

## **Article 16 Definitions**

### **Section 16-1      General Terms**

- (A) The present tense include the future tense, and the future tense shall include the present tense.
- (B) The singular number includes the plural number and the plural number includes the singular number.
- (C) The word “may” is permissive, the work “shall” is mandatory.
- (D) The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as in individual.
- (E) Words “used” or “occupied” include the words “intended, designed, or arranged, to be used or occupied.”

### **Section 16-2      Definitions**

**Accessory Use.** A use that is secondary to a principal use.

**Accessory Structure.** A minor building that is located on the same lot as a principal building or structure and that is used incidentally to a principal building or structure.

**Administrator.** Land-use administrator appointed by the elected board to implement the zoning ordinance.

**Bed and Breakfast Dwellings.** An owner-occupied or manager-occupied residential structure providing rooms for overnight lodging or lodging and meals.

**Building.** A structure designed to be used as a place of occupancy, storage or shelter.

**Building, Accessory.** A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

**Building, Principal.** The primary building on a lot or a building that houses a principal use.

**Buffers.** Typically represent horizontal distances between uses which provide functional separation.

**Conditional-Use Permit.** A permit issued by the Town Board that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

**Day Care Center (adult or child).** Any adult/child care arrangement that provides day care on a regular basis for more than four hours per day for more than 5 adults/children of preschool age.

**Dwelling Unit.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

**Family.** One or more persons living together as a single housekeeping unit.

**Flee Market.** A business operation which normally operates on weekends in a permanent structure or out-of-doors. Unlike a yard sale it usually operates throughout the year.

**Governing Body.** Creswell Town Board of Commissioners.

**Home Occupation.** A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

**Intensive Livestock Operation.** Any enclosure, pen, feedlot, building or group of buildings intended to be used or actually used to feed, confine, maintain or stable cattle, horses, sheep, turkeys, chickens or swine where their dietary needs are met primarily by means other than grazing, or any combination thereof with at any time sufficient numbers of animals on site to equal or exceed the following threshold levels.

100 head of cattle  
75 horses  
250 swine  
1,000 sheep or goats  
30,000 birds (with a liquid waste system)

**Lot Area.** The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be

determined, a line running parallel to and 30 feet from the center of the traveled portion of the street, and (ii) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

**Lot Coverage.** That portion of a lot occupied by a structure, either at ground level or equivalent thereto when a structure is elevated on pilings.

**Lot Depth.** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**Lot Frontage.** That portion of a lot abutting a street.

**Lot, Corner.** A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meeting at an interior angle of less than 135 degrees.

**Lot Interior.** A lot other than a corner lot with only one frontage on a street.

**Lot, Through.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred as double frontage lots.

**Lot of Record.** A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

**Lot Width.** The distance between the side lot lines as measured at the rear of the required front yard, except for lots on the running circle of cul-de-sacs which shall be at least 80 percent of the required lot width and maintain an average lot width between the front and rear property lines of at least the minimum lot width for the zoning district in which the lots are located.

**Manufactured Home.** A dwelling unit that: (i) is not constructed in accordance with the standards set forth in the state building code applicable to site-built homes, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds 40 feet in length and eight feet in width.

**Manufactured Home, Class A.** A double-wide manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by

the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the appearance criteria in Article

**Manufactured Home, Class B.** A single-family manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and meets the appearance criteria in Article

**Manufactured Home, Class C.** Any manufactured home that was constructed prior to July 1, 1976 and does not meet the appearance criteria of a Class A or Class B Manufactured home.

**Modular Home.** A dwelling unit constructed in accordance with the standards set forth in the state building code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a Manufactured home except that the modular home meets the [state building code applicable to site-built homes], or a series of panels or room sections transported on a truck and erected or joined together on the site.

**Nonconforming Lot.** A lot existing at the effective date of this ordinance (and not created for the purposes of evading the restrictions of this ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

**Nonconforming Project.** Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

**Nonconforming Use.** A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

**Parking Space.** A portion of the vehicle accommodation area set aside for the parking of one vehicle.

**Parking Space, Handicap.** Parking spaces designed and assigned to handicap drivers or passengers.

**Person.** An individual,, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

**Planning Jurisdiction.** The area which the community is authorized to plan for and regulate development, as set forth in Article I, Section 1-4

**Residence, Single-Family Detached, One Dwelling Unit Per Lot.** A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

**Screens.** screens are vertical objects providing visual separation.

**Shopping Centers.** A type of planned business development involving two or more businesses clustered in a unified project constructed on a tract of land under single ownership, planned and developed as an integral unit

**Sign.** Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phases, sentences, emblems, devices, designs, trade name or trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, attached or otherwise applied to stakes, posts, trees, or other structures or supports. Murals approved by the Town Board of Commissioners shall be exempt from this definition of a sign.

**Sign, Freestanding.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign," is also a freestanding sign.

**Sign, Nonconforming.** A sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in the sign regulations of the Creswell Zoning Ordinance.

**Sign, Off-Premises.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

**Sign, Permit.** A permit issued by the land-use administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

**Sign, Temporary.** A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

**Special Events.** Circuses, fairs, carnivals, festivals, or other types of special events that (i) run for longer than one day but not longer than two weeks, (ii) are intended or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**Town Board.** Creswell Town Board of Commissioners

**Use.** The activity or function that actually takes place or is intended to take place on a lot.

**Uses-by-right.** A use-by-right designed in Article 4 by the letter "X", because of its nature and impact, is automatically allowed within a designated use district.

**Variance.** A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.

**Vested rights.** The right to undertake and complete the development and use of real property which, when completed, will be in conflict with the provisions of this ordinance at its effective date, or any amendments.

**Yard.** An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except where encroachments and accessory buildings are expressly permitted.

**Yard, Front.** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street or highway right-of-way line and the front line of the building, projected to the side line of the lot. On all corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

**Yard, Rear.** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the front yard.

**Yard, Side.** An open, unoccupied space on the same lot with the principal building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the lot and extending from the rear line of the front yard to the front line of the rear yard. On all corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

**Zoning Permit.** A permit issued by the land-use administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.