

ARTICLE

7

DEFINITIONS

Chapter 7.1 • GENERALLY

Section 7.101 RULES OF CONSTRUCTION

The following rules of construction apply to the text of this Ordinance.

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive and discretionary.
- D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
- G. The word “person” includes an individual, a corporation, a partnership, a public utility, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, or a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either . . . Or”, the conjunction shall be interpreted as follows:
 - 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 - 3. “Either . . . Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.

Section 7.102 GENERAL DEFINITIONS

For the purpose of this Ordinance, the terms and words herein are defined as follows:

ADJACENT. Lots are adjacent when at least one boundary line of one lot touches a boundary line or lines of another lot. Exception: when the only touching boundary lines are located within a road easement or right-of-way.

ALLEY. A public or legally established private thoroughfare, other than a street, which affords a secondary means of vehicular access to abutting property.

ALTERATIONS. Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as “altered” or “reconstructed.”

ANIMAL (LARGE). A large animal shall mean a horse, cow, sheep, goat, pig, ostrich, or similar size fowl, including chickens and other poultry, or other similar creatures which are also associated with traditional farming or animal husbandry purposes.

ANIMAL (SMALL). A small animal shall mean a dog, cat, bird, reptile, mammal, fish or other nonhuman creature that can be kept in a relatively small or confined space and normally treated as a pet.

BLOCK. The property abutting one side of a street and lying between the two nearest intersecting streets; or between one intersecting street and a railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development.

BUILDABLE AREA. The buildable area of a lot is the space remaining after compliance with the minimum required setbacks of this Ordinance.

BUILDING. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

BUILDING HEIGHT. The vertical distance measured from the bottom of the floor joists or floor slab of the first story to the highest point of the roof for flat roofs; and to the deck line of mansard roofs; and to the average height between eaves and ridges for gable, hip, and gambrel roofs. Where buildings have multiple or conflicting roof styles, the most restrictive method of measurement applies.

COURT. A yard, other than a required open space, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

DISTRICT. This term is synonymous with the term "zone" or "zone district" is a portion of the Village of Three Oaks within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

ERECT. Build, construct, attach, hang, place, suspend, affix, move upon, or any physical operations on the premises required for the building. Excavation, fill, drainage, and the like, shall be considered a part of erection.

FAÇADE. That portion of any exposed exterior elevation of a building extending from grade to top of the parapet, wall or eaves and the entire width of the exposed building elevation.

FAMILY. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children of the principal occupants, with not more than two additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition does not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

FLOOR AREA.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building, which is what this normally is referred to as, includes the basement floor area when more than one-half (½) of the basement height is above the established curb level or finished lot grade, whichever is higher. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

Usable Floor Area. That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms, sanitary facilities, or service hallways or corridors. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

JUNK. "Junk" in addition to including garbage and rubbish shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which renders them incapable of performing the function for which they were intended.

LOT. A lot of record or a parcel of land including, in addition to the land required to meet the regulations of this ordinance, all of the land area shown in a request for a zoning compliance permit, used or intended to be used as the site for a principal and accessory building or use.

LOT AREA. The total horizontal area within the lot lines of a lot. For lots fronting or adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the centerline of such private street.

LOT, CORNER. A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot for the purposes of this ordinance if the arc is a radius of less than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended form an interior angle of less than 135 degrees.

LOT COVERAGE. The part or percent of the lot occupied by buildings or structure, including accessory building or structures.

LOT DEPTH. The mean horizontal distance measured from the front street right-of-way line to the rear lot line.

LOT, DOUBLE FRONTAGE. Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of such lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

LOT, INTERIOR. Any lot other than a corner lot.

LOT LINE. Any line dividing one lot from another lot, or from a street right-of-way or from any public place:

Front Lot Line. In the case of an interior lot, the line separating such lot from the street. In the case of a corner or through lot, the line separating such lot from that street which is designated as the front street in the request for zoning compliance permit.

Rear Lot Line. The lot boundary opposite the most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to the farthest from the front lot line, not less than ten feet long and wholly within the lot.

Side Lot Line. A side lot line is any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a side street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Side Street Lot Line. In the case of a corner lot, the side street lot line is the line separating such lot from the street which is not designated as the front street in the plat or in the application for a building permit or zoning occupancy permit.

Lot, of Record. A parcel of land, which is set forth as a separate parcel on any plat on record with the county register of deeds or any parcel which has been separated therefrom in accordance with the provisions of the Plat Act, and which exists as described.

Lot, Through. A double-frontage lot having a street for both front and rear lot lines.

LOT WIDTH. The length of a straight line drawn between the points where the front required setback intersects the side lot lines.

MASTER PLAN. A comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Village and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

NONCONFORMITIES.

Nonconforming Structure. A structure or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto that does not conform to ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.

Nonconforming Use of Land. A use that lawfully occupied a parcel or contiguous parcels of land or structure and land in combination at the effective date of this ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located, or does not have special approval where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.

Nonconforming Lot of Record. A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to ordinance provisions for the district in which it is located.

Nonconforming Site. A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current zoning ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.

Illegal Structure. A structure or portion thereof, which is not a conforming or a nonconforming structure, or is not in compliance with all applicable federal, state, county and Village laws, ordinances, regulations and codes.

Illegal Use of Land. A use that occupies one or more contiguous parcels of land, or structures and land in combination, which is not a conforming or a nonconforming use, or is not in compliance with all applicable federal, state, county and Village laws, ordinances, regulations and codes.

Cessation. To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this ordinance, would prevent the use from being resumed.

OCCUPIED. Including the word "occupancy" shall mean in fact used at the time in question.

OFF-STREET LOADING SPACE. An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

PARKING LOT. A land area for the parking of automobiles consisting of more than three parking spaces. Off-street parking required in relation to one-family dwelling residential use is not include in this definition.

PARKING SPACE. An area of land adequate to carry out the regulations of Article 4, Chapter 2.

PLANNING COMMISSION. The Planning Commission of the Village as designated in accordance with Public Act No. 33 of 2008.

PORCH, ENCLOSED. A covered entrance to a building or structure which is totally enclosed, which projects out from the main wall of such building or structure and which has a separate roof or an integral roof with the principal building or structure to which it is attached.

PORCH, OPEN. A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, which projects out from the main wall of such building or structure and which has a separate roof or an integral roof with the principal building or structure to which it is attached.

PUBLIC UTILITY. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations, to the public, electricity, gas, steam, communication, telegraph, transportation, water, or sewer.

SETBACK, REQUIRED. The distance required to obtain the front, side or rear open space or buffer strip stipulated in this Ordinance.

SITE PLAN. A plan to scale, showing uses and structures proposed for parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, building, major landscape features-both natural and manmade; and, depending on requirements, the locations of proposed utility lines.

SPECIAL LAND USE PERMIT. A use specified in this Ordinance as permissible in a specific use district only after special conditions are met.

STORY. That part of a building, other than a mezzanine, included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. Specifically:

Top Story Attic. A half story when the main line of the eaves is not above the middle of the interior height of said story.

First Story. The highest story having its interior floor surface not more than four feet above the curb level, or the average elevation of the finished grade along the front of the building were it set back from the street.

Basement. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. A basement is considered a story if over fifty percent (50%) of its height is above the level from which the height of the building is measured.

Half-story. that part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half ($\frac{1}{2}$) of the floor area of such full story, provided the area contains at least two hundred (200) square feet, with a clear height of at least seven (7) feet six (6) inches.

STREET. A dedicated and accepted public street, or a permanent unobstructed private easement of access with a roadway suitable for vehicular travel at least ten feet wide which affords the principal means of vehicular access to abutting property; such private easement having a right-of-way of 60 feet or more, excepting where an easement of access of lesser width exists prior to the adoption of this Ordinance.

STRUCTURE. Any constructed or erected materials or combination of materials the use of which requires location on or connection to the ground; including, but not limited to buildings, stadia, radio towers, sheds, storage bins, fences and signs.

USE, ACCESSORY. A subordinate use which is customarily incidental to the principal use on the same lot.

USE. The purpose for which land or premises or a building thereon is designed, erected, arranged, or intended, or for which it is occupied or maintained, let or leased.

YARD. An open space other than a courtyard located on the same lot as a main building or use, unoccupied or unobstructed from the ground upward, except as otherwise provided herein. In measuring to determine the width of a yard, the minimum horizontal distance between the lot line and the main building shall be used.

Front yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line, a proposed right-of-way as indicated on the master thoroughfare plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building.

Rear yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or zoning district line, whichever is closer to the building, except for changes in the zoning districts involving only residential zoning districts, a proposed right-of-way as indicated on the master thoroughfare plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building.

Side yard. An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line or zoning district line, whichever is closer to the building, except for changes in the zoning districts involving only residential zoning districts, a proposed right-of-way as indicated on the master thoroughfare plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building.

Side street yard. The area extending between the front yard and the rear yard situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side street lot line.

Required yard. A yard, as defined herein, that occupies the area of a required setback

Non-required Yard. A yard, as defined herein, that occupies the area between a required setback line and a principal building.

ZONING BOARD OF APPEALS. The Zoning Board of Appeals of the Village of Three Oaks.

Section 7.103 USE DEFINITIONS

For the purpose of this Ordinance, the use terms and words herein are defined as follows:

ACCESSORY BUILDING OR STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground, and that is intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot or parcel as the principal use to which it is exclusively related.

AUTOMOBILE SERVICE (COMMERCIAL). A place of business serving auto-related needs including, but not limited to: gas station, car wash, or mechanic offering routine service, minor repairs or customization. Minor repairs generally include any repair or service that does not require removal of the engine head, transmission, or differential. Major mechanical work; body repair work; painting; welding; storage of vehicles not in operating condition; commercial parking lots or garages; or any work involving undue noise, glare, fumes or smoke are automobile service (industrial) uses and are not considered automotive commercial establishments. Vehicle sales or auto parts sales that occur entirely within an enclosed building

are considered retail sales (indoor). Vehicle sales or any sales activity that occurs outdoors are considered retail sales (unrestricted outdoor).

BAR, TAVERN, OR ALCOHOL SERVICE ESTABLISHMENT. A place of business selling alcoholic beverages for consumption on the premises, and where the sale of food may be incidental to the sale of such beverages. This includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale of alcoholic beverages for consumption on the premises as the principal use (such uses are listed in Section 537 (mcl 436.1537) of the Michigan Liquor Control Act, PA 58 of 1998, as amended). Manufacturers of alcoholic beverages that are not listed in Section 537 of PA 58 of 1998 (as amended) shall be considered a manufacturing and processing use for the purposes of compliance with this Ordinance.

BED AND BREAKFAST. A group of 10 or fewer lodging units located in a one family dwelling unit that may provide services for dining, meeting, or recreation.

CHILD CARE CENTER OR DAY CARE CENTER. A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents are not immediately available to the child, as defined in Public Act 116 of 1973.

DRIVE-THROUGH FACILITY. A business establishment so developed that its retail or service character includes a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons and food carryout.

EDUCATIONAL FACILITY.

College or University. A facility for post-secondary education that grants associate, bachelor, master, or doctoral degrees and that may include research functions or professional schools.

Primary or Secondary. A facility offering instruction at the pre-school to high school level.

Vocational. A facility offering instruction or training in trades or occupations such as secretarial, paralegal, business, beauty, barber, bartender, acupuncture, massage, design, or other similar vocations. This classification excludes training and education in any activity that is not otherwise permitted in the zoning district.

FINANCIAL INSTITUTION. A business that offers financial services.

GREENHOUSE / NURSERY. A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment. As defined in this section, a greenhouse or nursery is a principal use when the greenhouse or nursery includes retail sales on the site, or when the total area of greenhouses or buildings involved in the nursery use have lot coverage of greater than 10%.

HOME OCCUPATION. An occupation or profession customarily carried on by the occupant of a dwelling unit at the dwelling as a secondary use that is clearly subservient to the use of the dwelling for residential purposes.

HOTEL. A group of more than 25 lodging units that may provide services for dining, meeting, or recreation.

KEEPING OF HOUSEHOLD ANIMALS OR PETS. The keeping of ordinary household animals or pets within the dwelling or accessory building.

KENNELS. The breeding or raising of three or more dogs, cats, or other household pets of three months age or older 1) not owned by the owner or occupant of the premises or 2) for commercial gain.

MANUFACTURING, FABRICATION AND PROCESSING (LIGHT). The finishing or processing of materials from premade or pre-structured materials or components, and where the operations create little or no noise,

odor, vibration, glare, and air/water pollution. The operating characteristics of these uses create little or no impact on surrounding properties.

This type of use includes, but is not limited to the following uses or products: Textile Product Mills; Apparel Manufacturing; Computer and Electronic Product Manufacturing; Miscellaneous Manufacturing.

MANUFACTURING, FABRICATION AND PROCESSING (HEAVY). A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products. These uses do not produce or use in large quantities as an integral part of the manufacturing process toxic, hazardous, or explosive materials. Because of the nature of its operations and products, little or no noise, odor, vibration, glare and/or air/water pollution is produced, and therefore, these uses have minimal impact on surrounding properties.

This definition includes, but is not limited to the following uses or products: Food Manufacturing (except Other Oilseed Processing, Fats and Oils Refining and Blending, Sugarcane Mills, Cane Sugar Refining, Beet Sugar Manufacturing, Animal (except poultry) Slaughtering, Rendering and Meat Byproduct Processing, Poultry Processing, Seafood Canning, Fresh and Frozen Seafood Processing, and Spice and Extract Manufacturing); Soft Drink Manufacturing; Bottled Water Manufacturing; Textile Mills; Leather and Allied Product Manufacturing; Wood Product Manufacturing (except Wood Preservation); Paper Manufacturing (except Pulp Mills, Paper (except newsprint) Mills, Newsprint Mills, and Paperboard Mills); Printing and Related Support Activities; Plastics and Rubber Products Manufacturing (except Tire Manufacturing); Fabricated Metal Product Manufacturing (except Iron and Steel Forging and Nonferrous Forging); Machinery Manufacturing; Electrical Equipment, Appliance, and Component Manufacturing; Transportation Equipment Manufacturing; Furniture and Related Product Manufacturing; and Publishing Industries.

MINI-WAREHOUSE. A building or group of buildings containing separate storage spaces used for the storage of personal property.

MIXED USE BUILDING. A building containing a mixture of residential and non-residential uses.

MEDICAL CLINIC. A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours. Medical clinics include immediate care or urgent care facilities, where emergency treatment is the dominant form of care provided at the facility.

MULTIPLE FAMILY APARTMENT BUILDING. A building used exclusively for residential purposes containing five or more residential dwelling units. A multiple-family structure where units are available for lease or rent for periods of less than one month shall be considered a lodging use.

RECYCLING CENTER. A facility at which recoverable resources such as newspapers, magazines, glass, metal, cans, plastic materials, tires, grass and leaves, and similar items (except mixed, unsorted municipal or medical waste) are collected, stored, flattened, crushed, banded, or separated by grade or type; compacted banded, or packaged for shipment to others for the manufacture of new products.

RESEARCH FACILITY. A facility for research and development of technical, medical, biological, or other similar fields or products that does not involve the use of animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or the sale of products.

OFFICE. A room or group of rooms used for conducting a business profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, finance companies, real estate companies, insurance companies, financial planners, or corporate offices. Offices exclude manufacturing activities, but may include research and development activities.

OUTDOOR DINING (SIDEWALK OR PATIO). Areas located outdoors in the open air or under canopies that are open to the elements where food or drinks are served to patrons. Outdoor dining may occur on a public sidewalk, or on a patio, deck, rooftop, or other similar location located on private property.

OUTDOOR STORAGE OR OUTDOOR YARD. A use involving primarily the keeping of personal or business property or motor vehicles outside of a building, or a use where the use is characterized primarily by its outdoor component. Examples of such uses include, but are not limited to contractor's supply yards, lumber yards, recreational vehicle storage yards, and commercial vehicle storage.

PARK OR RECREATION FACILITY. An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment. Parks or recreation facilities may be privately owned, so long as they are not operated as a for-profit enterprise

PERSONAL SERVICE ESTABLISHMENT. An establishment or place of business primarily engaged in the provision of maintenance of items worn or carried by persons. Such services are usually but not always recurrent in nature. Examples of personal service uses include, but are not limited to, beauty and barber shops, shoe repair shops, health spas, therapeutic massage, tailor shops, and the like.

PET BOARDING FACILITY. A business for the temporary boarding and care of common household pets. Boarding generally occurs during daytime hours, but may include overnight boarding. Pet boarding facilities may provide related services such as retail sales, grooming, or training, but no animals may be bred or sold at a pet boarding facility.

PLACE OF ASSEMBLY. A commercial facility for public assembly including, but not limited to arenas, auditoriums, conference facilities, banquet facilities, convention centers, exhibition halls, and theatres and performing arts centers.

PRIVATE CLUB, FRATERNAL ORGANIZATION, OR LODGE HALL. A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests.

PUBLIC PARKING LOT/STRUCTURE. A publicly owned, or privately owned for-profit parking facility available to the general public for parking motor vehicles, including both parking lots and parking structures.

RELIGIOUS INSTITUTION. A facility used for regular organized religious worship and related activities, including living quarters for church ministry or other members of the religious order who carry out their duties primarily on the site, religious education classes, and limited recreation facilities.

REGULATED USE. A use which because of its very nature, is recognized as having serious or objectionable operational characteristics, particularly when several of them are concentrated within close proximity to each other. Concentrations of such uses often create deleterious effects upon adjacent areas or uses, particularly single family residential neighborhoods. Regulated uses include:

Pawn Shops. A person, corporation, or member, or members of a co-partnership or firm, who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

Second Hand Stores. A commercial enterprise specializing in the sale of used and second hand items and in receiving donations of items from customers. Such enterprises may include, but are not limited to, used bookstores, consignment shops, thrift stores, and surplus stores.

Sexually Oriented Businesses. A business characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" of "Specified Anatomical Areas" (as defined below), for observation by patrons therein. "Specified Sexual Activities", for the purposes of this Section are defined as follows:

- i. Human male genitals in a state of sexual stimulation or arousal;
- ii. Acts of human masturbation, sexual intercourse or sodomy;
- iii. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

“Specified Anatomical Areas” are defined as follows:

- i. Less than opaquely covered; (i) human genitals, pubic region, (ii) buttock and (iii) female breast below a point immediately above the top of the areola:
- ii. Human male genitals in discernible turgid state, even if completely and opaquely covered.

RESTAURANT. A place of business dedicated to the preparation and sale of food and beverage for immediate consumption on or off site.

RETAIL SALES. Any generally recognized retail business that supplies commodities on the premises to the general public where all sales and display of goods shall occur entirely indoors. Commodities supplied may include groceries and similar food products for consumption off the premises.

External off-site impacts for retail sales establishments are in the majority of cases directly and proportionately related to the size of the retail establishment. These impacts include traffic and parking generation, truck deliveries, and building scale in relation to surrounding development. There are three categories of indoor retail sales establishment, distinguished by the size of the ground floor area:

- i. Retail Sales (small). Up to 10,000 square feet of gross first floor sales area on the site or within the development.
- ii. Retail Sales (medium). Between 10,001 and 50,000 square feet of gross first floor sales area on the site or within the development.
- iii. Retail Sales (large). Greater than 50,000 square feet of first floor sales area on the site or within the development.

SALVAGE YARDS/RESOURCE RECOVERY FACILITIES/JUNK YARDS. A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled. Examples of such uses include but are not limited to automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used equipment in operable condition or used or salvageable materials as part of manufacturing operations.

SERVICE AND REPAIR (INDUSTRIAL). Establishments primarily engaged in providing services to commercial and business establishments. Operations may include large-scale facilities, and including but not limited to building maintenance services, laundry or dry cleaning plants, equipment rental and leasing, refrigeration service and repair, welding repair, armature rewinding shops, and the like.

SINGLE FAMILY DWELLING UNIT. A building designed exclusively for residential occupancy by not more than one household.

SUSTAINABLE ENERGY GENERATION.

- i. **Small Wind Energy System.** A wind energy conversion system consisting of a wind turbine, tower or axis, blades or blade system, and associated control or conversion electronics primarily intended to reduce on-site consumption of utility power.
- ii. **Solar Energy System.** A cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, including any energy storage devices.

TEMPORARY AND SPECIAL EVENT. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent structure. Such uses include, but are not limited to fairs, outdoor dances, temporary displays, circuses, and other similar activities including the provision of food and beverages for consumption on premises (provided such food operations and facilities meet Health Department standards).

TOWNHOUSE (3+ UNITS). A building containing three or more dwelling units where each dwelling unit is divided by a party wall extending the full height of the building with no visible separation between walls or roof, and where dwelling units have a horizontal separation but not a vertical separation. Each townhouse dwelling is capable of individual use and maintenance without trespassing on adjoining dwellings and

access, and utilities and service facilities are independent for each dwelling. Each dwelling unit has a first floor entrance into the unit directly from the exterior of the building.

TWO FAMILY DWELLING UNIT. A building designed exclusively for residential occupancy by two dwelling units with the character of a single family structure, and with separate kitchen, sleeping, and sanitary facilities for each household.

WIRELESS TELECOMMUNICATION FACILITIES. Wireless telecommunication support facilities and antennas.

WHOLESALE STORAGE/DISTRIBUTION (NONTOXIC, NONHAZARDOUS). Establishments primarily engaged in selling durable and nondurable goods to retailers; industrial, commercial, institutional, farm, building trade contractors, or professional business uses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots. Operations with more than 25 percent of sales to retail customers are considered a retail use, and shall be located in an appropriate zone.

WORKSHOP/SHOWROOM. Offices and showrooms for plumbers, electricians, decorators, contractors, or similar uses such as the repair or servicing of goods or products other than motor vehicles where goods or services associated with the service use are displayed, offered, or serviced. Goods offered for sale may be produced on the site.

UTILITY (MINOR). The erection, construction, alteration or maintenance by public utilities or municipal departments which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety or welfare., and that include underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, buildings with a footprint of less than 990 square feet, and similar equipment in connection therewith, but not including outdoor storage yards or substations.

UTILITY (MAJOR). The erection, construction, alteration or maintenance by public utilities or municipal departments of any utility facility that includes utility buildings with a footprint greater than 990 square feet, substations, and storage yards.