

Part 37 - Definitions

For the Purpose of this By-law, all words shall carry their customary meaning except for those defined hereafter.

1. **Abutting Yard** means the required minimum yard set back measured from the abutting lot line as prescribed in the Land Use By-law, unless otherwise stated.
2. **Accessory Building** means a subordinate building or structure on the same lot as the main building or use devoted exclusively to an accessory use.
3. **Accessory Use** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
4. **Adult Day Centre** means that portion of a residence wherein the owner or occupier of the residence provides temporary care on a daily basis for adults attaining the age of eighteen (18 yrs) years without overnight accommodations.
5. **Adult Entertainment Uses** means a massage parlour, sex-aid shop, an adult book store or an adult cabaret.
6. **Alter** means any change in the structural component of a building, or any increase in the volume of a building or structure.
7. **Annually** means once per calendar year.
8. **Apartment Building** means a building containing four (4) or more dwelling units which have a common entrance from the street level but does not include converted dwellings.
9. **Assisted Living Housing** means housing intended for both independent and semi-independent living in the form of either congregate housing, dwelling units, sleeping units, or any combination thereof, within which is provided for the exclusive use of the occupants, their families and guests, daily common meal preparation using commercial cooking facilities, dining area and laundry facilities. Assisted living housing may or may not accommodate health services such as nursing care, home support, rehabilitative and transportation services.
10. **Art Studio Establishment** means part of building engaged in the sale, instruction, creation and participation in music, dancing, arts and crafts, weaving, painting, sculpturing, molding or other act to which art is the final product (e.g. photographers, ceramics, pottery, glaziers, and tailors).
11. **Automobile Service Stations or Service Station** means a building or part of a building or a clearly defined space on a lot used for the retail sale of gasolines and lubricating oils and may include the sale of automobile accessories and the servicing and repairing of motor vehicles and may include a car wash, convenience store and automobile body shop within wholly enclosed buildings.
12. **Boarding or Rooming House** means a dwelling unit in which the proprietor supplies rooms with or without meals but without private cooking facilities for monetary gain exclusive of rooms, if any, of the lessee or owner or members of his/her family and which is not open to the general public.
13. **Brewery** means a manufacturing plant capable of producing large quantities of beer where the primary function is to sell packaged beer to the general public through retail liquor stores or for export.
14. **Building** means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment. Any bin, bunker, platform, vessel or vehicle used for the said purposes shall be deemed a building.

- 15. Building Elevation** means a flat scaled drawing of the front, rear or sides of a building.
- 16. Building Line** means any line regulating the position of a building or structure on a lot.
- 17. Building Supply and Equipment Depots** means any track of land, building or part of a building in which building or construction, equipment and home improvement materials are offered or kept for sale at retail or wholesale and may include the fabrication of certain materials related to home furnishing and home improvement.
- 18. Bulk Petroleum Storage Facility** means one or more above ground storage tanks or underground storage tanks, including any appurtenances having a capacity of more than four thousand (4,000 l) litres where petroleum products are stored in bulk for subsequent transmission to other facilities and are regulated as a “bulk plant” by the Province of Nova Scotia, but does not include a service station or a gas bar.
- 19. Business Office** means a building or part of a building primarily engaged in providing business services in which one or more persons are employed in the management, direction or conducting of a business or where persons and their staff serve clients who seek advise or consultation and includes any room or rooms where business may be transacted, a service performed or consultation given and includes, but is not limited to, such uses as business services, real estate and brokerage agencies, insurance and brokerage agencies and travel agencies and other similar uses, but shall not include the manufacturing of any product or the retail selling of goods. A business office shall include those uses defined as a “professional office” and vice versa.
- 20. Call Centre** means a building or part of a building engaged primarily in the service transaction, electronically or through a communication medium and without limiting the generality of the foregoing, may include such establishments as credit card information centres, virtual banking services, on-line services, retail operational services, travel services and telephone solicitation services, but shall not include any walk-in or off-street traffic or any retail or manufacturing of goods for sale:
- (A) Call Centre** means a call centre which remains in one location for at least twelve consecutive months.
- (B) Temporary Call Centre** means a call centre which remains in one location for a period not exceeding twelve consecutive months.
- 21. Candidate** means a person who has been nominated to run in a Municipal, Provincial or Federal election.
- 22. Church** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall and may include living quarters for the Clergy operated by the church.
- 23. Coffee and Tea Shop** means an establishment which sells coffee, tea, biscuits, squares, sandwiches, desserts and other similar items.
- 24. Commercial** means any use by which retail or wholesale trade is carried on, and those other uses involving sale of goods, materials and services.
- 25. Commercial Accommodation** means any motel or hotel operated within a commercial zone on a full-time permanent basis but shall not include any guest home, boarding or rooming house, nursing home or bed and breakfast operations.
- 26. Commercial Van** means a commercial van or a commercial truck whether or not same contains commercial licenses or signage and excludes ambulances, hearses, motor buses, tractors, trailers, tractor/trailer combined, transport trucks, dump trucks, backhoes, front end loaders, construction vehicles, and other similar vehicles.

- 27. Arts and Community Centre** means any tract of land or building or any part of any building used for art or community related activities such as but not limited to classes, performances, and or functions whether used for commercial purposes or not.
- 28. Community Market** means a building or part of a building or a clearly defined space on a lot used only once or twice during any week of any year at any one (1) location to accommodate the retail sales of produce from the land or sea including but not limited to fruits, vegetables, eggs, cheese, honey, jams, cider, milk, juices, cooked or uncooked poultry, meat or fish, cut flowers, bedding out plants, shrubs and trees and shall also include the retail sales of arts and crafts handicrafts, baked goods and yard sales items including but not limited to antiques and second hand goods.
- 29. Construction Trade and Contractors** means a building or part of a building housing construction trade related offices related to one or more of the following: general contractors, plumbing, electrical, mechanical, excavating and/or landscaping businesses exclusively devoted to the physical development of land and/or structure(s), including the preparation of land for development, and may include accessory design, drafting and estimating services but does not include a professional office exclusively devoted to the design, drafting or estimating thereof nor does it include any storage of any demolition debris, construction waste or waste of any kind.
- 30. Convenience Store** means a building which is used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary items, grocery items and a delicatessen or snack bar.
- 31. Converted Dwelling** means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.
- 32. Converted Group Industrial Building** means a building originally built and designed as a single industrial building existing as of the date of this By-law which has been converted into two or more industrial units, which are separately owned and located on a separate lot, divided vertically by a solid common wall extending from the base of the foundation to the roof line with independent entrances and loading spaces which may be characterized by the sharing of common parking areas and driveways.
- 33. Corner Vision Triangle** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law, along each such street line and joining such points with a straight line. The triangular-shaped land between the intersecting lines and the straight line joining the points, the required distance along the street lines, shall be known as the "corner vision triangle" as applied to various sections of this Land Use By-law under the terminology of "visibility at street intersections".
- 34. Council** means the Council of the Town of Yarmouth.
- 35. Development** includes any erection, construction, alteration, placement, location, replacement or relocation of or addition to a structure and a change or alteration in the use made of land or structures.
- 36. Development Agreement** means an agreement made pursuant to the provisions of the Municipal Government Act, the Yarmouth Municipal Planning Strategy and this Land Use By-law.
- 37. Development Officer** means the Officer of the Town of Yarmouth from time to time charged by the Town with the duty of administering the provisions of the Land Use By-law pursuant to the Town of Yarmouth Municipal Planning Strategy and the Municipal Government Act.

- 38. Distillery** means a manufacturing plant or establishment where distilling, especially the distilling of liquors, is done. Distillation is a process of separating the component or substances from a liquid mixture by selective evaporation and condensation.
- 39. Domestic and Household Arts** includes the sale, instruction or participation in music, dancing, arts and crafts, weaving, painting, sculpturing, moulding or otherwise making or repairing sporting equipment, musical instruments, garden or household equipment, household articles such as small appliances or furniture items, articles of clothing, personal effects or toys. Uses shall not include the making or repairing of motorized vehicles or parts, industrial manufacturing or repairs nor shall it include the sale of goods other than those made or repaired on the site.
- 40. Double Cart Corral** means two single cart corrals placed back to back occupying two (2) parking spaces for a maximum dimension of 3.05 m (10 ft) wide by 12.2 m (40 ft) long.
- 41. Drive-In Restaurant** means a place where food and drink is served to the public, and which does not necessarily provide facilities for consumption thereof on the premises other than parking area, also includes drive-thru restaurants.
- 42. Duplex** means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly from outside the building or through a common vestibule.
- 43. Dwelling** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units and shall not include a hotel, a motel or an apartment hotel.
- 44. Dwelling Unit** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building. Nothing in this definition shall exclude multiple kitchens or sanitary facilities in a dwelling unit.
- 45. Election Sign** means any image, words, sign, picture, device, notice or visual medium, or any combination thereof, including, without limitation, any poster, placard, bulletin and banner which:
- (i) advertises, promotes, opposes or takes a position with respect to any Candidate or political party in a Federal, Provincial or Municipal election or by-election, including an election of a local board or commission; or
 - (ii) is intended to influence electors to vote for or against an issue associated with a candidate or political party in a Federal, Provincial or Municipal election or by-election; or
 - (iii) is intended to influence electors to vote for or against any candidate or any question, law or by-law submitted to the electors.
- 46. Emergency Response Centre** means a building or part of a building where emergency vehicles are housed until dispatched, which may include accessory overnight accommodations (sleeping quarters) for personnel directly related to this use and without limiting the generality of foregoing may include such establishments as ambulance response centres, police response centres, emergency measures response centres, fire response centres and search and rescue response centres.
- 47. Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such

as excavating, grading, piling, cribbing, filling or draining or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

- 48. Established Building Line** means the average distance of the existing building from the street line to existing buildings in any block where more than half the frontage has been built upon at the effective date of this By-law.
- 49. Existing** means existing as of the effective date of this By-law.
- 50. Feed Lots** means any lot, building, structure, pen or corral wherein any animals or livestock are maintained primarily for the purpose of feeding, breeding, raising or holding for shipment to market but shall not include areas of land used solely for grazing purposes.
- 51. Fish and Food Processing Facility** means a building or part of a building used for processing any fish or food processing matter from raw organic materials which may create any obnoxious odors or waste materials and shall include fish processing, rockweed and seaweed processing, animal meat matter processing and any organic waste or composting types of activities and other similar types of uses including any salting, smoking or canning of fish or meat products, but excludes warehousing and distribution of fish and food products.
- 52. Fish Reduction Plant** means a building or part of a building where fish offal, whole or parts of fish or any combination thereof is rendered into fish meal, fertilizer, slurry or other by-product but shall not include a fish plant.
- 53. Fishing and Marine Related Industries** means a building or yard or part thereof used in the fishing industry and includes the maintenance and repair of fishing vessels, fishing tackle, traps and other equipment as well as support industries to the fishing industry, but excludes fish and food processing plants and/or fish reduction plants.
- 54. Fitness Centre** means an establishment used for the purpose of a gymnasium, sauna, swimming-pool and other sports-related recreational activities and services.
- 55. Floor Area:**
- (A) With Reference to a Dwelling** means the maximum usable floor area contained within the outside walls excluding any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room not habitable at all seasons of the year;
 - (B) With Reference to an Accessory Building** means the maximum usable floor area contained within the outside walls and shall include the combined floor area of any floors, loft or mezzanine.
 - (C) Commercial Floor Area** means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms.
 - (D) Gross Commercial Floor Area** means the aggregate of the usable floor areas of a building above or below grade, measured between the interior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building, and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls. Gross floor areas shall mean the same as gross commercial floor area.
 - (E) Usable Floor Area** shall be defined as a floor area with a minimum height clearance of at least 1.22 m (4 ft).
 - (F) With Reference to a Home Occupation** (non-residential use) means the percentage as specified in the By-law of the dwelling's usable floor area contained within the outside walls above or below grade.

- 56. Food Trucks** means any mobile motor vehicle, trailer, or similar structure designed for preparing and offering food that is situated on a single commercial property twelve (12) months out of the year. Food trucks are required to obtain both a Development Permit as well as a Vendors Permit in the Town of Yarmouth.
- 57. Governmental Institutional Facility** means a building or part of a building owned, operated or occupied by a Federal, Provincial or Municipal Government or an agent thereof to provide governmental services and without limiting the generality of the foregoing, may include hospitals, nursing homes, homes for special care, rehabilitation centres, residential care facilities, public works facilities, public recreational facilities, educational facilities, juvenile detention facilities, correctional facilities, custodial care facilities, customs and custom compounds, military and civil defense facilities, naval dockyards, court houses, police stations, emergency protection facilities and dispatch centres, fire stations and other similar uses but shall not include any Federal, Provincial or Municipal Government office as a main use, any manufacturing or industrial operations, any composting and/or recycling operation or any waste facility or depot or other similar uses.
- 58. Group Dwelling** means two or more buildings each containing one or more dwelling units located on a lot.
- 59. Group Home** means a single housekeeping unit in a residential dwelling in which more than three (3) residents live together under supervision, in accordance with Provincial requirements. The home shall be licensed or approved by the Province. "Residents" for the purpose of this definition shall be defined as to exclude staff or visiting family.
- 60. Guest House or Bed and Breakfast** means a dwelling where the property owner supplies either room or room and board for monetary gain where not more than six (6) rooms are so used and which is open to the travelling public.
- 61. Hazardous Materials** means any material that, because of its quantity, concentration, or physical or chemical characteristics, may pose a real hazard to human health or the environment and includes any industrial by-product, especially from the manufacture of chemicals, that is destructive to the environment or dangerous to the health of humans, plants or animals. It shall include any item or agent (biological, chemical, physical) which has the potential to cause harm to humans, animals, or the environment, either by itself or through interactions with other factors and shall include any substance or chemical which is a health hazard, physical hazard or a risk to public safety or the environment. It includes, but not limited to, all materials listed in the Canadian Workplace Hazardous Materials Information System (WHMIS).
- 62. Heavy Industry** means a building or part of a building engaged in the basic process and manufacturing of materials or products predominately from extracted or raw materials, of finished or unfinished products or components, including processing, fabrication, assembly, treatment, packaging, incidental storage and other similar activities, including the sale and distribution of such products or components but shall not include any manufacturing process or storage of any potentially hazardous or commonly recognized offensive materials, activities or conditions.
- 63. Heavy Service Industry** means a building or part of a building engaged in the following activities: the processing of milk and dairy products, a recycling centre, the shredding and/or sorting of materials, a bakery, a candy factory, a public or private garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop including a decal shop, a plumbing shop, a sheet metal shop, a glass making,

glass blowing, glass repair and glass fabrication shop, a metal fabrication shop, a sign shop, a wood, lumber and furniture manufacturing shop, a door and window manufacturing shop, a building material manufacturing shop, a plastic fabrication shop and similar uses and includes the designing and manufacturing aspects as well as the accessory retail sales of such items.

64. Heavy Service Shop means a building or part of a building, used for the sale or repair of any of the following: automotive parts and accessories, industrial supplies, tires, including vulcanizing or retreading, batteries, brakes or radiators, automotive ignitions, exhaust or electrical systems, snowmobiles, outboard motors, marine parts and accessories, furnaces or oil burners, water or air coolers or domestic water heaters and other similar uses, but shall not include manufacturing or industrial assembly. Heavy service shop also includes an establishment for the renting and selling of automobiles, trucks, light construction equipment or lawn care equipment or any other like articles.

65. Height means the vertical distance of a building between the established grade and:

- i) The highest point of the roof surface of the parapet, or a flat roof, whichever is the greater;
- ii) The decline of a mansard roof; or
- iii) The mean level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but shall not include any construction used as ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

66. High Water Mark (HWM) means the ordinary high water mark, the visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks, both in vegetation and in the nature of the soil itself. Typical features may include a natural line or "mark" impressed on the bank or shore, indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics. For the purpose of the Land Use By-law the High Water Mark (HWM) shall be as defined by a Nova Scotia Land Surveyor in keeping with the definition of "ordinary high water mark" pursuant to the Nova Scotia Land Surveyors Regulations as outlined below:

"ordinary high water mark" means the limit or edge of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself; (Nova Scotia Land Surveyors Regulations).

67. Home Based Aesthetic Practices means a home based business catering to personal beautification serving to beautify the body by improving the appearance of a physical feature and shall be conducted entirely within a dwelling or an accessory building to a dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Home based aesthetic practices shall not include the retail sale of any products. Services include personal services such as hair styling, hair treatments and/or hair cutting services such as barber shops and hair salons, skin analyzing, skin care, facials, waxing, manicures, pedicures, massage and acupuncture treatments, spa treatments, body treatments, foot reflexology treatments, body polishes, body wraps, spray tanning treatments, eyelash tinting, makeup artistry, microdermabrasion, aromatherapy, or electrolysis, and other similar treatments, but shall not include the use of any tanning beds

or tanning booths and similar equipment, or any medical or therapeutic treatment of humans under the supervision or direction of a physician, and excludes the services of a chiropractor, osteopath, orthopedic practitioner, cosmetic surgery practitioner, physiotherapist, naturopathy practitioner, dietician/nutritionist practitioner, herbalist practitioner, Chinese medical practitioner, rehabilitation practitioner, eating disorder therapist, ultrasound technologist, speech language pathologist, audiologist, or nurse practitioner, whether or not licensed or registered under the laws of the Province of Nova Scotia.

- 68. Home Based Office** means any office conducted entirely within a dwelling or an accessory building to a dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, where business may be transacted, a service performed, compensation given, but shall not include the manufacturing of any product or the retail selling of goods and shall not include such uses as clinics, doctor's offices, medical offices, hospitals, medical or care facilities, personal service shops, commercial service shops, repair shops, barber shops, beauty shops, restaurants, veterinarian offices, veterinarian clinics, kennels, animal nurseries and other similar types of uses.
- 69. Hospital** means a building or part of a building approved by the Minister in keeping with the Hospitals Act, R.S.N.S., 1967, Chapter 249 that is used for the treatment of persons afflicted with or suffering from sickness, disease or injury.
- 70. Hostel** means a building or buildings or part thereof used to accommodate the traveling public by supplying them with sleeping accommodations with or without meals and which is characterized by common cooking and washroom facilities which provides rental dormitory bed spaces to individuals and/or groups of the travelling public.
- 71. Hotel or Motel** means a building or buildings or part thereof on the same site used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation with or without meals and with or without private cooking facilities.
- 72. Inn** means a registered heritage property or part thereof used to accommodate the travelling public for monetary gain by supplying them with room or room and board on a temporary basis where not more than eight (8) rooms or rental suites are provided and may include the rental of room(s) as a function room facility for special occasions.
- 73. Institution** means the use of land, buildings or structures used by a body, whether public or private, that operates for a particular purpose with no intent of profit and without limiting the generality of the foregoing, includes those uses permitted in the Institutional (I-1) zone.
- 74. Insurance and Brokerage Agency** means a business office conducted within a building or part of a building wherein agents or brokers are primarily engaged in the selling of insurance and pension products and other similar items.
- 75. Internet Web Site Development** means a building or part of a building in which persons are employed in providing services for the design, development and maintenance of internet based web sites. For the purpose of this By-law this use shall be a separate and distinct use from a business office use or a professional office use.
- 76. Kennels** means the keeping, breeding or training of four (4) or more dogs exceeding the age of four (4) months.
- 77. Landscaped Strip** means a strip of landscaping that is defined by a depth or width which is free or unoccupied of any building, structure, open storage, outdoor displays, signage, parking or loading areas, or any other obstruction other than landscaping features.

- 78. Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving screening or other architectural elements all of which are designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent lands.
- 79. Light Industry** means a building or part of a building housing a use primarily engaged in the manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products or components, but excludes any type of heavy industry use.
- 80. Light Service Industry** means a building or part of a building comprising an area of 278.7 m² (3,000 ft²) or less engaged in the following activities: a bakery, a candy factory, a public or private garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop including a decal shop, a plumbing shop, a sheet metal shop, a glass making, glass blowing, glass repair and glass fabrication shop, a metal fabrication shop, a sign shop, a wood, lumber and furniture manufacturing shop, a door and window manufacturing shop, a building material manufacturing shop, a plastic fabrication shop and similar uses and includes the designing and manufacturing aspects as well as the accessory retail sales of such items.
- 81. Light Service Shop** means a building or part of a building, used for the sale or repair of household articles and shall include the repair or servicing of communication parts & accessories, electronic devices, television sets, radios, home security systems, satellite systems, computers, furniture, appliance repair shops and other similar uses, but shall not include manufacturing, industrial assembly or motor vehicle repair shops.
- 82. Live Adult Entertainment** means any premises or part thereof, whether public, semi-public, or private, wherein is provided the opportunity to feel, handle, touch, be in the presence of, or be entertained by the nude body of another person, or to observe, or view any such activity. For the purpose of this by-law, "Live Adult Entertainment" shall include any services appealing to or designed to appeal to erotic or sexual appetites or inclinations, and includes massage parlours. Such services shall include, but not limited to, services of which a principle feature or characteristic is the nudity or partial nudity of any person. For the purpose of this clause "partial nudity" shall mean less than completed cover or opaquely covered human genitals, human pubic region, human buttocks, or female breast below a point immediately above the top of the areola. Nothing in the definition of "Live Adult Entertainment" shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theatre, concert hall, fine arts academy, school, institution of higher education, or other similar establishments as a form of expression of opinion or the communication of ideas or information.
- 83. Live-in Art Gallery Studio** means a building or part of a building used to produce artist's products including the display and retail sales of artist supplies and products with an accessory residential use solely to be occupied as a residence by the user.
- 84. Loading Space** means an unencumbered area of land 3.66 m (12 ft) by 12.19 m (40 ft) with a minimum height clearance of 4.27 m (14 ft) provided and maintained on the same lot upon which the principal use is located and which area:
- (A) Is suitable for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;

- (B) Is not upon or partly upon any street or highway; and
 - (C) Has adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.
- 85. Lobster Trap Storage Facilities** means a lot or part of a lot used for the open storage of lobster traps, buoys, ropes, nets, and other similar gear associated with the lobster industry.
- 86. Lot** means any parcel of land described in a deed as a lot or as shown as an approved lot on a registered plan of subdivision; and
- (A) **Corner Lot** means a lot situated at the intersection of or otherwise abuts two or more streets. Where a corner lot is to be utilized for any residential or institutional use, the shorter lot line shall be deemed the front lot line of said lot. Where a corner lot is to be utilized for any commercial or industrial use, the shorter lot line may be deemed the flanking lot line rather than the front lot line provided that at least one lot line is equal to the minimum lot frontage prescribed for the zone in this By-law, and provided that no lot line be less than fifty (50) percent of the minimum lot frontage prescribed for the zone in this By-law;
 - (B) **Interior Lot** means a lot situated between two lots and having access to one street;
 - (C) **Through Lot** means a lot bounded on two opposite sides by streets or highway or otherwise abuts two different streets provided however, that if any lot qualifies as being both a corner lot and through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.
- 87. Lot Area** means the total horizontal area within the lot lines of a lot.
- 88. Lot Depth** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines.
- 89. Lot Frontage** means the length of a straight line joining the side lot lines where the side lot lines meet the street.
- 90. Lot Line** means a boundary line of a lot; and
- (A) **Front Lot Line** means the line dividing the lot from the street. On lots with no street frontage, the front lot line shall mean the lot line which is closest and most parallel to the closest street. Where a corner lot is to be utilized for any residential or institutional use in the R-1, R-2, R-3, R-H, CD or an I-1 zone, the shorter lot line shall be deemed the front lot line of said lot. Where a corner lot is to be utilized for any commercial or industrial use in the C-1, C-2, C-2M, C-3, CI-4, CI-5, C-H or M-1 or M-2 zone, the shorter lot line may be deemed the flanking lot line rather than the front lot line provided that at least one lot line is equal to the minimum lot frontage prescribed for the zone in this By-law, and provided that no lot line be less than fifty (50%) percent of the minimum lot frontage prescribed for the zone in this By-law. Where such lot lines are of equal length, the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line;
 - (B) **Rear Lot Line** means the lot line furthest from or opposite to the front lot line;
 - (C) **Side Lot Line** means the lot line other than a front or rear lot line;
 - (D) **Flanking Lot Line** means a lot line which abuts the street on a corner lot other than the front lot line.

- 91. Main Building** means the building in which is carried on the principle purpose for which the building lot is used.
- 92. Main Use** means the principal or primary purpose for which any building, structure or land or any part thereof is designed, utilized, arranged, or intended, or for which it may be constructed, used, occupied or maintained under this By-law, but shall not include any accessory use.
- 93. Main Wall** means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof.
- 94. Massage Parlour** means any premises or part thereof, by whatever name designated, where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised or solicited by members of the opposite sex in pursuance of a trade, calling, business or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapeutic treatment and is performed or offered by or under the supervision or direction of a physician, chiropractor, osteopath, physiotherapist, or nurse licensed or registered under the laws of the Province of Nova Scotia.
- 95. Medical Clinic** means a building or part of a building wherein a private practice offers consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, surgeons, optometrists, chiropodists, chiropractors, drugless practitioners, alternative medical practitioners or therapeutic practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery nor public or private hospital or a professional office of a single practitioner located in his residence.
- 96. Cultivation and Processing** means a use enclosed within a building or greenhouse used to grow, and process a plant product, including but not limited to marijuana. This use shall operate in a manner appropriate for the zone it is permitted, so as to minimize and prevent any negative impact on surrounding properties by sound, odor, dust, fumes or smoke.
- 97. Microbrewery** means a small-scale brewery which typically produces limited quantities of specialty beers, and may sell beverages.
- 98. Microwinery** means a small winery that does not have its own vineyard to produce wine. Their production is on a small scale and usually for local consumption.
- 99. Microdistillery** means a small, often boutique-style distillery established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single batches.
- 100. (A) Minimum Climate Change Building Grade Elevation** (Minimum Building Grade Elevation) means the lowest point of elevation measure in Canadian Geodetic Vertical Datum (CGVD28) of the finished surface of the ground abutting the exterior wall of any building along the periphery of the entire exterior of the building.
- 100. (B) Minimum Climate Change Grade Elevation (Minimum Grade Elevation for the storage of hazardous materials only)** means the lowest point of elevation measure in Canadian Geodetic Vertical Datum (CGVD28) of any container containing any hazardous materials.
- 100. (C) Minimum Wharf Grade Elevation** means the lowest point of elevation measure in Canadian Geodetic Vertical Datum (CGVD28) of the finished surface of the wharf's decking throughout the entire wharf structure.

- 101.(A) Mobile Home** means a single or multiple section mobile home structure designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly; and the foregoing shall include pre-fab dwellings having any main wall with a width of less than 6.1m (20 ft.). For the purpose of this section, a main wall is any exterior wall of the building running a linear distance of fifty (50%) percent or more of the overall length or width of the building.
- 101. (B) Mini Home** means a single or two (2) unit dwelling, built on site, having any main wall with a width of less than 6.1m (20ft.). For the purpose of this section, a main wall is any exterior wall of the building running a linear distance of fifty (50%) percent or more of the overall length or width of the building.
- 102. Mobile-Home Based Business** means a commercial use which provides full or part-time employment for one or more person(s), which use is located in a residence occupied by the operator of that business and where such business provides public transactions entirely at another location, characterized primarily with non-public activities (no traffic at residence other than incidental bill payments) and without limiting the generality of the foregoing, may include door to door sales, door to door service, internet services, computer services, telephone services, video & audio services, personal grooming services, pet grooming services, household repair services, travelling vendors and food catering services but shall exclude any manufacturing or fabrication of goods for sale other than those items that may be manufactured or fabricated as a domestic and household arts operation or for a food catering service.
- 103. Mobile Home Park** means an establishment comprising of land or premises designed and intended for residential use where residence is in mobile homes exclusively but does not include public parks or public or private camping grounds.
- 104. Multiple Section Mobile Home** means a sectional structure composed of separate mobile home units, each towable on their own chassis, which when towed to the site are coupled together mechanically and electrically to form a single structure.
- 105. Nursery** means a building or part of a building or other place, whether known as ~~day~~ nursery, kindergarten, play school, or by any other name which, for compensation or otherwise, receives four or more children under eighteen years of age for temporary care including overnight accommodation.
- 106. Nursing Home** means a building or place or part of a building or place in which accommodation is provided or is available to persons requiring or receiving skilled nursing care in accordance with Provincial requirements. The nursing home shall be licensed or approved by the Province. "Residents" for the purpose of this definition shall be defined as to exclude staff or visiting family.
- 107. Obnoxious Use** means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gas, fumes, dust, oil or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials.
- 108. Off-Site Parking Space** means an open or covered area containing parking spaces, other than a street, for one or more motor vehicles, exclusively devoted to an off-site use of land or building.

- 109. Office** means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
- 110. Open Air Cinema (Theatre)** means the presentation of a movie, sporting event, or similar events on an outdoor screen which may or may not be viewed from a vehicle.
- 111. Open Air Market** means an occasional or periodic market held in an open area, building or portion thereof where groups of individuals offer goods and services for sale to the public. The following activities shall be permitted: retail sale of food, clothing, arts & crafts, second hand items, plants and products of a similar nature.
- 112. Outdoor Display** means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same lot.
- 113. Outdoor Furnace** means a furnace which provides heat to any structure other than that which houses the outdoor furnace.
- 114. Parking Area** means an area of land, other than a street, containing parking spaces for two or more motor vehicles, and includes an area of land which permits ingress or egress of motor vehicles to a street by means of on-site driveways, parking aisles or maneuvering areas exclusive of any parking spaces. A parking area shall be designed and maintained so that no parking or maneuvering incidental to parking shall be on any street and no parking shall be located within the entrance to a parking space.
- 115.(A) Parking Space (Residential)** means an area of land in a residential area of not less than 14.8m² (160 square feet), measuring 2.4 m by 6.1 m (8 x 20 ft) exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.
- 115.(B) Parking Space (Commercial)** means an area of land in a commercial or industrial area of not less than 16.7 m² (180 ft²), measuring 2.7 m by 6.1 m (9 x 20 ft) exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.
- 116. Parking Structure** means a structure built above or below grade to accommodate the parking of motor vehicles and shall exclude wharves, platforms or other similar structures used to accommodate the parking of motor vehicles at grade level.
- 117. Passive Recreation Uses** means the use of lands for parks, playgrounds, tennis courts, lawn bowling, athletic fields, picnic areas, outdoor swimming areas and similar uses to the foregoing.
- 118. Perpendicular Parking Space** means an area not less than 16.7 m² (180 ft²), measuring 2.7 m by 6.1 m (9 x 20 feet) and located at ninety (90°) degrees (right angles) to the street and each parking space shall be demarcated and maintained as such.
- 119. Person** includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of person to whom the context can apply according to law.
- 120. Personal Service Shop** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, including a person's household pet and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for

collecting dry cleaning and laundry but excludes any manufacturing or fabrication of goods for sale.

- 121. Place** means to attach, install, erect, build, construct, reconstruct, move display or affix. Placed, Placement and Placing shall have a similar meaning.
- 122. Primary Facade** means the exterior outward face of a building. The facade of interest is that surface that serves as the front of that building and faces a building's primary street. Front facades shall incorporate an entrance to the building and other elements of visual interest such as windows, dormers, canopies, awnings, flower boxes, shutters, etc.
- 123. Private Club** means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a fraternity or sorority house or a labour union hall.
- 124. Private Garage** means an enclosed or partially-enclosed structure for the storage of one or more vehicles, in which no business, occupation or service is conducted for profit.
- 125. Private Off-site Parking Space** means an open or covered area containing a parking space used exclusively for private purposes for an off-site use of land or building but shall not include any public spaces located on land under public ownership.
- 126. Private Parks and Gardens** means a use of land used to plant and grow a variety of vegetation, including plants, vegetables, shrubbery, trees and other similar species and shall not be used for any monetary gain or profit. Said use shall include accessory structures such as storage sheds, benches, garden trellises, pergolas, gazebos and other similar structures.
- 127. Professional Office** means a building or part of a building primarily engaged in providing professional services in which one or more persons are employed in the management, direction or conducting of a professional business or where persons and their staff serve clients who seek advice or consultation and includes any room or rooms where business may be transacted, a service performed or consultation given and includes, but is not limited to, such uses as professional services, accountants, architects, engineers and lawyers and other similar uses, but shall not include the manufacturing of any product or the retail selling of goods. A professional office shall include those uses defined as a "business office" and vice versa.
- 128. Public Authority** means any Board, Commission or Committee of the Town of Yarmouth established or exercising any power of authority under any general or specific statute of Nova Scotia with respect to any of the affairs or purposes of the Town or a portion thereof that includes any committee or local authority established by a By-law of the Town.
- 129. Public Park** means a park owned or controlled by a Public Authority or by any Board, Commission or other authority established under any statute of the Province of Nova Scotia, or under any By-law of the Town of Yarmouth.
- 130. Real Estate and Brokerage Agency** means a business and professional office conducted within a building or part of a building wherein agents primarily engage in the buying or selling of real estate, and shall include the managing and appraising of real estate.
- 131. Recreational Uses** means the non-commercial use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses to the foregoing, together with accessory buildings and structures, but not including a track for the racing of animals or any form of motorized vehicles.
- 132. Recycling Plant** means a building or part of a building wherein recovered or recoverable resource materials; such as newspapers, magazines, books and other paper products, glass,

metal cans, and other recovered or recoverable materials are recycled or reprocessed within wholly enclosed buildings and shall include warehousing and distribution, but shall not include a salvage yard.

- 133. Registered Heritage Property** means a building or lot which is designated with a heritage value in a registry of heritage properties at the provincial or municipal level and shall include all those properties located within a Heritage Conservation District pursuant to the Heritage Property Act.
- 134. Residential Care Facility** means a single housekeeping unit in a residential dwelling where accommodations and supervisory care or personal care are provided to four or less residents in accordance with provincial requirements. The home shall be licensed or approved by the province. "Residents" for the purpose of this definition shall be defined as to exclude staff or visiting family. A residential care facility does not include a place maintained by a person to whom the residents are related by blood or marriage, a nursing home, a group home, a boarding or rooming house, a correction facility or a hospital.
- 135. Restaurant** means a building or part thereof where food and/or beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot or adjacent to the lot such as, but not limited to , a public sidewalk location. As an accessory use, take-out service of food and/or beverages for off-site consumption may be provided for walk-in consumers or for take-out delivery to an off-site location for off-site consumption.
- 136. (A) Drive-In Restaurant** means a restaurant where facilities are available to serve food and/or beverages directly to customers for consumption in a parked automobile located in a parking area located on-site or off-site in an area designed for that purpose.
- 136.(B) Drive-thru Restaurant** means a restaurant where facilities are available to accommodate a drive-thru window service where food and/or beverages are served directly to customers located in automobiles for consumption either on-site or off-site.
- 137. Retail Shop** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.
- 138. Scrap Yard** means a lot or premises for the storage or handling of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage.
- 139. Seasonal Retail Trade** means a commercial use of a seasonal or part time nature involving the sale of goods or a recreational activity which is operated during a time frame of no more than nine (9) months from the beginning date to the end date in any calendar year. Any use which operates longer than nine (9) months in any calendar year shall be deemed permanent and not a seasonal retail trade use.
- 140. Semi-Detached Dwelling** means a building that is divided vertically by a property line approved by subdivision into two dwelling units each of which has an independent entrance.
- 141. Senior** means a person who has attained the age of fifty-eight (58 yrs) years.
- 142. Service Industries** includes the processing of milk and dairy products, a bakery, a public garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop, plumbing shop, sheet metal shop and similar uses.
- 143. Service Shop** means a building or part of a building wherein the primary use is the installation, repair or servicing of electronic devices, television sets, radios, home security systems, satellite services, furniture and similar articles/goods; and includes the accessory

retail sales of similar items but shall not include manufacturing, industrial assembly or motor vehicle repair shops.

144. Setback means the distance between the limits or boundary of a public right-of-way or a common lot boundary and the nearest main wall of the building or structure and extending the full width or length of the lot.

145. Sewage Treatment Facility means a building, buildings or portion thereof which provide the collection, treatment and disposal of sewage from domestic, commercial and/or industrial uses.

(A) Shopping Centre means a commercial development used primarily for the purposes of retail trade with 4645m² (50,000 sq. ft.) or more of gross commercial floor area, designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants characterized by the sharing of common parking areas.

(B) Side by Side Residential Dwelling means a building that is divided vertically into two (2) or more dwelling units located on one (1) lot, each of which has an independent entrance either directly from the outside of the building or through a common vestibule.

146. Sign means a structure, device, light or natural object including the ground itself and any device attached thereto, painted or represented on it, that is intended to communicate a visual message to identify, advertise or attract attention to anything, capable of being viewed from off premises:

(A) Free Standing Sign means a sign supported by one or more uprights, poles or braces placed in or upon the ground;

(B) Illuminated Sign means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign;

(C) Projecting Wall Sign means a sign which projects from and is supported by a wall of a building;

(D) Flat Fixed Wall Sign means a sign which is attached to and supported by a wall of a building;

(E) Temporary Sign means a sign which may be erected for a specified period of time and may include portable signs, banners, sandwich board signs and the like;

(F) Roof Signs means a sign which is located on or projects above the roof line of a building and is fastened or secured in any manner to the roof;

(G) Sign Area means the area of the smallest triangle, rectangle, circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multi-faceted sign shall be counted separately and then totaled in calculating sign area. Where signs are comprised of individual letters, the total area of letter surface shall be the sign area;

(H) Number of Signs a sign is a single display surface or device, but a series of related elements organized to convey a single message counts as one sign; and,

(I) Product Display Ground Sign means a free standing sign which is advertising solely the products name and/or price of the product. The product name may include a description of the product.

- 147. Single Cart Corral** Means an enclosure solely devoted to the storage of shopping carts occupying one (1) parking space for a maximum dimension of 18.5 m² (200 ft²), measuring 3.05 m wide by 6.1 m long (10 x 20 ft).
- 148. Single Detached Dwelling** means a completely detached dwelling unit.
- 149. Small Accessory Wind Turbines** means a wind energy conversion system which may consist of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100 kw/1 mw and is exclusively devoted to reduce on-site consumption of utility power of any use or building located on the same lot.
- 150. Special Occasion** means a temporary, short-term use of land or buildings, by registered not for profit societies or organizations, for the purpose of fund raising, promotional activities, celebrations, or for entertainment or amusement. Special Occasion shall also include community activities and events associated with traditional and religious holidays. Concession stands may be permitted that are subordinate (of lesser order or importance) to the main purpose of the temporary, short-term use.
- 151. Special Sale Occasion** means a special sale or promotion organized and operated by a for profit organization or business to bring attention to its sale and product line for commercial retail purposes.
- 152. Storey** means that portion of a building between any floor and the floor, ceiling or roof above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 m (6 ft) above grade. Provided also that any portion of a storey exceeding 4.3 m (14 ft) in height shall be deemed an additional storey for each fourteen 4.3 m (14 ft) or fraction thereof of such excess.
- 153. Street** means the whole and entire right-of-way of every highway, road or lane, owned and maintained as a street by the Department of Transportation and Public Works excluding designated controlled access highways pursuant to Section 20 of the Public Highways Act, or by the Town of Yarmouth. Any road allowance or right-of-way which is not maintained by either the Department of Transportation and Public Works or the Town of Yarmouth shall not be considered a street. Closed or Unopened Street means the whole and entire right-of-way of every parcel, highway, road or lane owned by the Department of Transportation and Public Works or by the Town of Yarmouth which is no longer or has never been maintained as a street by either the Department of Transportation and Public Works or the Town of Yarmouth.
- 154. Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs and also fences exceeding 1.8 m (6 ft) in height.
- 155. Temporary Use** means the use of land or building existing or continuing for a limited time not to exceed thirty (30) days in any calendar year.
- 156. Tiny Home** means a single-family home with a ground floor area of less than seven hundred (700 ft²) square feet. It can be built independently and in remote locations but may also be found in a community setting with shared communal spaces, services and utilities.
- 157. Tiny Community** shall be defined as a number of single-dwellings grouped on a property with shared facilities such as, but not limited to, laundry, kitchen, garden, storage, services and utilities, and social meeting space. Tiny communities are often managed through a co-op or condominium model however they can also function as private family homes or rental units.

158. Tourist Establishment means a building or buildings which are used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodation with or without meals, and shall include a guest house, tourist cabins, a motel, a hotel or an auto court.

159. Town shall mean the Town of Yarmouth.

160. Townhouse Dwelling means a building that is divided vertically or vertically and horizontally into three (3) or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

161. Triplex Dwelling means a building that is divided horizontally into three (3) dwelling units, each of which has an independent entrance either directly or through a common vestibule.

162. Ufish Farms means fish ponds and accessory structures used to raise aquatic plants or animals (such as fish or shellfish) for the purpose of selling or for providing recreational fishing entertainment but shall not include hatcheries, fish plants, fish reduction plants or the processing of fish or fish by-products in any fashion.

163. Urban Beekeeping means a business or hobby, where honey bees are kept for the purpose of honey production or beeswax production whether for domestic or commercial purposes.

164. Veterinarian Clinic means a building or part of a building housing a facility for the medical treatment and care of animals and includes provisions for their overnight accommodations and may include an outside exercise play area provided it is wholly enclosed within a 1.8 m (6 ft) high opaque fence but shall not include any boarding (kennel operation) or breeding facilities.

165. Warehouse and Distribution means a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles but shall not include facilities for wholesale or retail, commercial trade or fuel storage facilities.

166. Water Dependent Use: Any use or activity that:

- Must physically be located in, on, over, or adjacent to water in order to conduct its primary purpose; or
- Is directly related to the above in a supportive service or commercial activity including ocean research and development; or
- Supports traditional working waterfront activities that enhance historic preservation.

For clarity this includes marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, machine shops, water-based recreational uses, navigation aids, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water, museums and historic buildings, and ocean research and development facilities. This does not include restaurants, hotels, motels and residential uses.

167. Wholesale Shop means a building or part of a building in which goods, wares, merchandise, substances, articles or other similar items are offered or kept for sale at wholesale value, deriving the largest portion of its gross margin from sales to retailers, industrial, institutional, farm or professional business uses; or to other wholesalers rather than from sales to household consumers or private users.

168. Winery means a manufacturing plant or viticultural area that is dedicated to wine making. A winery could include: vineyards to produce grapes, warehouses to store the produced wine, and tasting rooms to let consumers taste its wine.

169. Yard means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this

By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used:

- (A) **Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a "minimum" or "required" front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot. In the case of a through lot, the front yard may be deemed to be any yard which abuts either street;
- (B) **Rear Yard** means a yard extending across the full width of a lot between the rear lot line of the nearest wall of any main building or structure on the lot, and "minimum" or "required" rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot;
- (C) **Side Yard** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot, and "minimum" or "required" side yard means the minimum width allowed by this By-law of a side yard on a lot between a side lot line and the nearest main wall on any main building or structure on the lot;
- (D) **Flanking Yard** means the side yard of a corner lot which extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any building or structure on a lot, and "minimum" or "required" flanking yard means the minimum width allowed by this By-law between a flanking lot line and the nearest main wall on any main building or structure on the lot.

170. Zone means a specified area of land as shown on a Schedule of this By-law.