any part of the calendar year, with or without meals.

TOWNSHIP OF CLEARVIEW

~~Means a building which is used for the overnight sleeping accommodation of the traveling public for less than two weeks at one time, with or without meals, and which shall include residential accommodation for the owner or caretaker.~~

INTENSIFICATION

~~The development of a property, site or area at a higher density than currently exists through:~~

- ~~a) Redevelopment, including the reuse of brownfield sites;~~
- ~~b) The development of vacant and/or underutilized lots within previously developed areas;~~
- ~~e) Infill development; or,~~
- ~~d) The expansion or conversion of existing buildings.~~

KENNEL, BOARDING

Means a building or structure where three (3) or more canines are housed for the purposes of commercial breeding or for commercial boarding for a fee, but does not include a kennel operated as part of a veterinary service. A kennel may also incorporate as a use, the training of canines housed at the kennel.

KITCHEN

Means a room or part of a room where food is stored, prepared, or cooked, and which has cooking appliances and one (1) or more sinks.

LANDFILL SITE

Means land, buildings, or parts of buildings used for the disposal of waste by deposit, under controlled conditions, and includes compaction of waste into cells and covering waste with layering materials at regular intervals.

LANDSCAPING

Means trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and shall not include parking areas, walkways, driveways or ramps.

LANDSCAPE BUFFER

Means a landscaped or naturally planted area or strip, which serves to provide separation and to partially or obstruct the view of adjacent land uses and shall consist of landscaping with trees, shrubs, grass, flower beds, or a combination thereof. A landscaped berm and an open decorative fence may also be utilized as a component of the landscaped buffer.

LANDSCAPE SCREEN

Means a landscaped or naturally planted area or strip, which serves to provide separation and to fully obstruct the view of adjacent land uses and shall consist of a row of trees or a continuous hedgerow of evergreens or shrubs immediately adjacent to the lot line.

LANDSCAPED OPEN SPACE

Means the open, unobstructed space at grade on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, trees, and other landscaping and includes surfaced patio, or similar area, but does not include any driveway, walkway, parking surface, or ramp, whether surfaced or not, any curb, retaining wall, parking area, or any open space beneath or within any building or structure.

LANE

TOWNSHIP OF CLEARVIEW

Means a secondary thoroughfare which is not intended for general traffic circulation and which provides public or private means of vehicular access to an abutting property, but does not include a street. A lane does not provide a lot with frontage for the purposes of this By-law.

LARGE INLAND LAKES

Means those water bodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

LAUNDROMAT

Means premises where coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of cleaning clothes and other articles of fabric.

LIBRARY

Means premises containing printed, electronic, and pictorial material for public use for purposes of study, reference, and recreation.

LIVESTOCK ASSEMBLY AREA

Means an area in which farm animals or livestock are assembled in a concentrated area for purposes of treatment, feeding, or future transport.

LIVESTOCK

Means farm animals and includes dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds and other like animals.

LIVESTOCK FACILITY

Means permanent structures with livestock occupied portions, intended for keeping or housing of livestock, including feedlots, and containing one or more barns or structures. Includes manure storage and composting and digester systems, subject to meeting the applicable provisions of this By-law.

LIVESTOCK FARM

Means the use of land for the purpose of raising livestock for consumption or enjoyment and may include aquaculture and a feedlot. This use includes agricultural buildings/structures livestock housing and feed/bedding storage, manure management facilities, and associated outside storage.

LIVESTOCK HOUSING CAPACITY

Means the total maximum number of livestock that can be accommodated in a livestock facility at any one time.

LIVESTOCK UNIT

Means the equivalent values for various types of livestock, swine, and poultry based upon manure production and reproduction cycles.

LOADING SPACE

Means an unobstructed and off street area of land which is used for the temporary parking of one or more commercial motor vehicles while merchandise or materials are being loaded or unloaded from such vehicle.

LOT

TOWNSHIP OF CLEARVIEW

Means an existing parcel of land which has a good and marketable title and may legally be conveyed or transferred by an owner in accordance with the Planning Act or is described in accordance with a registered Plan of Condominium.

LOT AREA

Means the total horizontal area, measured using a two-dimensional plan view, within the lot lines of a lot.

LOT COVERAGE

Means the percentage of the lot covered by all buildings, ~~s~~Structures or other items shall be included in the calculation of coverage where specified in the By-law.

LOT DEPTH

Means the horizontal distance between the front and rear lot lines. Where these lines are not parallel or equal in length, it shall be the length of a line joining the mid-points of the front and rear lot lines.

LOT FRONTAGE

Means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line, means the horizontal distance between the side lot lines such distance being 8 metres from the front lot line."

LOT LINE

Means a line delineating any boundary of a lot.

LOT LINE, EXTERIOR SIDE

Means the lot line of a lot, other than the front lot line, which divides the lot from a public street.

LOT LINE, FRONT

Means the line which divides the lot from the public street, but, in the case of:

- a) A corner lot, the shortest of the lot lines that divides the lot from the public street shall be deemed to be the front lot line, however the shortest lot line shall not be a line created by the requirement for a sight triangle;
- b) A through lot, the shortest of the lot lines that divides the lot from a public street shall be deemed to be the front lot line;
- c) A corner lot where such lot lines are of equal length and where one lot line abuts a County road or Provincial highway, the front lot line shall be deemed to be that line which abuts the County Road or Provincial Highway; and,
- d) A corner lot where such lot lines are of equal length and where the lot lines abut a public street under the same jurisdiction, the Township may designate either street line as the front lot line.

LOT LINE, INTERIOR SIDE

Means a lot line, other than a rear lot line, that does not abut a public street.

LOT LINE, REAR

Means the lot line opposite to, and most distant from, the front lot line and not abutting a public road. A through lot shall be considered not to have a rear lot line. The lot line(s) abutting a public road that are not the front lot line shall be the exterior lot line(s).

TOWNSHIP OF CLEARVIEW

LOT OF RECORD

Means a legally existing parcel of land in one ownership that was created under the authority of the Planning Act or other legal means. A lot of record is capable of being developed by virtue of meeting the requirements of this By-law, as a legal non-conforming lot or a conforming lot, or by virtue of being located within a settlement area. No lot in the following archaic plans shall be considered a lot of record: 51R-448, 51R-545, 51R-552, 51R-599, 51R-708, 51R-727A, Plan 110, the unregistered Fisher Plan (33/34 Sd Rd and Conc 5), 51R-576, 51R-617, 51R-618, 51R-619, 51R-620, 51R-621, 51R-704, 51R-705, 51R-706, 51R-707, Plan 111, and Plan 72.

LOT, THROUGH

Means a lot bounded on two non-contiguous sides by streets.

MACHINE OR WELDING SHOP

Means a building, or part of a building, where fabrication or manufacturing is performed by tradesman requiring manual or mechanical skills.

MAIN WALL

Means the exterior, front, side, and/or rear wall of a building and all structural components essential to the support of a fully enclosed space.

MANUFACTURING

Means the use of land, buildings, or structures designed for the purpose of manufacturing, assembling, preparing, inspecting, finishing, treating, altering, repairing, storing, or adapting for sale, any goods, substance, or articles but shall not include an noxious industry, mine, pit, or quarry.

MARINA

Means a premises containing docking facilities where boats or boat accessories are berthed, stored, serviced, repaired, constructed or kept for sale or rent and where facilities for the sale of marine fuels or lubricants, accessory retail sales, and a taxi service are provided and where wastewater pumping facilities may be provided.

MARKET GARDEN

~~Means an area of land that is used for the growing of vegetables, berry fruit crops, and/or flowers that are then sold on the lot to customers who either purchase the product after it has been picked or pick the product themselves.~~

TOWNSHIP OF CLEARVIEW

MARINE SALES AND SERVICE ESTABLISHMENT

Means premises where boats and boat accessories are sold, rented, stored, and/or repaired.

METAL PRODUCTS FACTORY

Means a factory for forging, rolling, stamping or drawing, casting, fabricating, grinding, turning, machining, heat-treating, galvanizing, plating, coating, annealing or any other fabrication or processing of metals.

MEDICAL CLINIC

Means a premises used by two or more practitioners at any one time for the medical, dental, surgical and/or therapeutic diagnosis and treatment to the general public, without overnight accommodation and may include accessory dispensary facilities, common administration and/or reception areas, and offices used by medical or health care professionals, but does not include a public or private hospital.

MODEL HOME

Means a building which is used on a temporary basis as a sales office and/or as an example of the type of dwelling that is for sale in a related development and which is not occupied or used for human habitation.

MORE STRINGENT RESTRICTIONS

Means those restrictions which are more restrictive toward development or site alteration, which would be more prohibitive to development or site alteration, or those restrictions which would result in greater protection of the public interest and environment. Those restrictions may refer to limitations concerning permitted land uses or to the regulations and provisions of this By-law or the requirements established by any Federal or Provincial legislation or regulation.

MOTEL

Means a building in which guest rooms, accessed from outside the building, are offered to the travelling public to facilitate the temporary occupancy for a period of less than 30 consecutive days throughout any part of the calendar year.

~~Means a premises that contains rooms with no private cooking facilities that are rented on a temporary basis, for less than two weeks at one time, to the traveling public with each room being accessed from the outside.~~

MOTOR VEHICLE/VEHICLE

Means a motor vehicle, traction engine, farm tractor, and any vehicle drawn, propelled, or driven by any kind of power, not including muscular power. This definition does not include rail or street cars. The term motor vehicle or simply vehicle includes personal, commercial, farm and recreational vehicles, and shall also include non-motorized vehicle accessories, such as trailers and implements. A vehicle does not include a mobile home dwelling. From time to time the By-law may refer to a specific category of vehicle. In these cases, the following definitions shall apply:

Commercial Vehicle means a motor vehicle licenced and/or intended for commercial use, and includes but is not limited to a transport truck and/or trailer, utility trailer, heavy machinery or coach/bus.

Farm Vehicle means a motor vehicle licenced and/or intended for farm use, and includes but is not limited to a tractor, combine, implement, livestock trailer or bin/wagon. This definition may include transport trucks and trailers and heavy machinery dedicated exclusively to a bone fide farm operation.

TOWNSHIP OF CLEARVIEW

Personal Vehicle means a motor vehicle intended for personal use, and includes but is not limited to a car, pick-up truck, mini-van, SUV or motorcycle.

Recreational Vehicle means a motor vehicle intended for recreational use, and includes but is not limited to a motor home, travel trailer, boat or personal utility trailer. For the purpose of this definition one or two (1 or 2) snowmobiles or one or two (1 or 2) ATVs shall be counted as one single recreational vehicle. A single recreational vehicle stored upon/within a personal utility trailer may be counted as one recreational vehicle.

MOTOR VEHICLE BODY SHOP

Means premises used for the painting and/or repairing of the interior and/or exterior and/or the undercarriage of automobile bodies but shall not include an automobile wrecking yard or salvage yard, a car wash, or the sale of gasoline or other motor fuels.

MOTOR VEHICLE REPAIR ESTABLISHMENT

Means a building or structure, other than a private garage, which is used for the servicing and repairing, or using equipment essential to the actual operation of automobiles/motor vehicles and includes the servicing, repairing, cleaning, polishing, and greasing of vehicles ~~and may include vehicular body repair, preventative maintenance, and repainting~~ and accessory automotive ~~parts sales, which may include a towing service,~~ but shall not include an automobile wrecking yard or salvage yard, a car wash, or the sale of gasoline ~~or diesel or other motor fuels.~~

MOTOR VEHICLE SALES ESTABLISHMENT

Means a building and/or lot used for the display and sale of new and used motor vehicles and may include the accessory servicing, repair, cleaning, polishing, greasing, body repair, and repainting of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, ~~but shall not include any other defined automotive use.~~

MOTOR VEHICLE SERVICE ESTABLISHMENT

~~Means a building or a clearly defined space on a lot where gasoline or other motor fuels and accessories are stored or kept for sale, and where motor vehicles or farm implements and machinery may receive maintenance, minor, or repairs essential to the actual operation of the vehicle but shall not include a car wash or motor vehicle repair garage or body shop.~~

MOTOR VEHICLE WASH FACILITY

Means a building, structure or part thereof, used for the washing of motor vehicles with automatically operated equipment located wholly within an enclosed building, structure or part thereof, but shall not include time-pay washing facilities, coin-operated washing facilities, wand washing facilities or other manually operated equipment or facilities for the washing of motor vehicles.

MOVING COMPANY

Means a premise where a business offers services for relocating and transporting domestic items from one location to another and shall include an office on site and may also include services of packing and unpacking at the moving sites, but does not include a warehouse or commercial self storage.

MUNICIPALITY

Means the Corporation of the Township of Clearview.

MUNICIPAL SERVICES

Means sewage services and water services that are owned or operated by a municipality.

TOWNSHIP OF CLEARVIEW

MUSEUM

Means a facility that is used for the preservation of a collection of paintings, other works of art, and/or objects of natural or scientific history, philosophical inventions, instruments, models, and/or designs, and which may also include libraries, reading rooms, laboratories, and accessory offices.

MULTIPLE RESIDENTIAL

Means three (3) or more residential units in the same structure.

NATURAL HERITAGE FEATURE

Means features and areas including a significant wetland, significant woodland, significant valley lands, significant wildlife habitat, significant areas of natural and scientific interest, significant portions of the habitat of endangered or threatened species, or fish habitat as identified by the Township, County of Simcoe, Nottawasaga Valley Conservation Authority, or Province of Ontario.

NATURAL HERITAGE SYSTEM

Means a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems may include lands that have been restored and areas with the potential to be restored to a natural state.

NATURE INTERPRETATION CENTRE

Means a premises in which maps, exhibits, and documents are displayed for the purpose of explaining a natural heritage system to the public.

NEIGHBOURHOOD CONVENIENCE STORE

Means a premises occupying no more than 200 square metres where food, tobacco, medication, periodicals and similar items of daily household necessity are sold primarily to the residents in the immediate area.

NIGHTCLUB

~~Means premises whose primary function is the provision of theatrical performances, pre-recorded music, or live musical entertainment, whether such pre-recorded music or live music is provided for listening or dancing by the patrons, or any combination of the above functions, and whose accessory function is the sale and consumption on the premises of food and alcoholic beverages, but does not include a restaurant, banquet facility, or an adult entertainment business.~~

NON-COMPLYING

See non-conforming.

NON-CONFORMING

One or more of the following:

- a) The use of land or building/structure for a purpose that is not identified as a permitted use within the zone classification in which the land or building/structure is located.
- b) Land or buildings/structures that do not meet the provisions of the zone classification for which the land or building/structure is located, or do not meet other applicable provisions of the Zoning By-law.

NORMAL FARM PRACTICES

TOWNSHIP OF CLEARVIEW

Means a practice, as defined in the Farming and Food Production Protection Act, 1998, as may be amended from time to time, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act.

NOXIOUS USE

Means a use which, from its nature or operation, creates a health hazard, creates a nuisance, or is liable to create a health hazard, or become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, or objectionable odour, or by reason of the matter, waste, or other material generated by the use. A use or component of a use which occurs in accordance with and in full compliance of an approval issued by an approval authority shall be deemed not to be an noxious use to the extent only of that particular authorized use or component of that use.

~~NURSING, RETIREMENT OR ASSISTED CARE HOME~~

Means a premises licensed pursuant to the laws of the Province of Ontario, where a broad range of personal care, support and health services are provided for residents in a supervised setting, and may include one or more accessory uses, such as common dining, lounging, kitchen and recreational areas, administrative office, and a medical clinic. ~~in which lodging is provided, with or without meals, and provides support, nursing or medical care and treatment, but does not include a hospital.~~

~~NURSERY OR GARDEN SUPPLY CENTRE~~

~~Means a building, structure, or lands where young trees or other plants are grown for transplanting or sold for transplanting and may also include the sale of related accessory supplies.~~

OCCUPANCY

Means to reside in or use as an owner or tenant on a permanent or temporary basis.

OFFICE BUILDING

Means a premises in which persons are engaged in the management and direction of a business or enterprise, the practice of a profession, or provision of a service including administration and financial, but does not include a personal service shop or a medical clinic.

ONE HUNDRED YEAR FLOOD

For river, stream, and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

~~ONE KILOMETRE SEPARATION LINE~~

~~Means the lands that are located within 1 kilometre from the municipal boundaries of the Town of Collingwood, Town of Wasaga Beach, or Township of Essa.~~

OPEN SPACE

Means a space unoccupied by buildings and/or structures open to the sky on the same lot with a building.

ORGANIZED RECREATIONAL TRAIL

TOWNSHIP OF CLEARVIEW

Means a defined path or trail, which is intended for the use of the public for recreation purposes and is administered by a government agency or registered non-governmental agency.

OUTDOOR DISPLAY AND SALES AREA

Means an area devoted to the retail sale or display of produce, merchandise, or the supply of services.

OUTDOOR STORAGE

Means an area of land used in conjunction with a business located within a building or structure on the same lot, for the storage of goods, equipment, and raw or processed materials.

OUTDOOR PATIO

Means an area adjacent to a restaurant located on the same lot used exclusively for dining and drinking.

OUTDOOR LIVING AREA

Means an outside area on the same lot as a dwelling and to the possession of which the residents of a dwelling unit are entitled.

PARK

Means an area, consisting largely of open space, which may include a recreational area, playground, play field, or similar use, but shall not include a mobile home park, a campground, trailer park, or an industrial park.

PARK, PUBLIC

Means any area of land under the jurisdiction of a public authority that is designed and/or maintained for recreational purposes. Without limiting the generality of the foregoing, a public park may include municipal parks and playgrounds, swimming pools, beach areas, tennis courts, bowling greens, arenas, boating facilities, sports fields and ancillary retail uses and regional open space and recreational uses operated by a public authority which areas may include a camping establishment operated by a public authority.

PARK, PRIVATE

Means an open space or recreational area other than a public park, operated on a commercial and/or private member basis.

PARKING AISLE

Means an area of land which abuts or provides vehicular access to one (1) or more parking spaces.

PARKING AREA OR LOT

Means an area of land not located on a public street or private street that is used for the parking of one (1) or more motor vehicles, with or without a fee being charged. A parking area/lot includes drive aisles, ingress/egress driveways, and parking/loading spaces.

PARKING GARAGE

Means a building, or part thereof, used for the storage or parking of motor vehicles.

PARKING SPACE

Means an area of no less than 3 metres in width and 6 metres in length, excluding any aisles or ingress and egress lanes, usable for the temporary parking or storage of a motor vehicle,

TOWNSHIP OF CLEARVIEW

and may include a private garage or carport, and suitably surfaced and demarcated for such use. Each parking space dedicated for persons with disabilities shall have a minimum width of 4.3 metres and a minimum depth of 6 metres and be located in close proximity to building entrances and accessible ramps, walkways, and elevators.

PARKING STRUCTURE, UNDERGROUND

Means an accessory structure for the storage of passenger motor vehicles below either partially or wholly below ground excluding the entrance which may be located above ground at any point or a parking area located entirely below a building.

PARTIAL SERVICES

Means:

- a) Municipal sewage services or private communal sewage services and individual on-site water services; or,
- b) Municipal water services or private communal water services and individual on-site sewage services.

PARTNERED SEWAGE COLLECTION SYSTEM

Means the entirety of the sewage collection system which collects and directs flows for sewage treatment to the Town of Wasaga Beach Sewage Treatment Plant.

PASSIVE RECREATION

Means an activity or use of land carried out for recreational purposes which does not require the construction of buildings or the alteration of soil or topography and includes open space and environmental areas.

PERSON

Means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or legal representatives of a person to whom the context can apply in law.

PERSONAL SERVICE SHOP

Means premises in which persons are serving to the individual needs of a customer which may involve the health, beauty or grooming of a person or pet or the maintenance, cleaning, or repair of personal apparel or accoutrements and may include associated accessory retail sales, but shall not include a use otherwise defined in the By-law.

~~**PLACE OF AMUSEMENT**~~

~~Means a premises that contains facilities that offer games of skill and competition for the amusement of the public, such as motion simulation rides, virtual reality games, video games, computer games, laser games and similar types of uses, but does not include casinos or any other establishment accommodating gambling or gaming activities, wagering or betting, video lottery and gaming machines or any other similar type of gambling use or an adult entertainment use.~~

PLACE OF ENTERTAINMENT

Means a premises where entertainment is offered for profit and may include a motion picture or other theatre, arena, auditorium, public hall, casino, billiard, arcadepinball or pool room, bowling alley, ice or roller skating rink, laser games, or other similar uses, but does not include adult entertainment or any other place of entertainment or amusement otherwise specified, defined, or classified in this By-law.

PLACE OF WORSHIP

TOWNSHIP OF CLEARVIEW

Means a building set aside by any religious organization for public worship and may include a church hall, church auditorium, nursery school, convent, monastery, parish hall, church shelter offering overnight shelter at no cost, church thrift shop, religious counseling office and additional community activities.

PLANT NURSERY

Means a building, structure or lands used for the growing of flowers, plants, shrubs, trees and similar vegetation and associated retail and wholesale but shall not include a garden centre.

PORCH

Means a structure abutting a main wall of a building having a roof but with walls that are generally open and unenclosed.

PORTABLE ASPHALT PLANT

Means equipment that is used to produce asphalt and which is capable of being readily drawn by a motor vehicle and which is not permanently affixed to the ground.

PREMISES

Means an area of a building occupied or used by a person, business, or enterprise.

PRIMARY METALS PLANT

Means a smelter, blast furnace, cupola, foundry, mill, or other factory for the production of primary iron, steel, or other metals.

PRINCIPAL USE

Means the primary use of the lot.

PRINTING ESTABLISHMENT

Means premises in which books, newspapers, periodicals, flyers, or other printed materials are produced for subsequent sale or distribution but does not include an office where written material is produced or printed as a normal course of office activity.

PRIVATE SCHOOL/ACADEMY OR RELIGIOUS SCHOOL

Means a school, other than public or separate school, where academic subjects are taught or which is maintained for philanthropic or religious purposes and may include associated lodging and meal facilities for staff and students.

PRIVATE CLUB

Means a premises used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social, or cultural purposes. This definition does not include uses that are normally carried out as a commercial enterprise and does not include an adult entertainment establishment.

PRIVATE SEWAGE SERVICES

Means a sewage works that serves a lot or private residence and is not owned by a municipality.

PRIVATE WATER SERVICES

Means a non-municipal drinking water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002, as amended from time to time, that serves one or more lots or private residences.

PRIVATE HOME DAYCARE

TOWNSHIP OF CLEARVIEW

Means the use of a dwelling unit, as a permitted home occupation, regulated under the Child Care and Early Years Act for the temporary care of children for compensation for a continuous period not exceeding twenty-four hours.

PRODUCE FARM

Means lands used for the tillage of soil and the growing of crops, including vegetables, fruits, grains and legumes, and also means lands used for maple sap harvesting, agro-forestry, or apiaries. This use includes primary and accessory agricultural building/structures, and also includes on-farm uses involving the farm's own commodities only, including: minor processing, storage, and outside storage. A produce farm may also permit the public to pick their own produce.~~A produce farm may also include an accessory farm winery or cidery.~~

PUBLIC

~~Means, when used in reference to a building, structure, use or lot, a building, structure, use or lot used by a public agency to provide a service to the public.~~

PUBLIC AUTHORITY

~~Means any Provincial, County, or Municipal commission, board, or authority. Public authority also includes a telephone, natural gas, railway and electrical company in reference to their direct servicing facilities such as transmission lines, pipelines and associated switching/pumping stations and similar in ground or above ground services, but excludes office or commercial buildings or other buildings or structures not related directly to servicing facilities.~~

PUBLIC INFORMATION CENTRE

~~Means a premises in which maps and information on accommodation and recreational activities are sold or provided without charge, to the traveling public.~~

PUBLIC USE

Means a building, structure or lot used by the Corporation or the County other than a waste transfer station or waste recycling facility owned or operated by the County; a building, structure or lot used by any Local Board of either the Corporation or the County; or any Conservation Authority established by the Government of Ontario; any Ministry or Commission of the Government of Ontario or Canada; and, any telephone, telecommunication, natural gas, electric transmission or distribution company.

PUMP HOUSE

Means a building or structure in which a pump for drawing, storing, and/or pressurizing water is located.

RECREATION AND ATHLETIC FACILITY

Means a building or structure designated and equipped for the conduct of sports and leisure time activities such as a gymnasium, swimming pool, ice rink, tennis court, racquet ball court, weight room, sauna, and may also include outdoor facilities such as outdoor bowling, sports fields, ~~or~~ basketball courts, cross country trails, and similar uses, but excludes racing involving motor vehicles.

RECREATIONAL USE

Means a use of land, building or structure that has been designed and equipped for the conduct of sports and leisure time activities such as a bowling alley, a curling rink, a billiard hall, an indoor golf driving range and other such uses, but does not include a commercial fitness centre, any use requiring the outdoor operation of motor vehicles, a track for the

TOWNSHIP OF CLEARVIEW

rating of animals, motor vehicles, snowmobiles or motorcycles, or any other sports or leisure time use otherwise defined by this Bylaw.

RECREATIONAL VEHICLE DEALER

Means a building, structure, and/or clearly defined space on a lot used for the display and sale, lease or rental of recreational vehicles or equipment such as snowmobiles, all terrain vehicles, trailers, campers, and boats, and may include the servicing, repair, cleaning, polishing, and lubricating of such machinery or equipment and the sale of accessory and related products.

RECYCLING FACILITY

Means a premises in which used materials are separated and/or processed prior to shipment to other facilities who will use those materials to manufacture new or recycled products, but does not include a composting facility.

REGULATORY FLOOD

Means the flood resulting from the Timmins storm or the one hundred year return period storm, whichever is greater.

~~REHABILITATION CENTRE~~

~~Means a community based housekeeping unit in which up to five unrelated individuals, exclusive of staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents, and/or a drop in centre, either for the purposes of drug or alcohol rehabilitation, a half way house, a criminal rehabilitation/parolee centre.~~

RENOVATION

Means the external or internal alteration of a building or structure.

RENEWABLE ENERGY SYSTEM

Means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

RENTAL STORE

Means a building or part of a building where goods are kept for the purposes of temporary loan to the public for gain but shall not include an automotive leasing establishment.

RESEARCH LABORATORY

Means a premises used for research and development involving natural and physical sciences.

RESERVE

Means a strip of land abutting a public street and owned by the authority having jurisdiction over such a public street. For the purposes of this By-law, a lot separated from a public street by a reserve shall be deemed to abut such a public street for the purposes of establishing a front lot line but shall not have frontage on a public street for the purposes of determining compliance with frontage requirements.

RESIDENTIAL USE

Means the use of land, buildings or structures for human habitation and designed for permanent year-round residential occupancy, excluding seasonal or temporary occupancy uses and any short-term accommodation use conducted as a commercial business or that is subject to municipal licensing requirements."

TOWNSHIP OF CLEARVIEW

RESIDENTIAL

~~Means the use of land, buildings, or structures for human habitation.~~

RESPONSIBLE AUTHORITY

Means the authority having responsibility under relevant legislation for issuing a particular approval or for commenting on and approving studies submitted by an applicant or owner.

RESTAURANT

~~Means a building or part of a building where meals or refreshments are provided to order, and may include table service on an accessory patio, but does not include a drive through restaurant.~~

~~Shall mean:~~

- ~~a) A building, or part of a building, where food and beverages are prepared and offered for sale to the public for immediate consumption on the premises;~~
- ~~b) A building or structure, or part thereof, where food and beverages are prepared and offered for sale to the public for consumption off the premises, here in after referred to as a take-out restaurant;~~
- ~~c) A building or structure, or part thereof, where food and beverages are prepared and offered for sale to customers normally travelling in motor vehicles which are driven on to the site where the restaurant is located and the customer remains in the vehicle for service, here in after referred to as a drive through restaurant; and,~~
- ~~d) A combination of these uses.~~

~~The definition of a Restaurant shall also include:~~

- ~~a) A restaurant licensed to serve alcohol;~~
- ~~b) As an accessory use, a kitchen or bakery for the production of food for sale to the public on the premises;~~
- ~~c) An outdoor patio; and,~~
- ~~d) A sidewalk patio.~~

RESTAURANT, DRIVE-THROUGH

~~Means a restaurant where meals or refreshments are serviced by means of an order or window service directly to the occupant(s) within the motor vehicle."~~

~~Means a premises where food is prepared and served to the public while in motor vehicles by means of an order or window service which motor vehicles approach in designated lanes.~~

RESTAURANT, TAKE-OUT

~~Means a building or structure or part thereof where food is prepared and offered for sale to the public for consumption off the premises.~~

RETAIL STORE

Means a premises in which goods, wares, merchandise, substances, articles, or things are offered for direct sale to the general public and includes storage on the premises of limited quantities of such goods, merchandise, substances, articles or things to only service such store, but does not include outdoor storage or any other use otherwise defined in this By-law.

RETAINING WALL

Means a wall built as a grade separation structure.

RETIREMENT HOME

TOWNSHIP OF CLEARVIEW

Means a ~~building or part thereof designated exclusively to accommodate seniors or other special needs users with central kitchen and dining facilities, common indoor and outdoor amenity areas, consisting of either dwelling units or assisted living units or both, premises that provides accommodation primarily to retired persons where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food may be provided, and where common lounges, recreation rooms, and other facilities may also be provided.~~

RIGHT-OF-WAY

Means an area of land that is legally described in a registered deed for the provision of private access on which there is usually a lane. A right-of-way is not a street and does not provide frontage.

RIVER, STREAM AND SMALL INLAND LAKE SYSTEM

Means all watercourses, rivers, streams, and small inland lakes or water bodies that have a measurable or predictable response to a single runoff event.

ROOF

Means a component of a building or structure that is supported by walls and/or columns and which provides overhead shelter from the rain and/or sun.

ROOMER/LODGER

~~Means a person other than the lessee, tenant, owner or person related thereto to whom temporary lodging is provided for monetary compensation but does not include a guest of a retirement or nursing home, hotel, motel or convention centre.~~

ROOMING/BOARDING/LODGING HOUSE

~~Means a detached dwelling where a lodging for four (4) or more persons is provided in return for remuneration or the provision of services or both and where the lodging units do not have both bathroom and kitchen facilities for the exclusive use of individual occupants.~~

SALVAGE YARD

Means land or buildings used for an automobile wrecking yard, the keeping and/or storing of used building products, waste paper, rags, bones, bottles, bicycles, automobile tires, old metal, other scrap material, or salvage, and where such materials are bought, sold, exchanged, baled, packed, disassembled, or handled for further use.

SAW AND/OR PLANING MILL

Means a premises where timber is cut, sawed, or planed either to partially finished or finished lumber and may include facilities for the kiln drying of lumber and the sale of such products to the public.

SCHOOL

Means a provincially approved institution for academic instruction and may include a public, private, or separate school, a vocational school, or a post secondary school such as a college or university. School portables are a primary use and are considered to be a primary building, not an accessory building.

SECONDARY RESIDENTIAL USE

Means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

TOWNSHIP OF CLEARVIEW

~~SENSITIVE LAND USE~~

~~Means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be part of the natural or built environment. Examples may include, but are not limited to, residences, day care centres, and educational and health facilities.~~

SERVICE INDUSTRY

Means a building supply outlet, a truck depot, or repair facility, a printing or publishing establishment, a dry cleaning facility or laundry plant, a paint shop, plumbing shop, sheet metal shop, or a warehouse.

SERVICE SHOP

Means premises used for the servicing or repairing of articles, goods, or materials such as radio and television receivers, apparel, vacuum cleaners, refrigerators, washing machines, sewing machines, and other domestic appliances, musical instruments, sound and public address systems, hosiery, shoes, cameras, toys, jewelry, watches, clocks, safes and locks, bicycles, wheel chairs and orthopedic appliances.

SETBACK

Means, in the appropriate context of the requirements of this By-law:

- a) The horizontal distance from a lot line, measured at right angles to such lot line, to the nearest part of any building or structure on the lot, as specified in this By-law for a specific separation between a certain feature or facility and a building, structure, use or lot line; or,
- b) The minimum horizontal distance between two features as specified in this By-law.

SETTLEMENT AREA

- a) Means lands have been identified in the Township's Official Plan as being within a settlement area.

~~SHOPPING CENTRE~~

~~Means a group of commercial establishments designed, developed, and managed as a unit by a single owner or tenant, or group of owners or tenants, as opposed to a business area comprising unrelated individual commercial establishments.~~

SHORT TERM ACCOMMODATION

Means a use that offers or operates a dwelling as a place of temporary residence, lodging or occupancy on the basis of a concession, lease, license, permit, rental agreement or similar commercial arrangement to facilitate occupancies for a period less than 30 consecutive days throughout all or any part of a calendar year, which may be subject to municipal licensing requirements, but shall not include a bed and breakfast, hotel, inn or motel.

SIDEWALK PATIO

Means an accessory use to a restaurant and an area used exclusively for dining and drinking and abuts a street level establishment located within the sidewalk area of the public right-of-way of a public, year round maintained road under the jurisdiction of the Township.

SIGHT TRIANGLE

TOWNSHIP OF CLEARVIEW

Means on a corner lot is a line joining a point on the lot line to a point on the front lot line of open public streets, with each such point being 36 metres, for local streets and 6 meters for all other Township streets, from the hypothetical point of intersection of the exterior side and the front lot line. Notwithstanding the definition of a sight triangle, if the lot abuts a railway crossing at grade, the sight triangle is a line joining a point on the lot line abutting the railway right-of-way to a point on the lot line abutting an open public street, with each point being 30 metres from the hypothetical point of intersection of the lot line abutting the railway right-of-way and the lot line abutting the public street.

SIGN

Means a name, identification, description, device display, or illustration which is affixed to or represented directly or indirectly upon a building structure or lot, which directs attention to an object, product, place, activity, person, institute, organization, or business.

SIGNIFICANT NATURAL GAS PIPELINE

Means a main high pressure gas line and associated pressure and pumping stations by does not include lines there from which are customarily or normally used to service municipal streets and customers along those streets. Where necessary for clarification, the utility authority shall be contacted by the municipality for the purposes of designating a significant natural gas pipeline.

SITE ALTERATION

Means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

SKI FACILITY

Means an area of land with trails and lifts used by skiers and which may include, as accessory uses, a restaurant, a club house, a retail store that sells ski equipment and accessories, and other buildings or structures devoted to the maintenance and operation of Nordic and Alpine ski facilities.

SKI LIFT

Means a device used to transport skiers from the base of a hill to the top of the hill, such as a T-bar, poma, or chair lift.

SOLAR COLLECTOR

Means a structure for the collection of solar energy for experimental or ornamental purposes or for the production of energy for heating or lighting or generation of electricity.

SPILL

When used with reference to a pollutant, means a discharge:

- a) Into the natural environment;
- b) From or out of a structure, vehicle or other container; and,
- c) That is abnormal in quality or quantity in light of all the circumstances of the discharge.

STAIRS

Means any combination of risers and treads that provide access to a deck, porch, dwelling unit, or any other building or structure or combination thereof.

STACKING LANE

TOWNSHIP OF CLEARVIEW

Means a portion of a parking area or a parking lot, other than a parking aisle or a parking space that is physically separated from other traffic and pedestrian circulation on the site which provides standing room for vehicles in a queue for the transaction window and/or order board. The minimum width of a stacking lane shall be 2.5 metres, but shall be increased to accommodate turning radii.

STACKING SPACE

Means an area within a stacking lane for vehicles waiting to order and/or finish a drive-through transaction.

~~STEEP SLOPE~~

~~Means a sloped area of land declining a minimum of 3 metres in elevation with such continuous slope exceeding a gradient of 1 metre fall over every 3 metres horizontal distance.~~

STORE

Means a building or structure used for the performance of retail services provided that no repairing or manufacturing of articles, goods, or materials is permitted in such building or structure.

STOREY

Means the portion of a building, other than the cellar, which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it. A storey shall be no less than 2.3 metres in height and no greater than 5 metres in height.

STOREY, ONE HALF

Means the portion of a building situated wholly or in part within the roof, and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3 metres over a floor area equal to at least 50 percent of the area of the floor next below.

STREET ACCESS

Means, when referring to a lot, that such a lot has a lot line or portion thereof which is also a street line.

STREET, PRIVATE

Means a private right-of-way that is used by motor vehicles but is not owned or assumed by the Township or any other public authority. A private street does not provide lot frontage.

STREET, PUBLIC

Means a right-of-way owned and maintained by a public authority and for the purposes of this By-law does not include a lane or any private street. Only a public street provides lot frontage.

STREET LINE

Means the boundary between a public street and a lot.

STRUCTURE

Means anything, other than a building, whether temporary or permanent, which is erected, built, or constructed of parts joined together and located upon, attached to, or fixed permanently to the ground or any other structure. For the purposes of this By-law, a fence and an agricultural silo shall be considered structures.

SUITE

TOWNSHIP OF CLEARVIEW

Means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

SWIMMING POOL

Means an artificial body of water in which the container is constructed from man made materials, and is located outdoors on privately owned property in which the depth of the water at any point can exceed 0.8 metres or 2.6 feet and is primarily intended for bathing, swimming, and diving, and shall include any accessory deck or support structure, but does not include a natural, dug, constructed, or damned pond that is used for aesthetic, storm water management, or agricultural purposes.

TARP SHELTER

Means an edifice that is constructed out of material, plastic or vinyl that is designed to protect motor vehicles or other items from weather related events such as rain or snow. A tarp shelter is considered an accessory building for the purposes of this By-law.

~~**TAVERN**~~

~~Means a building or part thereof which is used primarily for the sale and service of alcoholic beverages, with or without entertainment and/or meals, and shall not include a restaurant.~~

TEMPORARY BUILDING/STRUCTURE

Means a building or structure intended for removal or demolition within a prescribed time as set out in a Building Permit application, and may include an existing building or structure which is to be demolished within a prescribed time as set out in a building permit or building demolition application and/or a legally binding agreement with the Township.

TENT AND TRAILER PARK

Means a parcel of land used and maintained as an overnight tenting or camping ground where people are temporarily accommodated in tents, travel trailers, or other similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not include a mobile home park.

THEATRE

Means a premises that is used for the showing of motion pictures or for dramatic, musical or live performances. For the purposes of this definition, an adult entertainment establishment is not considered to be a theatre.

~~**THREATENED SPECIES**~~

~~Means a species that is listed or categorized as a "Threatened Species" in the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.~~

TILLABLE HECTARES

Means the total area of land including pasture that can be worked or cultivated.

TIMESHARE ESTABLISHMENT

Means a commercial use that contains accommodation units that are either held in two (2) or more ownerships, with the occupancy of each unit being shared by the owners, or which are held in one ownership with each of the units available to be rented, leased or used by different parties on a weekly or monthly basis.

TOWING COMPOUND

TOWNSHIP OF CLEARVIEW

Means a building, structure or lot where vehicles used to transport motor vehicles to another location are stored and where the recovered motor vehicles are stored in an enclosed compound and shall also incorporate an associated office on the same lot, but shall not include any form of motor vehicle repairs.

TOWNSHIP OF CLEARVIEW

Means the Corporation of the Township of Clearview, herein also referred to as Township and Municipality.

TRAILER SITE

Means a site in a trailer park or camping establishment that is used for the parking or storing of a trailer or truck camper.

TRAINING AND REHABILITATION CENTRE

Means facilities providing educational, pre-vocational, vocational, and life skill training to individuals.

TRANSFER STORAGE LAGOON

Means an area of land used to store seepage from septic tank systems and/or processed wastes from water pollution control plants in lagoons.

TRANSMISSION / TELECOMMUNICATIONS ESTABLISHMENT

Means a facility used for the purpose of sending and/or receiving a telecommunications signal.

TRANSPORTATION TERMINAL

Means premises in which goods or wares are stored for loading on, and unloading from, trucks, airplanes or railway cars.

TRUCK TERMINAL

Means a building and/or lot used for the parking or storage of trucks which are used for the purposes of delivering or transporting goods and materials and may include facilities for the repair and servicing of those trucks along with associated administrative offices and warehouses for the temporary storage of materials transferred or transported by vehicles using the terminal.

USE

Means the purpose for which any portion of a lot, building, or structure is arranged, designed, or intended to be used, occupied, or maintained.

USE, CHANGE OF

Means the discontinuance for any period of time of the existing use of land, structure, building, or premises and the substitution thereof of a different use and shall also mean the addition of a use which is not an existing use of land, structure, building or premises.

UTILITY

~~Means a public utility as defined in, controlled, and regulated by Provincial and/or Federal legislation and shall include infrastructure meant to provide sewage, water, gas, electrical, road, pedestrian facility, mail or telecommunications services necessary to the public interest. Utilities may be constructed, operated, or maintained by a public or private authority established for the purpose of providing public interest utilities.~~

VALLEYLANDS

TOWNSHIP OF CLEARVIEW

~~Means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.~~

VETERINARY CLINIC

Means a building or structure or part thereof that is used for the purpose of consultation, diagnosis, and office treatment of animals and birds, and may include the boarding or lodging of these animals in fully enclosed buildings. This may also include an animal shelter which means A building or structure in which stray animals are contained and cared for until they are claimed, sold, or destroyed.

WAREHOUSE

Means a premises and/or a building or part of a building, used for the storage and distribution of goods, wares, merchandise, substances, articles, or things, and may include accessory facilities for a wholesale or retail commercial outlet, but shall not include a cartage or transport depot or any other use or activity otherwise defined or classified in this By-law.

WASTE

Includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse or other such materials.

WASTE DISPOSAL AREA

Means an area of land where garbage, refuse and/or domestic waste, exclusive of liquid industrial waste or toxic waste, is stored, recycled, transferred, handled, disposed of, or dumped.

WASTE RECYCLING FACILITY

Means an area of land where garbage, refuse and/or domestic waste, exclusive of liquid industrial waste or toxic waste, is completely recycled with no waste by-products. This includes a composting facility.

WATERBODY

Means a lake, pond, or area of standing water larger than 0.2 ha in surface area.

WATERCOURSE

Means a natural or man-made channel for a stream of water and/or an intermittent stream of water and, for the purposes of this By-law, includes all watercourses whether or not they are shown on the Schedules to this By-law.

WATER SUPPLY, MUNICIPAL

Means a distribution system of underground piping and storage including pumping, purification, and treatment appurtenances all owned and operated by the Township.

WATER SUPPLY, PRIVATE

Means a distribution system of underground piping and storage including pumping, purification, and treatment appurtenances all owned and operated by a private individual or a private company or interest, including a condominium corporation.

WATERSHED

Means an area that is drained by a river and its tributaries.

WAYSIDE PIT / QUARRY

TOWNSHIP OF CLEARVIEW

Means a temporary pit or quarry opened and used by a public authority for road construction purposes and which is not located within the right-of-way of a public street and is approved under the Aggregate Resources Act.

WETLAND

~~Means lands that are determined by the Township to be seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs, and fens. Lands being used for agricultural purposes that are periodically "soaked" or "wet" are not considered to be wetlands.~~

WHOLESALE RETAIL OUTLET

Means an establishment for the purpose of selling or offering for sale, goods, wares, or merchandise on a wholesale basis, and includes the storage or warehousing of those goods, wares, or merchandise.

WILDLIFE MANAGEMENT AREA

Means land generally left in its natural state for the purpose of providing sanctuary, habitat, and/or breeding grounds for wild birds, animals, and plant life native to the area, and includes a forest reserve.

WINERY

~~Means a facility in which wine is produced.~~

WOODCHIPPING ESTABLISHMENT

Means a premises in which timber from the same lot or from another location is fed into a wood-chipping machine for the purpose of producing woodchips and which may include, as an accessory use, the retail sale of the woodchips to the public.

WOODLANDS

Means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

WRECKING OR SCRAP YARD

Means a building, structure, and/or lands used for the wrecking, partial, or total dismantlement of vehicles or other mechanical equipment, and/or for the storage and/or sale of scrap material, salvage, and parts, or for recycling of abandoned, obsolete or scrapped vehicles, mechanical equipment, or any other human-made material.

YARD

Means an unoccupied or unobstructed area of the lot which is located between the closest portion of said building or structure on the lot and one of the lot lines of said lot. The yard must be unoccupied by any building or structure, or part thereof, and such yard extends above and below the surface of the ground. The yard measurement shall be the minimum horizontal distance from the respective lot lines or zone boundary to the nearest part of any building/structure as required by the provision.

YARD, EXTERIOR SIDE

TOWNSHIP OF CLEARVIEW

Means the yard of a corner lot which side yard extends from the front yard to the rear yard between the exterior lot line and the nearest wall of any building or structure on the lot.

YARD, FRONT

Means the yard extending across the full width of the lot between the front lot line and the nearest wall of the main building or structure on the lot. **YARD, FRONT MAXIMUM**

Means the maximum distance between the front lot line of a lot and a line drawn parallel to the front lot line at a horizontal distance equal to the nearest portion of a primary building on the lot.

YARD, INTERIOR SIDE

Means the yard between the interior side lot line and the nearest wall of the main building or structure on the lot. **YARD, MINIMUM**

Means the minimum required width of a yard. Where a portion of a lot is covered by more than one yard, all of the required yards must be complied with. For example, where an interior side yard and rear yard overlap, the minimum requirements for both yards must be met.

YARD, REAR

Means the year extending across the full width of the lot between the rear lot line and the nearest wall of the main building or structure on the lot. **ZONE**

Means a designated area of land use shown on the Zoning Maps of this By-law to which specific permitted uses, regulations, and provisions apply. A zone may also be referred to as a land use zone or zone designation.