

# *Article 2 Definitions*

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## **ARTICLE 2 DEFINITIONS**

### **SECTION 2.0 PURPOSE OF DEFINITIONS**

The purpose of this article is to clarify and define terms and USE categories found throughout this ordinance. The Ordinance has been written in “plain English” style and the meaning is intended to be clear as read. However, because it is also a legal document and because of the need for terms with specific meanings, the Ordinance also provides guidance on how specific terms are used. Defined terms are highlighted throughout the Ordinance by the SMALL CAPS format.

### **SECTION 2.1 GENERAL**

#### **Section 2.1.10 Scope of Definitions**

Unless otherwise expressly stated, words and phrases in this Ordinance shall have the meanings indicated herein.

#### **Section 2.1.20 Rules of Construction**

Terms used or defined in this Ordinance shall be construed in accordance with the following rules:

- 2.1.21 The singular shall include the plural, and the plural shall include the singular.
- 2.1.22 The word “used”, shall include the words “arranged,” “designed,” or “intended to be used.” The words “used” or “occupied” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied.”
- 2.1.23 The word “building” shall include the word “structure.”
- 2.1.24 The present tense shall include the future tense.
- 2.1.25 The word “shall” is mandatory and the term “may” is permissive or discretionary.
- 2.1.26 The word “or” includes “and” unless the contrary is evident from the text.
- 2.1.27 The words “includes”, “including” and “such as”, when followed by a list of examples, shall not limit a term to such examples, but are intended to mean “including but not limited to”.

2.1.28 The word “lot” includes “parcel.” The words “building,” “structure,” “lot,” or “parcel” shall be construed as being followed by the words “or any portion thereof.”

2.1.29 The word “person” includes a firm, association, organization, partnership, company, or corporation, as well as an individual.

### **Section 2.1.30 Building Code Definitions**

Where terms are not defined in this Ordinance and are defined in the Massachusetts State Building Code (780 CMR), Chapter 2, such terms shall have the meanings ascribed to them in said Code unless a contrary intention is clearly evident in this Ordinance.

### **Section 2.1.40 Terms Not Defined**

Where terms are not defined through the methods described herein, such terms shall have the ordinarily accepted meanings such as the context implies as defined by *Webster’s Third New International Dictionary, Unabridged*.

## **SECTION 2.2 GENERAL TERMS DEFINED**

# A

**ABANDONED.** Any USE, BUILDING or STRUCTURE not used for a period of two (2) years shall be considered ABANDONED.

**ACCESS DRIVE, ACCESS DRIVEWAY.** A paved surface, other than a STREET, which provides vehicular access from a STREET or PRIVATE ROAD to a LOT.

**ACCESSORY BUILDING.** A BUILDING subordinate to, incidental to, and located on the same LOT with a PRINCIPAL BUILDING. See Figure 2-8.

**ACCESSORY USE.** A USE subordinate and related to the PRINCIPAL USE of land or of a BUILDING on a LOT and incidental thereto.

**ACCESSORY DRIVE-THROUGH.** A STRUCTURE or portion of a STRUCTURE that permits customers to receive services or goods on the same premise as the PRINCIPAL USE while remaining in their vehicles.

ADJACENT. Next to or abutting.

ADULT DAY CARE. See CHILD CARE, ADULT.

ADULT BOOKSTORE. See Section 6.3.30 Adult Entertainment Definitions

ADULT BOOTH. See Section 6.3.30 Adult Entertainment Definitions

ADULT DANCING. See Section 6.3.30 Adult Entertainment Definitions

ADULT ENTERTAINMENT. See Section 6.3.30 Adult Entertainment Definitions

ADULT MOTEL. See Section 6.3.30 Adult Entertainment Definitions

ADULT MOTION PICTURE THEATER. See Section 6.3.30 Adult Entertainment Definitions

ADULT PARAPHERNALIA STORE. See Section 6.3.30 Adult Entertainment Definitions

ADULT VIDEO STORE. See Section 6.3.30 Adult Entertainment Definitions

AGRICULTURE. All forms of farming and forestry on five (5) or more acres of land including the cultivation and tillage of the soil, dairying, pasturage, the production, cultivation, growing and harvesting of any agricultural, aqua cultural, floricultural, viticulture, silvicultural, apicultural, or horticultural commodities, tree farming, greenhouses, nurseries, the growing and harvesting of forest products, the raising and keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle, and other domesticated animals used for food purposes, bees, and fur-bearing animals, and related uses of packing, storing, and transporting the products of agriculture. The retail sale of agricultural products may be included with any of the above uses provided the majority of the products for sale has been raised or grown on the premises. See also COMMUNITY GARDEN.

ANIMAL HOSPITAL. See VETERINARY CLINIC.

ANIMAL SERVICES. See KENNEL, VETERINARY CLINIC.

APARTMENT BUILDING. See DWELLING, APARTMENT BUILDING.

AS OF RIGHT. A term used to describe a USE or STRUCTURE that is allowed without an approval by the Planning Board, Board of Appeals, Office of Planning & Economic Development or City Council, although it may be subject to a BUILDING PERMIT. In Table 4-4, Use Table, AS OF RIGHT USES are listed as Y.

ASSISTED LIVING CENTER. A for-profit or non-profit entity which provides room and board and where the operator provides a minimum of two (2) meals per day and assistance with activities of daily living for three or more elderly or disabled residents.

AUTOMATED TELLER MACHINES (ATMs). A machine used by bank and financial service patrons for conducting transactions including deposits, withdrawals, and fund transfers, without contact with financial institution personnel. The ATM may be located at or within banks, or in other locations.

AUTOMOBILE SALES OR SERVICE. See MOTOR VEHICLE SALES.

AWNING SIGN. See Section 9.1 Sign Definitions.

## B

BANK. A financial institution that is open to the public or its members and engaged in deposit banking and closely related functions such as loans, investments and other fiduciary activities, which may have a drive-through window if permitted as an accessory use in the district.

BAR. See TAVERN.

**BED AND BREAKFAST.** A private, owner-occupied house which rents guest rooms as an overnight or temporary accommodation and includes breakfast in the room rate.

**BOARD OF APPEALS.** The Zoning Board of Appeals for Springfield, Massachusetts.

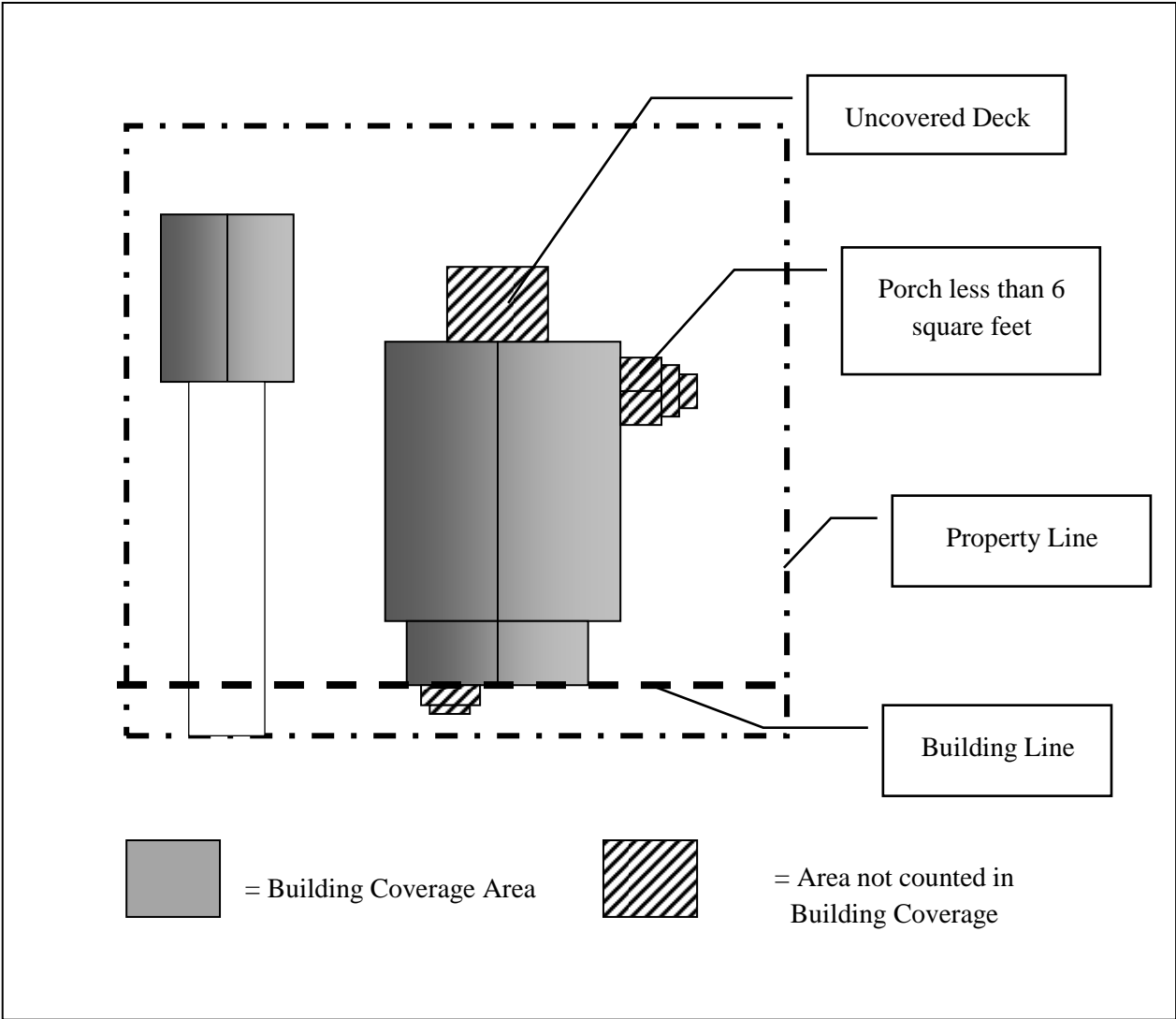
**BUFFER PLANTING STRIP.** A strip of land within a parcel that is planted to protect an abutting land use from the land use on the subject parcel consisting of dense evergreens, not less than three (3) feet in height at the time of planting, and an appropriate wall or solid fence, not less than six (6) feet in height. This strip of land shall be permanently maintained.

**BUILDING.** A **STRUCTURE** enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, for the shelter of persons, animals or property. See also **ACCESSORY BUILDING** and **PRINCIPAL BUILDING**.

**BUILDING COMMISSIONER.** The designated **BUILDING COMMISSIONER** of the City as well as any other person to whom the responsibility for administering or enforcing this Ordinance has been delegated by the City Council or the designated **BUILDING COMMISSIONER**, including but not limited to the Zoning Administrator.

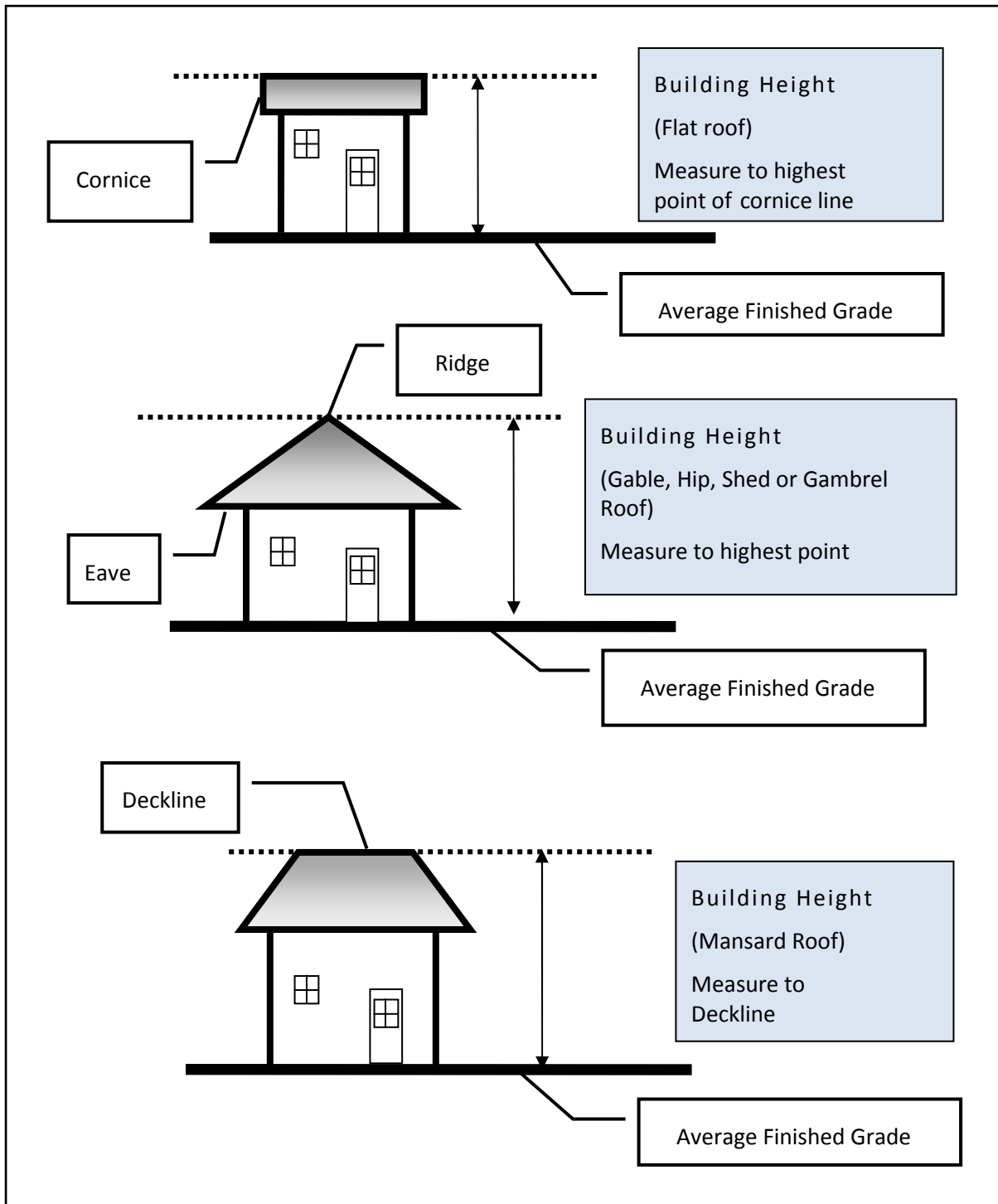
**BUILDING COVERAGE.** That portion of a **LOT** that is covered by **STRUCTURES**, expressed as an area measure or as a fraction or percentage, as determined by the context. **BUILDING COVERAGE** does not include cornices, eaves, **PORCHES** less than six (6) square feet, steps, stoops, **DECKS** and gutters. See Figure 2-1.

Figure 2-1 Building Coverage





**Figure 2-2 Building Height**



**BUILDING DEPARTMENT.** The Building Department of the City.

**BUILDING FOOTPRINT.** The horizontal measurement of land area covered by a **BUILDING** measured from the faces of exterior walls.

**BUILDING HEIGHT.** The vertical distance from the **FINISHED GRADE** abutting a **BUILDING** or **STRUCTURE** to the highest point of the roof. **BUILDING HEIGHT** shall be measured to the top of the highest cornice line in the case of a flat roof; to the deck line of mansard roof; and to the highest point-of a gable, hip, shed or gambrel roof. Chimneys, spires, cupolas, and similar minor projections not intended for human occupancy shall not be included in calculating **BUILDING HEIGHT**. Figure 2-2 illustrates how to measure **BUILDING HEIGHT**.

**BUILDING LINE.** The line parallel to the **FRONT LOT LINE** equal to the depth of the **REQUIRED FRONT YARD** See Figure 2-1.

**BUILDING PERMIT.** Written Permission issued by the **BUILDING COMMISSIONER** for the construction, repair, alteration, or addition to a **STRUCTURE** pursuant to the Massachusetts State Building Code (780 CMR).

## C

**CANOPY SIGN.** See Section 9.1 Sign Definitions.

**CAR WASH.** See **MOTOR VEHICLE SERVICES**.

**CASINO.** An entertainment facility or structure which legally operates as a government licensed enterprise open to the public in which gaming devices are offered to players. The site shall also include all accessory uses and structures including but not limited to retail, restaurants, hotels, accessory parking, housing, indoor place of amusement(s), outdoor place of amusement(s), daycare facilities and support services.

CEMETERY. Land used for the burial of the dead or cremated remains, and including accessory mausoleums, crematoriums, columbarium and maintenance facilities.

CHANGING IMAGE SIGN. See Section 9.1 Sign Definitions.

CHARITABLE USE. Use of land or STRUCTURES by a nonprofit corporation or association organized for charitable purposes including but not limited to education, social welfare, environmental conservation, scientific research, cultural enrichment, and the arts. Uses that meet the definitions of educational or religious USE are covered by those definitions rather than “charitable use” for purposes of USE regulation.

CHILD CARE. The terms “Child Care center,” “family Child Care home,” “large family Child Care home” and “school age child care program” shall have the meanings as defined in M.G.L. c. 15D s.1A.

DAY CARE CENTER, ADULT. Those services, including nursing services, occupational therapy, physical therapy, social, recreational and educational events which are regulated by the Massachusetts Department of Public Health in accordance with 130 CMR 404.

DAY CARE, HOME BASED, ADULT. A residential DWELLING where care for adults is provided by the occupant. See 4.4.73.

CHILD CARE CENTER. Any facility operated on a regular basis whether known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or known under any other name, which receives children not of common parentage under seven (7) years of age, or under sixteen (16) years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. CHILD CARE CENTER shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a FAMILY CHILD CARE HOME; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore.

**FAMILY CHILD CARE HOME.** Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen (16) in a FAMILY CHILD CARE HOME shall not exceed six (6), including participating children living in the residence. FAMILY CHILD CARE HOME shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefore.

**LARGE FAMILY CHILD CARE HOME;** A private residence which, on a regular basis, receives for temporary custody and care during part or all of the day, children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs, and receives for temporary custody and care for a limited number of hours, children of school age in accordance with regulations promulgated by the Massachusetts Department of Early Education and Care or any successor agency; provided, however, that the number of children under the age of sixteen (16) in a LARGE FAMILY CHILD CARE HOME shall not exceed ten (10), including participating children living in the residence. LARGE FAMILY CHILD CARE HOME shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefore.

**SCHOOL AGE CHILD CARE PROGRAM.** Any program or facility operated on a regular basis which provides supervised group care for children not of common parentage who are enrolled in kindergarten and are of sufficient age to enter first grade the following year, or an older child who is not more than fourteen (14) years of age, or sixteen (16) years of age if such child has special needs. Such a program may operate before and after school and may also operate during school vacation and holidays. It provides a planned daily program of activities that is attended by children for specifically identified blocks of time during the week, usually over a period of weeks or months. A SCHOOL AGE CHILD CARE PROGRAM shall not include: any program operated by a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to a SCHOOL AGE CHILD CARE PROGRAM; a Sunday school or classes for religious instruction conducted by a religious organization where the children are cared for during short periods of time while persons responsible for such children are attending religious

services; a FAMILY CHILD CARE HOME except as provided under LARGE FAMILY CHILD CARE HOME; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore.

CITY. The City of Springfield, Massachusetts. The term City is not put in SMALL CAPS format due to its common appearance in this Ordinance.

CITY ORDINANCE. The Revised Ordinances of the City of Springfield, 1984, as amended.

CLUB OR LODGE. An establishment where an organization conducts regular meetings where food and alcohol may be served and indoor and outdoor amusement may be provided for members and their guests. There are no sleeping facilities.

COLLEGE. An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

COMMUNITY GARDEN. A garden of less than five (5) acres that is used for the cultivation of fruits, flowers, vegetables or ornamental plants by more than one person or family. COMMUNITY GARDENS do not include raising or production of any animals. COMMUNITY GARDENS may include sale of products produced on-site. See also AGRICULTURE, FARMER'S MARKET.

CONDOMINIUM. A form of property ownership in which individual units are owned separately and the balance of the real estate is owned in common under the provisions of M.G.L. Chapter 183A. . "Condominium" does not signify a USE or a type of BUILDING, but rather a form of ownership that may apply to any type of BUILDING or use, including SINGLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS, commercial uses, industrial uses, or MIXED-USE BUILDINGS.

CREMATORIUM. A location containing facilities used to cremate the dead.

# D

**DECK.** A platform, attached and with direct access to a BUILDING, that may have railings but does not have walls or a roof or any roof-like STRUCTURE.

**DEPARTMENT OF PUBLIC WORKS.** The Department of Public Works of the City, also known as DPW.

**DEVELOP.** To construct or alter a STRUCTURE or to make a physical change to the land including excavations and fills.

**DEVELOPMENT.** All improvements on a site, including BUILDINGS, other STRUCTURES, PARKING and LOADING AREAS, LANDSCAPING, paved or graveled areas, and areas devoted to exterior display, STORAGE, or activities. DEVELOPMENT includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.

**DISPLAY AREA.** See Section 9.1 Sign Definitions.

**DISTRICT.** See ZONING DISTRICT

**DOMESTIC ANIMAL.** Any animal that is kept for personal use or enjoyment within the home provided that such creatures are not kept to supplement food supplies and are not used for any commercial purposes whatsoever other than offering for sale one litter, brood or offspring of a household pet domiciled on the premises. A DOMESTIC ANIMAL shall include but is not limited to dogs, cats, birds, and reptiles. A DOMESTIC ANIMAL does not include farm animals such as horses, ponies, cows, pigs, chickens, roosters, goats, pigeons or sheep.

**DOVER AMENDMENT.** Those sections of M.G.L 40A, Section 3, which limit the authority of local governments to regulate certain uses, including but not limited to religious, educational, agricultural, and child care uses. See Sections 6.2 and 12.7.

**DRIVE-UP OR DRIVE-THROUGH FACILITY.** Any portion of a commercial establishment that, by design, is either an automatic teller machine that can be accessed by customers while in their vehicles or which allows customers to interact with an employee of the establishment through a window or similar structural feature while remaining in their vehicles.

**DRIVEWAY.** A private roadway providing access to a LOT from a STREET or PRIVATE ROAD.

**DRY CLEANING OR LAUNDRY.**

**SELF - SERVICE LAUNDRY.** A business that provides washing, drying, and/or ironing machines for hire too be used by customers on the premises.

**DRY CLEANING, DROP OFF.** An establishment where articles are dropped off, sorted, and picked up but where no more than twenty five percent (25%) of the gross floor area is used for laundering or dry cleaning processing.

**DRY CLEANING OR LAUNDRY, PROCESSING.** A BUILDING, or premises used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation (laundry) or immersion only in volatile solvents (dry cleaning).

**DUPLEX.** See DWELLING, TWO-FAMILY.

**DWELLING.** A BUILDING or portion thereof containing one or more DWELLING UNITS.

**DWELLING, SINGLE-FAMILY.** A BUILDING consisting of a single DWELLING UNIT. SINGLE-FAMILY DWELLINGS are detached from other DWELLING UNITS.

**DWELLING, MULTI-FAMILY.** A BUILDING consisting of three (3) or more DWELLING UNITS, such as an APARTMENT BUILDING or a townhouse.

**APARTMENT BUILDING.** A MULTI-FAMILY DWELLING that is not a TOWNHOUSE.

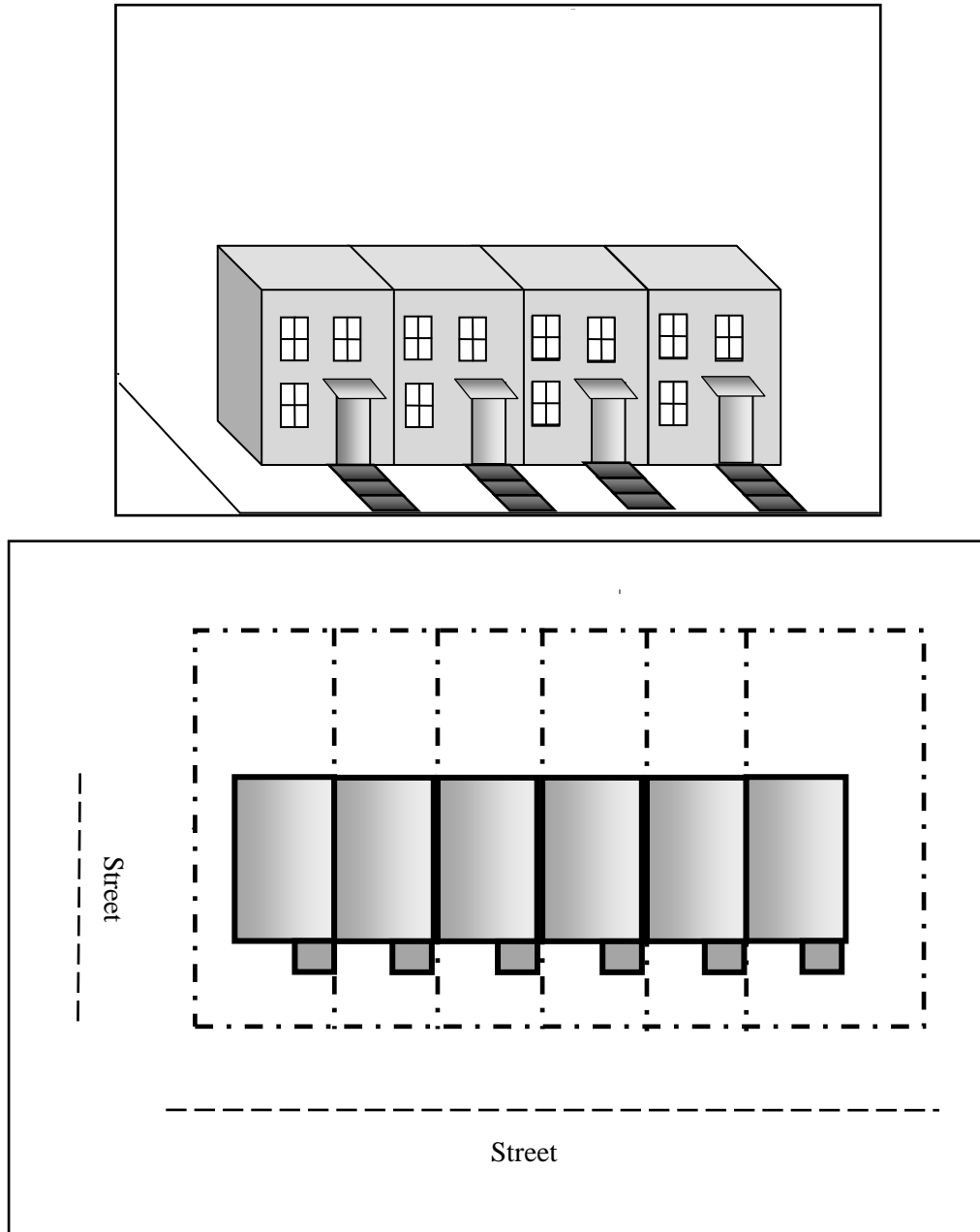
**TOWNHOUSE.** A type of MULTI-FAMILY DWELLING in which at least three (3) DWELLING UNITS ARE IN A ROW. The DWELLING UNIT extends from the foundation to the roof and are separated by fire rated walls from other DWELLING UNITS, no unit is located over another unit, and each unit has its own front and rear access to the outside.

TOWNHOUSES may be held in different forms of ownership, including fee simple ownership on separate LOTS, condominium ownership (where each unit is owned separately but the BUILDING and land are owned in common), or single ownership (where the entire BUILDING is in one ownership and individual townhouses are leased out as rental units). Figure 2-3 is an illustration of TOWNHOUSES on separate LOTS.

A TOWNHOUSE unit extending from the foundation to the roof may not be divided into separate DWELLING UNITS. Any MULTI-FAMILY DWELLING that does not meet the definition of a TOWNHOUSE shall be deemed to be an APARTMENT BUILDING.



**Figure 2-3 Multi-Family Townhouse Elevation and Plan View**



**DWELLING, SINGLE-ROOM OCCUPANCY (SRO).** A lodging house in which all residents have separate bedrooms with private bathrooms but share common areas for cooking, dining, and other purposes normally associated with residential use.

DWELLING, SINGLE ROOM OCCUPANCY, ENHANCED (ENHANCED SRO). A MULTI-FAMILY DWELLING with one-room studio apartments that include a bathroom and kitchen.

DWELLING, TWO-FAMILY. A TWO-FAMILY DWELLING is a BUILDING consisting of two DWELLING UNITS.

DWELLING UNIT. A BUILDING or portion thereof providing complete independent living facilities for one family; including sleeping, cooking and sanitary facilities, not including, transient occupancy units such as hotels, motels, rooming or boarding houses.

## E

EDUCATIONAL USE, EXEMPT. The use of land or BUILDINGS primarily for the training and teaching of children, youths, or adults, including preschools, elementary and secondary schools, colleges, vocational schools, and technical schools. Exempt educational uses also include dormitory and residential facilities for students, faculty, and staff of an educational institution, and residential facilities that provide educational services for their residents, including group homes, homeless shelters, half-way houses, or any other program in which counseling, education, or residential facilities are provided to residents or clients. In order to qualify as an EXEMPT EDUCATIONAL USE such use must occur on land owned or leased by (a) the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic; or (b) a religious sect or denomination; or (c) a nonprofit educational corporation.

EDUCATIONAL USE, NON-EXEMPT. The USE of land or BUILDINGS primarily for the training and teaching of children, youths, or adults, including private for-profit schools and any other school or institution providing instruction or educational services, where such USE does not occur on land owned or leased by (a) the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic; or (b) a religious sect or denomination; or (c) a nonprofit educational corporation.

ERECTING A SIGN. See Section 9.1 Sign Definitions.

# F

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

FAMILY. An individual or two (2) or more persons related by genetics, adoption or marriage, living and cooking together as a single housekeeping unit or a group of three (3) or fewer persons who are not related by genetics, adoption or marriage, living and cooking together as a single housekeeping unit.

FARMER'S MARKET. The selling or offering for sale at retail of vegetables or produce, flowers, crafts, orchard products and similar agricultural products, including eggs, poultry, meat and dairy. A FARMER'S MARKET may be regulated by other Municipal Ordinances that specify hours, parking, health license requirements (if any) and types of goods to be sold.

FENCE. A barrier constructed of materials including living vegetation erected for the purpose of protection, confinement, enclosure, or privacy.

FINISHED GRADE. The average grade existing at the time of application for a BUILDING PERMIT the final grade necessary to implement an approved subdivision plan as shown on the plans. The FINISHED GRADE is the average of the highest and lowest elevation of the ground abutting the perimeter of the PRINCIPAL BUILDING.

FLOOR AREA. Unless otherwise modified or specified, the term "Floor Area" in this Ordinance shall mean GROSS FLOOR AREA.

FLOOR AREA, GROSS. The sum of the horizontal areas of a BUILDING, measured from exterior face of exterior walls, or in the case of a common wall separating two BUILDINGS, from the centerline of the common wall. GROSS FLOOR AREA shall not include: stairwells, underground parking areas, uncovered steps, exterior balconies, interior space less than seven (7) feet in height, elevator shafts and space devoted to mechanical equipment.

FLOOR AREA, NET. The gross FLOOR AREA, excluding interior walls, hallways, stairwells, closets, storage areas, and restrooms.

FRATERNITY/SORORITY. See GROUP RESIDENTIAL FACILITY.

FRONTAGE. The horizontal distance measured along a LOT LINE dividing a LOT from:

- A. A public STREET or a way which the City Clerk certifies is maintained and used as a public way, or
- B. A way shown on a plan approved and endorsed in accordance with the Subdivision Control Law (M.G.L Ch. 41, ss. 81K to 81GG), or
- C. A way in existence when the Subdivision Control Law became effective in the City having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed USE of land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the BUILDINGS erected thereon or to be erected thereon.

FUNERAL HOME OR PARLOR. See UNDERTAKING ESTABLISHMENT.

## G

GARAGE, RESIDENTIAL. A BUILDING used for the storage of one or more automobiles owned and used by the owner or tenant of the LOT on which it is erected for a purpose accessory to the USE of the LOT.

GARAGE, PARKING. See PARKING GARAGE.

GENERAL SERVICE AND CONTRACTOR'S SHOP. An establishment used for the indoor repair, maintenances or storage of materials related to construction, remodeling, machine repair (including small engine repair), furniture making or artist studio. These uses also include but are not limited to metal, machine and welding shops, furniture upholstery shops and similar business

engagements in custom fabrication and repair which are wholly contained within a BUILDING with no outdoor storage. The shop activity does not create a noticeable amount of noise, dust, odor or vibration outside of the BUILDING in which it takes place

GROUND SIGN. See Section 9.1 Sign Definitions.

GROUP HOME. A non-profit or for-profit facility for the sheltered care of persons with special needs, including developmentally disabled, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services conducive to the residents' welfare.

GROUP RESIDENTIAL FACILITY. A residential facility for a group of individuals who are not related. Examples include fraternity or sorority houses, dormitories, residence halls, convents and monasteries.

GROSS VEHICLE WEIGHT RATING (GVWR). A standard rating used by the auto industry to state the maximum a vehicle can safely weigh when loaded, including the vehicle itself, occupants, cargo and optional equipment. For example, a light duty truck is defined by federal law as a motor vehicle with a GROSS VEHICLE WEIGHT RATING of up to 8,500 pounds. A light truck has a GVWR of up to 10,000 pounds. Vehicles with GVWR over 10,000 are typically subject to additional emissions testing standards. See HOME BASED BUSINESS standards in Section 4.5.

## H

HAZARDOUS MATERIALS. Items classified by the Massachusetts State Building Code as "Use Groups H, H-1, H-2, H-3, and H-4. See also Industrial Uses with High Hazard Uses.

HEALTH CLUB. An indoor or outdoor facility including game courts, exercise equipment, locker rooms, SWIMMING POOL(s), used primarily for athletic practice or competition, fitness classes or lessons, or related activities.

HEIGHT OF BUILDING. See BUILDING HEIGHT.

**HELIPORT.** An area designed to be used for the landing and takeoff of helicopters including all necessary passenger, cargo and emergency service, hangering and support service facilities, but not including a helicopter landing and takeoff area that is accessory to, and on the same LOT as, a **HOSPITAL**.

**HISTORIC RESOURCE PROPERTIES.** Properties listed on the National Register of Historic Places as an individual resource or within a National Register District.

**HOME BASED BUSINESS.** A business, trade, profession, or other business activity resulting in a product or service for compensation, conducted wholly or partly in a **DWELLING**, by owners and/or renters who permanently reside at the residence, as regulated by Section 4.5.

**HOME BASED BUSINESS SITE.** The LOT on which the **HOME BASED BUSINESS** is conducted.

**HORSE STABLE.** A stable or group of stables or barns for the purpose of keeping and boarding equine animals.

**HORTICULTURE.** Includes greenhouses and the growing and keeping of nursery stock and the sale thereof.

**HOSPITAL.** A facility in excess of 10,000 square feet and licensed by the state that provides health services and overnight patient care.

**HOTEL.** A **BUILDING**, or portion of a **BUILDING** with access provided through a common entrance, lobby or hallway to one or more guest rooms, designed to be rented out as temporary or overnight accommodations for guests. This definition shall not include a **BED AND BREAKFAST HOME**, **LODGING HOUSE** or **MOTEL**, as defined separately in this section.

# I

**INDIVIDUAL LETTER SIGN.** See Section 9.1 Sign Definitions.

## INDUSTRIAL

**INDUSTRIAL USE**, not including **HIGH HAZARD USES**. An establishment that is engaged in basic processing, reduction, or destruction of materials or products predominantly from extracted or raw materials, and a USE engaged in the storage, warehousing, and distribution of resulting products or materials. See also, **PACKAGING, WAREHOUSING AND DISTRIBUTION**.

**INDUSTRIAL USES with HIGH HAZARD USES**. An industrial USE containing a **HIGH HAZARD USE**.

**HIGH HAZARD USE**. A USE classified by the Massachusetts State Building Code as “Use Group H,” including Use Groups H-1, H-2, H-3 or H-4.

**HIGH HAZARD USE A**. A USE which contains materials that present a detonation hazard (Use Group H-1), or that present a deflagration hazard or a hazard from accelerated burning (Use Group H-2).

**HIGH HAZARD USE B**. A USE which contains materials that readily support combustion or present a physical hazard (Use Group H-3), or which contain materials that are a health hazard (Use Group H-4).

**INDUSTRIAL, LIGHT**. Research and development activities, the manufacturing, compounding, processing, packaging storage, assembly and or treatment of finished or semi-finished products which activities are conducted wholly within an enclosed **BUILDING**. **LIGHT INDUSTRIAL** activity does not create a noticeable amount of noise, dust, odor or vibration outside of the **BUILDING** in which it takes place.

# J

**JUNKYARD**. Any land used for the deposit, collection or storage of waste, used or discarded things or materials, whether or not in connection with the dismantling, processing, salvage, sale or other USE or disposition thereof; and the deposit or storage on any **LOT** of two (2) or more wrecked, inoperative or unregistered vehicles, or parts thereof, for one (1) month or more, excluding the storage of garaged vehicles.

# K

**KENNEL.** An establishment where four (4) or more DOMESTIC ANIMALS over six (6) months of age are kept for any reason; or an establishment where any number of such animals are kept for the purpose of selling, boarding, breeding, training, treating or grooming, except for VETERINARY CLINICS.

# L

**LANDSCAPING.** That portion of a LOT that is free of structural improvements and/or impervious surface but improved with pervious and planted materials such as grass, trees, shrubs and other live plant materials.

**LAUNDRY.** See DRY CLEANING or LAUNDRY.

**LIBRARY or MUSEUM.** A public or private facility containing printed, electronic, sculptural and pictorial material for public use and purpose of study, reference and recreation.

**LOADING SPACE, OFF-STREET.** An area for the temporary parking of a commercial vehicle while loading or unloading merchandise or material.

**LODGING HOUSE.** A BUILDING in which lodgings are rented to four (4) or more persons who do not constitute a FAMILY and who occupy the premises as a principal place of residence, including a single-room occupancy (SRO) DWELLING with shared kitchen and dining facilities. See also DWELLING, SRO.

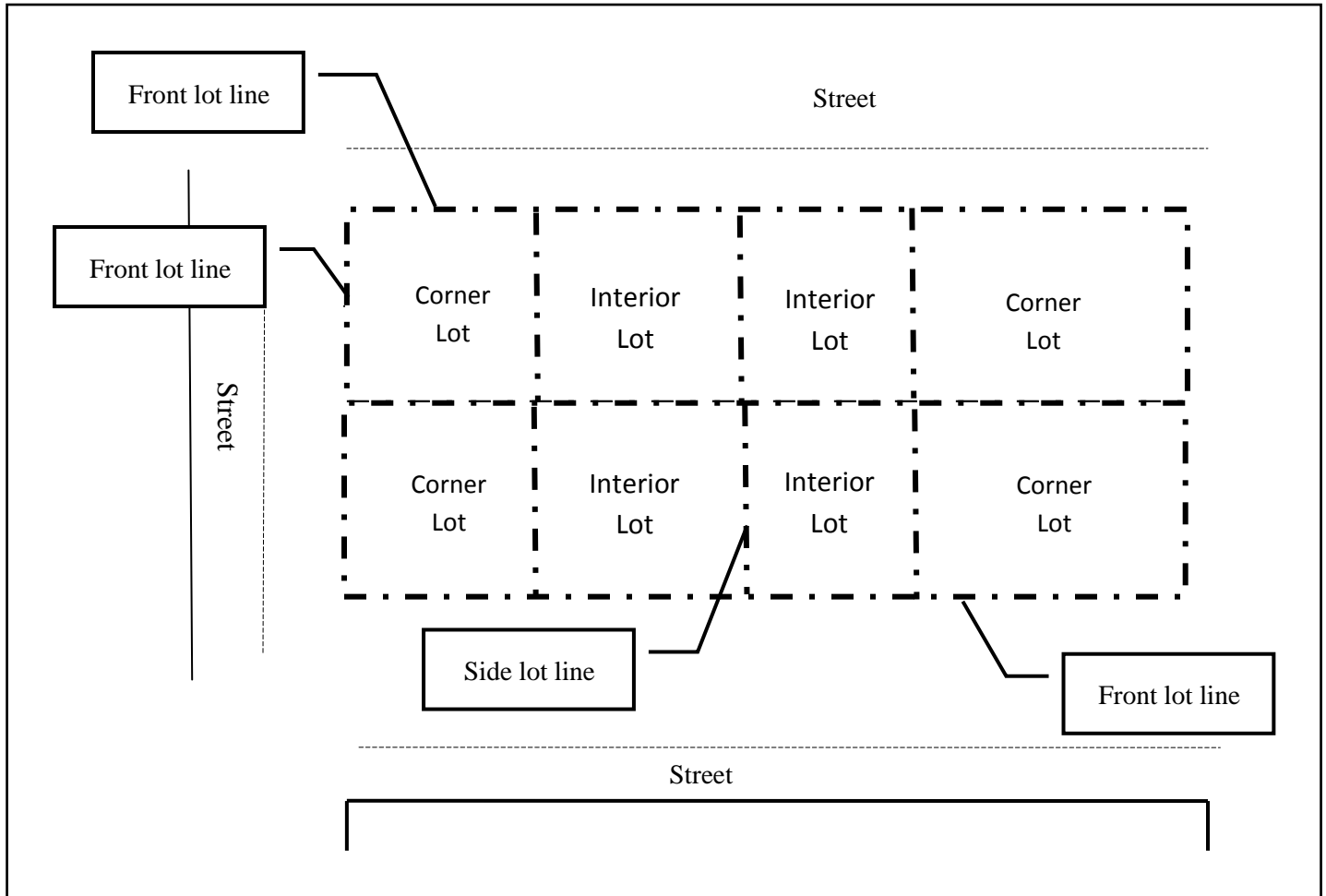
**LOT.** An area of land in single ownership with definite boundaries as shown in the record title of the property or by a plan recorded with the Registry of Deeds. See Figure 2-4.

**LOT, CORNER.** A LOT abutting two (2) or more STREETS at their intersection, or upon two parts of the same STREET forming an interior angle of less than one hundred thirty-five degrees.



LOT, INTERIOR A LOT that abuts only one (1) STREET. An INTERIOR LOT has one (1) FRONT LOT LINE and FRONT YARD, and at least two (2) SIDE LOT LINES and SIDE YARDS. See Figure 2-4.

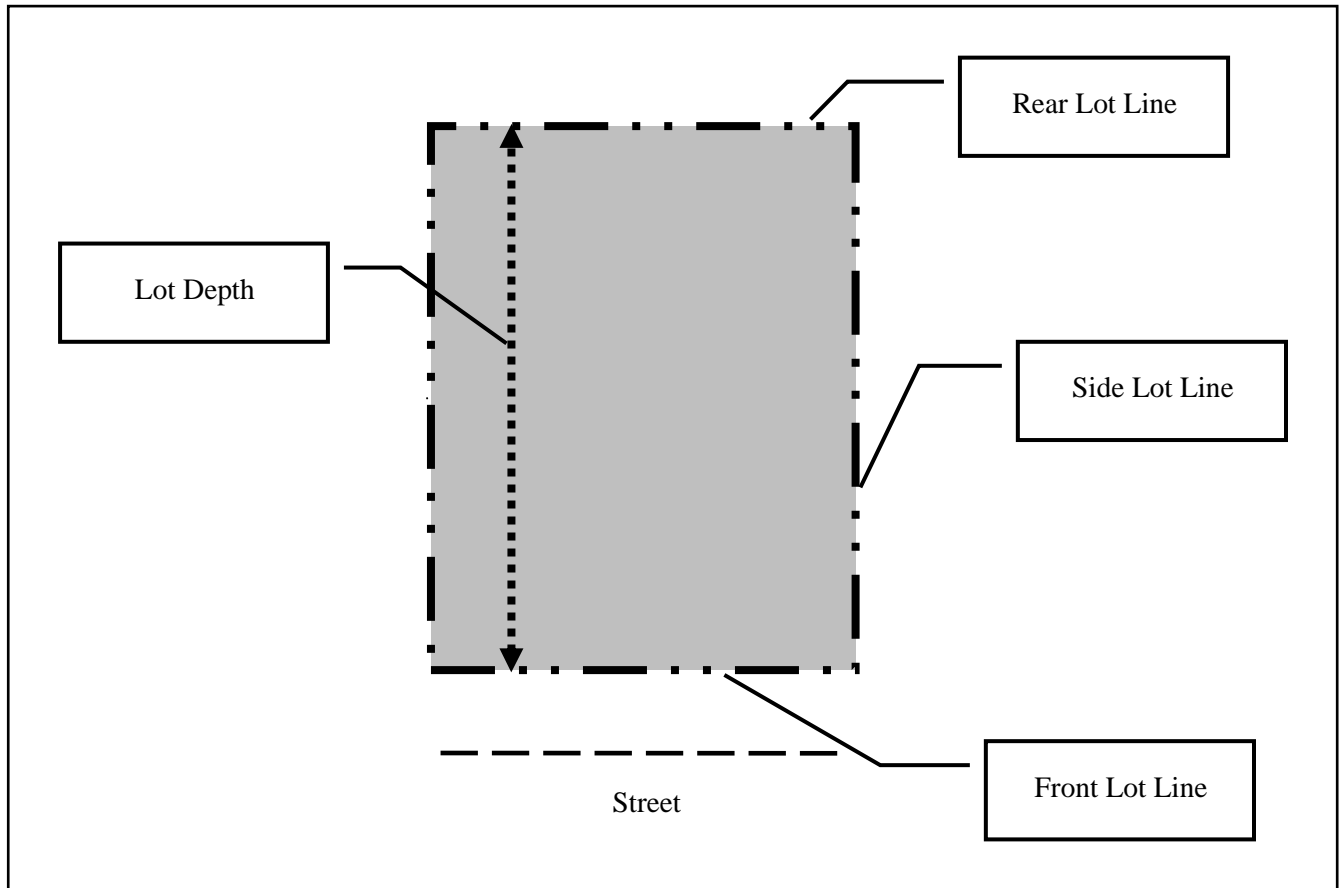
**Figure 2-4 Lots**



**LOT AREA.** The total horizontal area of the LOT lying within the LOT LINES, and not including any portion of a STREET.

**LOT DEPTH.** The length of a straight line drawn from the midpoint of the FRONT LOT LINE to the midpoint of the REAR LOT LINE, as shown in Figure 2-5.

**Figure 2-5 Interior Lot with Lot Lines**



**LOT LINE.** A line separating one LOT from another LOT or from a STREET. See Figure 2-5.

**LOT LINE, FRONT .** A line separating a LOT from a STREET. A CORNER LOT has two FRONT LOT LINES. Also known as STREET LOT LINE. See Figure 2-5

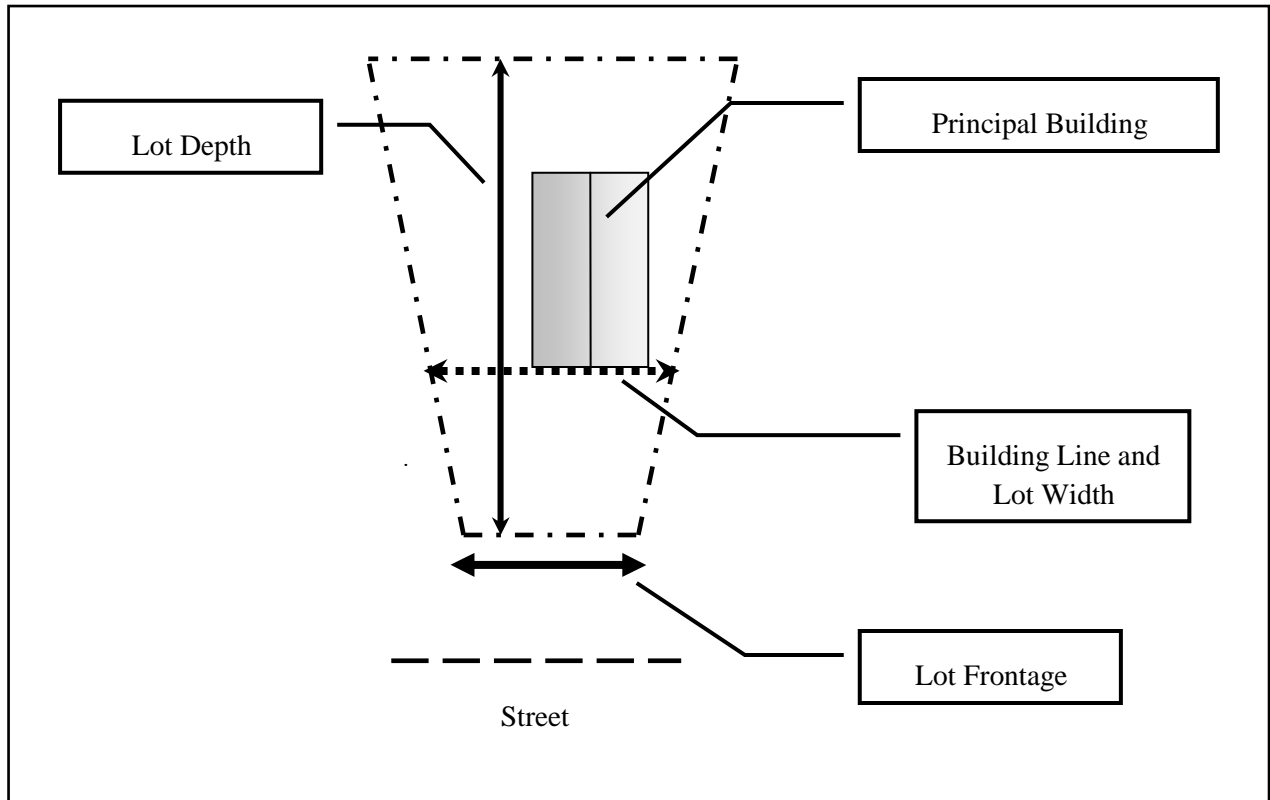
**LOT LINE, INTERIOR .** A LOT LINE not abutting a STREET. See Figure 2-4.

**LOT LINE, REAR .** The LOT LINE which is opposite and most distant from the FRONT LOT LINE, on an INTERIOR LOT. In the case of an irregular or triangular-shaped LOT, the REAR LOT LINE shall be a line ten (10) feet in length within the LOT parallel to and at the maximum distance from the FRONT LOT LINE. In the case of a corner lot, the REAR LOT LINE must be an interior lot line. See Figure 2-5.

**LOT LINE, SIDE.** Any LOT LINE not a FRONT LOT LINE or REAR LOT LINE. See Figure 2-5

**LOT WIDTH.** The horizontal distance between the **SIDE LOT LINES** at the **BUILDING LINE** of the **PRINCIPAL BUILDING** on an **INTERIOR LOT**, measured at right angles to the line comprising the depth of the **LOT**, as shown in Figure 2-6.

**Figure 2-6 Lot Width Measurement**



# M

**M.G.L.** The General Laws of the Commonwealth of Massachusetts

**MARKET GARDEN** A home based occupation where food or ornamental crops are grown by hand in a garden setting to be sold and/or donated to the general public.

**MESSAGE PARLOR** See Section 6.3.30 Adult Entertainment Definitions.

**MARINA, COMMERCIAL FERRY SERVICE.** Waterfront establishments such as a dock or basin where slips, moorings and often supplies, repairs and other accessory services are available related to water craft.

**MEDICAL MARIJUANA.**

**REGISTERED MARIJUANA DISPENSARY (RMD).** A use operated by a not-for-profit entity registered and approved by the Massachusetts Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products.

The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.

**OFF-SITE MEDICAL MARIJUANA DISPENSARY (OMMD).** A Registered Marijuana Dispensary that is located off-site from the cultivation/processing facility (and controlled and operated by the same registered and approved not-for-profit entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered qualifying patients or their personal caregivers in accordance with the provisions of 105CMR 725.00.

**MEDICAL OFFICE or CLINIC.** A BUILDING used for professional offices for medical, surgical, dental, physical, rehabilitation, mental health, and other health care providers, related support services, pharmacies, and laboratories, and usual and customary accessory facilities thereto. A MEDICAL OFFICE or CLINIC shall not include provisions for overnight patient care.

**MEMBRANE-COVERED FRAME STRUCTURE.** A STRUCTURE consisting of a rigid framework that supports a fabric covering such as cloth, canvas, plastic, etc.

**MIXED-USE BUILDING.** A BUILDING which includes more than one USE category. A MIXED-USE BUILDING can include a mix of residential and non-residential USES or a mixture of non-residential USES such as RETAIL SALES and OFFICE USES.

**MOBILE HOME.** A STRUCTURE transportable in one or more sections, which is eight (8) body feet or more in width and is thirty two (2) body feet or more in length, and which is built on a permanent chassis, and designed to be used as a DWELLING with permanent foundation, when connected to the required facilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

**MOBILE HOME PARK.** Any LOT or PARCEL upon which three (3) or more MOBILE HOMES occupied for DWELLING purposes are located, including any BUILDING, STRUCTURES, fixtures and equipment used in connection with MOBILE HOMES (G.L.C. 140, s. 32F).

**MONUMENT SIGN.** SEE SECTION 9.1 SIGN DEFINITIONS.

**MOTEL.** A BUILDING, or portion of a BUILDING with access to one or more guest rooms provided by exterior or partially-enclosed walkways, designed to be rented out as temporary or overnight accommodations for guests.

**MOTOR VEHICLE, DISPATCH.** A facility that coordinates MOTOR VEHICLES to pick up passengers, or traveling on fixed routes, such as Refuse Collection Trucks.

**MOTOR VEHICLE SALES.**

**SALES OF VEHICLES, DEALERSHIP.** Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, motorcycles or other similar motorized vehicle. A VEHICLE DEALERSHIP may maintain an inventory of the vehicles for sale or lease on-site and may also provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

**SALES OF USED OR NEW VEHICLES.** The USE of land for the display or sale of used automobiles, panel trucks, vans trailers or recreational vehicles.

**SALES OF MOTOR VEHICLE PARTS, RETAIL.** See RETAIL SALES.

**MOTOR VEHICLE RENTALS.** A BUILDING or portion thereof used for the rental of automobiles including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies.

**MOTOR VEHICLE SERVICES.**

**GAS STATION, NO MOTOR VEHICLE REPAIR.** Any Building or premises used to supply motor fuels (including but not limited to alternative fuels such as natural gas or hydrogen). RETAIL SALES, SALES and CAR WASH uses are allowed as ACCESSORY USES. MOTOR VEHICLE REPAIR AND MAINTENANCE facilities are considered a separate use.

**CAR WASH.** Mechanical facilities for washing or waxing private automobiles, light trucks and vans including auto detailing services. CAR WASH is also allowed as an ACCESSORY USE to Gas Stations.

**MOTOR VEHICLE REPAIR AND MAINTENANCE, LIGHT.** Services to include lubrication service, washing-buffing, engine tune ups, installation and service of electronic equipment including but not limited to radios, burglar alarms, remote starters, mobile phones, but may not include transmission overhaul, major engine repairs, tire recapping or retreading, auto body repair or brake or muffler shops.

**MOTOR VEHICLE REPAIR AND MAINTENANCE, HEAVY.** Services to include transmission overhaul, major engine repairs, tire recapping or retreading, brake or muffler shops.

**MOTOR VEHICLE PAINTING OR BODY WORK.** The repair or straightening of a Motor Vehicle body or frame and painting of Motor Vehicles or Motor Vehicle parts. Maintenance, service and engine repair may be performed as an ancillary function of the body work.

**MOTOR VEHICLE, TEMPORARY STORAGE.** The unenclosed storage of operable vehicles on a LOT for a continuous period of time more than seventy two (72) hours but less than thirty (30) days, excluding MOTOR VEHICLE dealerships and residential parking lots. MOTOR VEHICLES may not be moved for a brief time so that they are in effect remaining on the LOT for longer than thirty (30) days.

MOTOR VEHICLE, TEMPORARY CAR STORAGE LOT. TEMPORARY MOTOR VEHICLE STORAGE limited to passenger vehicles or light trucks less than 10,000 GVWR.

MOTOR VEHICLE, TEMPORARY TRUCK STORAGE LOT. TEMPORARY MOTOR VEHICLE STORAGE (not limited to passenger vehicles and light trucks), including storage of trucks, truck bodies, or other vehicles.

MOVABLE SIGN. SEE SECTION 9.1 SIGN DEFINITIONS.

MUNICIPAL USE. A BUILDING or facility owned and used by the City.



N

NEON SIGN. SEE SECTION 9.1 SIGN DEFINITIONS.

NON-ACCESSORY SIGN. SEE SECTION 9.1 SIGN DEFINITIONS.

NONCONFORMING BUILDING OR NONCONFORMING USE. A BUILDING or a USE of land or of BUILDINGS existing at the effective date of this Ordinance, or any amendments thereto which does not conform with the requirements of this Ordinance, or any amendments thereto.

NURSING HOME. A facility, licensed by the State, for the aged or infirm in which three or more persons not of the immediate family are kept or provided with food, shelter and care for compensation.

# O

**OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT.** The Office of Planning & Economic Development Department for the City. The term Office of Planning and Economic Development is not put in SMALL CAPS format due to its common appearance in this Ordinance.

**OFFICE USES, NON-MEDICAL.** A BUILDING or portion thereof that is administrative, executive or research based.

**OPEN SPACE.** The space on a LOT not occupied by BUILDINGS, STRUCTURES, driveways, OFF-STREET PARKING or LOADING SPACES, or other areas for vehicular circulation or storage.

**OVERLAY DISTRICT.** A ZONING DISTRICT shown on the ZONING MAP that applies special rules to manage land use in specific areas that overlap different ZONING DISTRICTS. OVERLAY DISTRICTS are designed to deal with special characteristics of each area. The rules for OVERLAY DISTRICTS apply in addition to the regulations contained in other articles of this Ordinance. Where there is a conflict between the regulations of an OVERLAY DISTRICT and those of the underlying district, the overlay district regulations control.

# P

**PACKAGING, WAREHOUSING AND DISTRIBUTION.** Facilities used commercially for indoor storage, which may include automated delivery systems, loading docks and heavy trucking activity.

**PARK.** A municipally owned area that is used principally for active or passive recreation, which may include equipment and facilities for active recreation and play such as playfields, play STRUCTURES, swings, slides, public assembly and ACCESSORY USES such as restrooms. A PARK may also accommodate related municipal uses such as educational facilities and facilities for storage and maintenance of equipment used in the PARK. See also PLACE OF OUTDOOR AMUSEMENT for non-municipal facilities.



PARKING GARAGE. A BUILDING or STRUCTURE for the storage of more than three (3) MOTOR VEHICLES or more than one RECREATIONAL VEHICLE.

#### PARKING, OFF-STREET

PARKING, SHARED. The provision that two (2) or more uses which are within close proximity may share parking facilities to fulfill their individual parking requirements because their prime operational hours do not overlap, or other such evidence that the shared USE can be accommodated.

PARKING STRUCTURE. A roofed structure or portion thereof composed of one or more levels or floors used exclusively for the parking or short term storage of MOTOR VEHICLES.

SURFACE PARKING LOT. An off-street paved parking area for MOTOR VEHICLES with no BUILDING or STRUCTURE other than small ACCESSORY BUILDINGS such as parking attendant booths.

PERSONAL SERVICES. A facility providing personal services such as hair salon, barber shop, or nail salon.

#### PLACE OF AMUSEMENT

PLACE OF AMUSEMENT, INDOOR. Establishments that provide recreation fully enclosed within a Building. Examples include, bowling alley, indoor play space, arcade, establishment with more than two (2) pool tables, and establishments with more than five (5) video machines.

PLACE OF AMUSEMENT, OUTDOOR. Any outdoor space, other than a PARK, that is maintained or operated for the amusement, patronage, or recreation of the public for a fee or free of charge including, but not limited to, miniature golf course, golf driving range, batting cage, archery range.

PLACE OF WORSHIP. See RELIGIOUS USE.

PLANNING BOARD. The Planning Board of the City. The term Planning Board is not put in SMALL CAPS format due to its common appearance in this Ordinance.

**PLANNING BOARD RULES AND REGULATIONS.** The procedural regulations adopted by the Planning Board in accordance with M.G.L Chapter 40.

**PLAYGROUND.** A recreation area with play apparatus for use primarily by children. See also, **PARK**

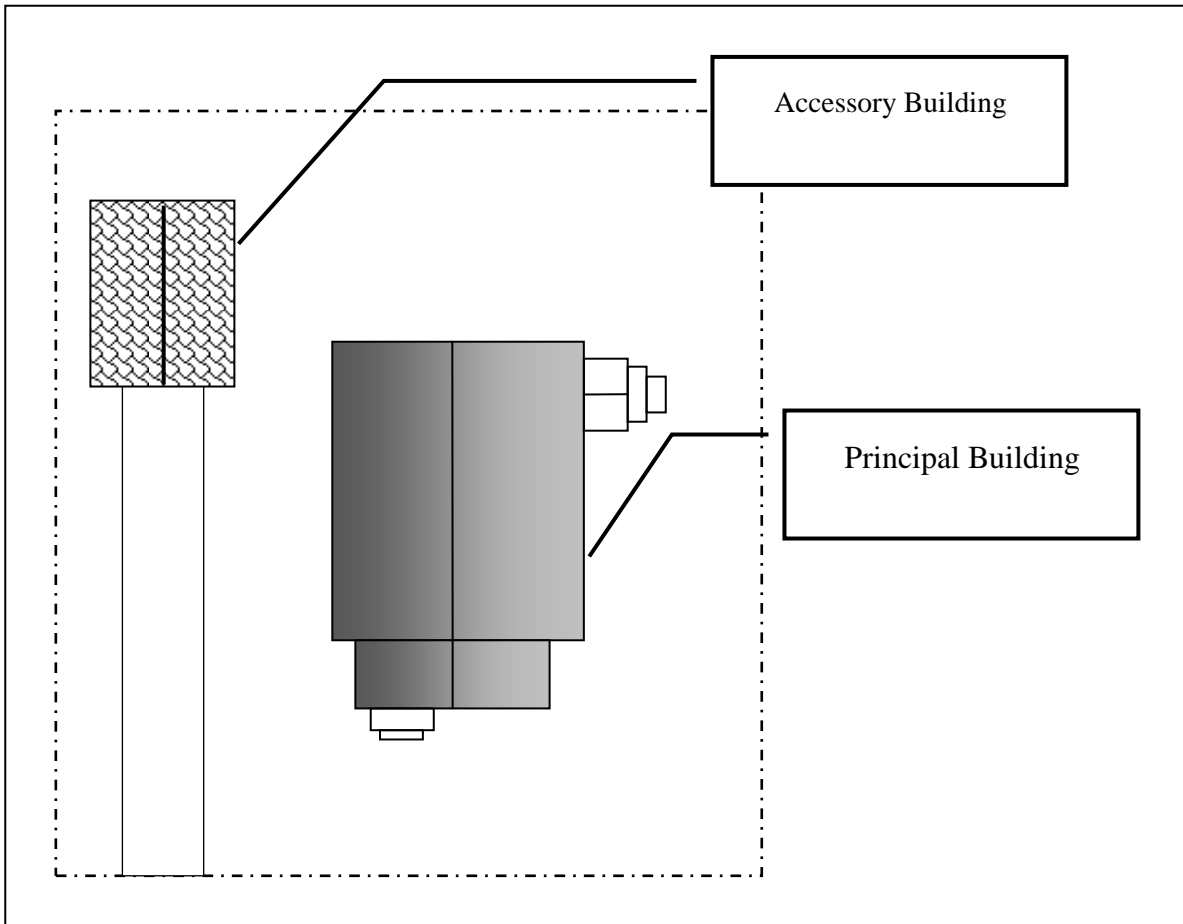
**POLE SIGN.** See Section 9.1 Sign Definitions.

**PORCH.** A platform, attached and with direct access to a **BUILDING**, that has a roof or roof-like **STRUCTURE** but does not have walls except where it is attached to the **BUILDING**. A **PORCH** may be screened or glazed, but is not heated or cooled.

**PORTABLE SIGN.** See Section 9.1 Sign Definitions.

**PRINCIPAL BUILDING.** The **BUILDING** or **BUILDINGS** containing the primary **USE** on a **LOT**. The connection of a **PRINCIPAL BUILDING** to an **ACCESSORY BUILDING** by means of an unenclosed and unheated **STRUCTURE** such as a breezeway, walkway or **DECK**, shall not make the **ACCESSORY BUILDING** into part of the **PRINCIPAL BUILDING**. Figure 2-7 illustrates an example of the relationship of a **PRINCIPAL BUILDING** to an **ACCESSORY BUILDING**.

**Figure 2-7 Principal Building**



**PRINCIPAL USE.** The primary or predominant USE of a BUILDING or LOT.

**PRIVATE ROAD** A STREET that has not been accepted for public maintenance.

**PROJECTING SIGN.** SEE SECTION 9.1 SIGN DEFINITIONS.

# Q, R

**RECYCLING CENTER.** A BUILDING or LOT used for the collection and/or processing of used materials whereby the resultant product is to be re-used in the same or different form or manner. This term shall include bottle redemption facilities, except when such facility is an ACCESSORY USE to the retail sales of beverages. This shall not include the storage or salvage of MOTOR VEHICLES.

**RECREATIONAL VEHICLE.** A vehicular-type portable STRUCTURE without permanent foundation that can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational and camping purposes. RECREATIONAL VEHICLE includes boats that can be towed by passenger vehicles.

**REFUSE.** Unwanted or discarded material including waste material generated by commercial, industrial or residential USES.

**RELIGIOUS USE.** The USE of land or BUILDINGS primarily for spiritual worship, whether or not of a recognized religious denomination, together with reasonably related ACCESSORY USES, including but not limited to recreation, art and music, religious education, drug rehabilitation, and similar uses where such ACCESSORY USES are in fulfillment of the religious mission of the institution. Religious uses include, without limitation, churches, synagogues, mosques, temples, monasteries, and religious retreat centers, and the parsonages and residential facilities that are used to house clergy and practitioners of the religious institution. The use of portions of a religious BUILDING or site for other incidental charitable purposes, such as community meetings, educational programs, social gatherings, occasional book or rummage sales, or the provision of social services does not affect the status of the USE as “religious.”

**RESEARCH AND DEVELOPMENT LABORATORY.**

**RESEARCH AND DEVELOPMENT, BIOTECHNOLOGY.** An establishment that employs applied molecular biology to develop and test new products such as medicines and drugs. This includes the use of microorganisms, such as bacteria or yeasts, or biological substances, such as enzymes, to perform specific industrial or manufacturing processes. Applications include the production of certain drugs, synthetic hormones, and bulk foodstuffs as

well as the bioconversion of organic waste and the use of genetically altered bacteria in the cleanup of oil spills.

**RESEARCH AND DEVELOPMENT, OTHER.** An establishment that conducts research, testing, development, repair or controlled production of high-technology, medical supplies or instruments, electronic, industrial or scientific products or commodities.

**RESIDENTIAL RENEWABLE ENERGY FACILITY.** A structure, which may be free-standing or mounted on another structure, which is used for generating electricity, heating water, or otherwise converting sunlight or wind into energy for heating, cooling, or other forms of usable energy for consumption primarily on the premises, including facilities that generate electricity for on-site use and feed excess electricity into the utility grid under a net metering arrangement with an electric utility company.

**RESTAURANT.** An establishment where food and drink are prepared, served, and consumed, mostly within the **PRINCIPAL BUILDING**.

**RETAIL SALES AND SERVICES.** An establishment which sells new or used merchandise directly to consumers, and which may also provide after-sale services such as repair and installation. **RETAIL SALES** includes pharmacy sales and dispensing of prescriptions through a drive-through window, if a drive-through window is permitted in the district. **RETAIL SALES** does not include sales of new or used automobiles, trucks, recreational vehicles, boats or trailers nor **ADULT RETAILER** sales, which are regulated in Section 6.5.

**REUSE.** Initiation of a **USE** in a building that has been **ABANDONED** (i.e. not used for a period of two (2) or more years).

**ROOF SIGN.** SEE SECTION 9.1 SIGN DEFINITIONS.

## S

**SEXUAL ENCOUNTER CENTER.** See Section 6.3.30 Adult Entertainment Definitions

SHOPPING CENTER. Any group of four (4) or more commercial establishments, developed and owned as a unit and/or sharing common pedestrian and parking areas, or any group of three (3) or more commercial establishments, developed and owned as a unit with a FLOOR AREA of twenty-five thousand (25,000) square feet or more and sharing common pedestrian and parking areas.

SIGHT TRIANGLE. That part of a LOT enclosed by a straight line connecting points on the edge of the traveled way of two STREETS, such points being twenty-five (25) feet distant from the point of intersection of the edge of the traveled ways of said STREETS or extensions thereof. See also Section 5.2 and Figure 5-2.

SIGN. See Section 9.1 Sign Definitions.

SINGLE AND SEPARATE OWNERSHIP. The ownership of a LOT by one (1) or more persons such that the owner of a specific LOT does not have a sufficient ownership interest in an adjacent LOT to control the USE and disposition of that LOT. Where one (1) or more owners can control the USE and disposition of adjacent LOTS, such LOTS shall be deemed to be in “common ownership”.

SOLID WASTE. See REFUSE.

SPECIFIED ANATOMICAL AREAS. See Section 6.3.30 Adult Entertainment Definitions

SPECIFIED SEXUAL ACTIVITIES. See Section 6.3.30 Adult Entertainment Definitions

SPECIAL PERMIT GRANTING AUTHORITY. The City Council, Planning Board, or Board of Appeals designated for the issuance of Special Permits.

STATE. The term State in this Ordinance shall mean the commonwealth of Massachusetts.

STORAGE.

SELF SERVICE STORAGE. A BUILDING or group of BUILDINGS divided into separate storage compartments to meet temporary storage requirements of business or personal property.

**OUTDOOR STORAGE.** The keeping of personal or business property outside a **BUILDING** for a period of time exceeding seventy two (72) hours.

**OUTDOOR SALES AND STORAGE.** The display, distribution, sale and storage of products or services primarily outside a **STRUCTURE**, including but not limited to garden supplies, bicycles, lawn accessories, **BUILDING** and landscape materials, and burial monuments. For sales of **MOTOR VEHICLES**, see **MOTOR VEHICLE SALES** . **HAZARDOUS MATERIALS** are not allowed in an **OUTDOOR SALES AND STORAGE** area.

**OUTDOOR STORAGE, BULK.** Goods for sale, storage, distribution or display that have a large size, mass, or volume and are not easily moved or carried, including railroad ties, fertilizer, or soil.

**STORY.** The part of a **BUILDING** or **STRUCTURE** between any floor and the floor or roof next above.

**STREET.** (a) A public way or a way which the City Clerk certifies is maintained and used as a public way; or (b) a way shown on a plan approved and endorsed in accordance with the subdivision control law; or (c) a way in existence when the subdivision control law became effective in the city, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed **USE** of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the **BUILDINGS** erected or to be erected thereon.

**STREET LEVEL.** Any story of a **BUILDING** in which the floor is less than six feet above or below the finished grade at any **STREET** entrance of the **BUILDING**. Under this definition a **BUILDING** may have more than one **STREET LEVEL**.

**STREET LOT LINE.** See **LOT LINE, FRONT**.

**STRUCTURE.** A combination of materials assembled at a fixed location to give support or shelter, including a **BUILDING**, framework, retaining wall, platform, **FENCE**, **SIGN**, flagpole, **TOWER**, **ANTENNA**, satellite dishes, **DECKS** and **PORCHES**.

SWIMMING POOL. Either (a) a below-ground pool; artificial pool of water located below surrounding grade, and having a depth of a least thirty-six (36) inches, as measured from the lowest point in the pool a vertical distance to the ground level; or (b) an above-ground pool; artificial pool of water located above surface grade with a diameter of fifteen (15) feet or greater at the outside dimensions, and a capacity to hold water to a depth of thirty-six (36) inches or more.

## T

TAVERN. An establishment selling alcoholic beverages, with or without food, to be served to and drunk by patrons in plain view of other patrons.

TELECOMMUNICATIONS, ALTERNATIVE TOWER STRUCTURE. See Section 6.2.20.

TELECOMMUNICATIONS, ANCILLARY FACILITIES. See Section 6.2.20.

TELECOMMUNICATIONS ANTENNA. See Section 6.2.20.

TELECOMMUNICATIONS BUFFER AREA. See Section 6.2.20.

TELECOMMUNICATIONS CARRIER. See Section 6.2.20.

TELECOMMUNICATIONS CO-LOCATION. See Section 6.2.20.

TELECOMMUNICATION FACILITY. See Section 6.2.20.

TELECOMMUNICATIONS , FUNCTIONALLY EQUIVALENT SERVICES. See Section 6.2.20.

TELECOMMUNICATIONS, GUYED TOWER. See Section 6.2.20.



TELECOMMUNICATIONS, LATTICE TOWER. See Section 6.2.20.

TELECOMMUNICATIONS, MONOPOLE. See Section 6.2.20.

TELECOMMUNICATIONS, MOUNT. See Section 6.2.20.

BUILDING MOUNT. See Section 6.2.20.

GROUND MOUNT. See Section 6.2.20.

STRUCTURE -MOUNT. See Section 6.2.20.

TELECOMMUNICATIONS, PERSONAL WIRELESS SERVICE FACILITY. See Section 6.2.20.

TELECOMMUNICATIONS, PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS. See Section 6.2.20.

TELECOMMUNICATIONS, RADIO FREQUENCY (RF) ENGINEER. See Section 6.2.20.

TELECOMMUNICATIONS, RADIO FREQUENCY RADIATION (RFR). See Section 6.2.20.

TELECOMMUNICATIONS, STEALTH DESIGN. See Section 6.2.20.

TELECOMMUNICATIONS OR TRANSMISSION TOWER or TOWER. See Section 6.2.20.

TELECOMMUNICATIONS, TOWER HEIGHT. See Section 6.2.20.

TEMPORARY DWELLING. A replacement DWELLING that is occupied for up to one (1) year following destruction of an existing DWELLING due to destruction of an existing DWELLING, for example from fire or flooding. See Section 4.4.90.

TEMPORARY SIGNS OR BANNERS. See Section 9.1 Sign Definitions.

**TIERED REVIEW.** The system of reviews in which USES are grouped into categories of review based on their size, intensity or impact.

**TRASH.** See REFUSE.

**TRAVEL TRAILER.** A portable vehicle on a chassis, not exceeding thirty six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary DWELLING during travel, recreational, and vacation uses, and which may be identified as a travel trailer by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

**TRASH HAULING SERVICES FACILITY.** Storage of trash hauling vehicles and associated equipment for an establishment which coordinates the pickup of refuse or trash from residential and commercial facilities, but not the storage or transfer of refuse or trash at the facility.

**TRUCK, LIGHT.** A truck of 10,000 pounds gross vehicle weight rating or less, including a pickup, van, truck-based station wagon or sport utility vehicle.

**TRUCK STOP.** A fuel dispensing and repair service facility designed to accommodate primarily the trucking industry. ACCESSORY USES common to a TRUCK STOP may include a RESTAURANT, shower facilities, lodging facilities, and short-term parking areas.

## U

**UNDERTAKING ESTABLISHMENT.** A facility in which dead bodies are prepared for burial or cremation and where funeral services may be conducted.

**UNIVERSITY.** See COLLEGE.

**USABLE OPEN SPACE.** OPEN SPACE that is located and configured to provide active or passive recreational or relaxation opportunities. USABLE OPEN SPACE does not include the area of required YARDS, and may include, but are not limited to, parks, play areas, improved playing fields, publicly accessible natural or wildlife viewing areas, gardens, maintained and landscaped

lawn with trees and seating areas, natural or landscaped walking paths and running trails; public and private pedestrian spaces, and other similar environments.

USE. The purpose for which the BUILDING or LOT may be designed, arranged, intended, maintained operated, or occupied; or any activity, business or operation carried on or intended to be carried on in a BUILDING, STRUCTURE or on a LOT.

UTILITIES. Facilities related to the provision, distribution, collection and transmission or disposal of water, storm and sanitary sewage, oil, gas, electric power, telecommunication, and cable.

UTILITIES, PUBLIC. UTILITIES that are subject to City acceptance for operation and maintenance. For purposes of this Ordinance PUBLIC UTILITIES include: water lines, sanitary and storm sewer lines and pump stations, their appurtenances and any component parts thereof.

UTILITIES, PRIVATE. UTILITIES that are not subject to acceptance by the City. For purposes of this Ordinance, private utilities include: natural gas lines, electric power lines and substations, telephone, cable and fiber-optic lines and the PRIVATE UTILITY'S operation, maintenance, repair and replacement thereof.

## V

VACANT. Unoccupied land, STRUCTURE, BUILDING or part thereof.

VETERINARY CLINIC. A facility concerned with the medical diagnosis, treatment and care of DOMESTIC ANIMALS, primarily on an outpatient basis, and where the boarding of animals under treatment is incidental to the principal clinic use. A VETERINARY CLINIC shall have no outdoor dog runs or play areas, and no boarding of animals except for indoor boarding directly related to medical treatment.

# W

WALL SIGN. SEE SECTION 9.1 SIGN DEFINITIONS.

WAREHOUSE. An establishment with storage, wholesale and distribution of manufactured products, supplies and equipment.

WHOLESALE SALES. A place of business primarily engaged in selling or distributing merchandise to retailers; to industrial, commercial or professional business users or to other wholesalers. Such facility may include WAREHOUSING, STORAGE, and DISTRIBUTION services.

WINDOW SIGN. SEE SECTION 9.1 SIGN DEFINITIONS.

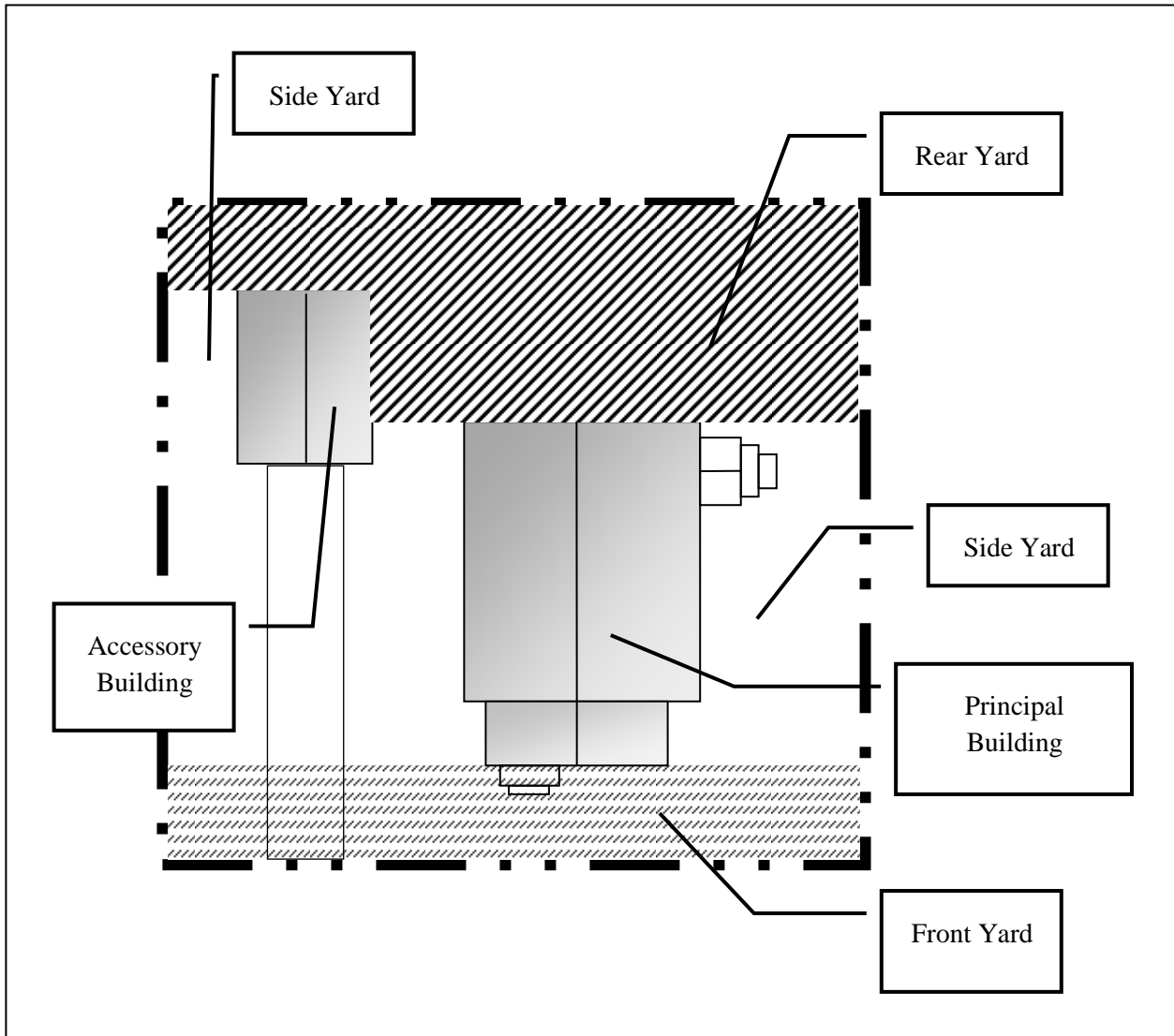
WIRELESS COMMUNICATION. See Section 6.2.20.

WIRELESS COMMUNICATIONS FACILITY. See Section 6.2.20.

# X, Y

YARD. The OPEN SPACE between a BUILDING and the nearest LOT LINE, unoccupied and unobstructed by any portion of a STRUCTURE from the ground upward, except as otherwise provided herein as shown in See Figure 2-8. In measuring a YARD, the shortest horizontal distance between the BUILDING and the LOT LINE shall be used. All YARDS shall be exclusive of stairs, overhanging eaves, gutters, cornices of less than three (3) feet deep on PRINCIPAL BUILDINGS and eaves, gutters, and cornices less than twelve (12) inches deep on ACCESSORY BUILDINGS, and steps.

Figure 2-8 Yards



**FRONT YARD.** A YARD extending across the full width of a LOT between the FRONT LOT LINE and nearest point of any BUILDING. (See Figure 2-8.) In the case of a corner lot, the front yard shall be determined by the side of the building which contains the main door.

**REAR YARD.** A YARD extending across the full width of the LOT between the REAR LOT LINE and nearest point of any BUILDING. (See Figure 2-8.) In the case of a triangular lot, the rear yard shall be the open space between the rear wall of the building and a line half-way between it and the point of intersection of the side lines of the lots. In no case shall the rear yard be located between the house and the street.

**REQUIRED YARD.** The minimum YARD depth as required in this Ordinance as contrasted to the actual YARD resulting from a specific location of a BUILDING. For example, a BUILDING may be required to be located a minimum of ten (10) feet from the FRONT LOT LINE but the BUILDING may actually be placed fifteen (15) feet from the FRONT LOT LINE. In this case the REQUIRED FRONT YARD is ten (10) feet; while the actual FRONT YARD is fifteen (15) feet. Certain restrictions may apply to REQUIRED YARDS that do not apply to the actual YARD.

**SIDE YARD.** A YARD extending from the FRONT YARD to the REAR YARD along each side of a LOT. (See Figure 2-8.)

## Z

**ZONING DISTRICT.** Specifically delineated area within the City as shown on the ZONING MAP where certain regulations and requirements govern the use, placement, spacing, and size of land and BUILDINGS.

**ZONING MAP.** A map of the City delineating each ZONING DISTRICTS that is a part of this Ordinance incorporated by reference in Article 3, Section 3.3, which may be amended in accordance with Article 13. Due to its size the ZONING MAP is incapable of being included within this volume. The ZONING MAP may be obtained from the Office of Planning and Economic Development.