

Section 2-1 Definitions

Accessory Structure or Use: A subordinate structure or use customarily incidental to and located on the same lot as the principal use.

Acre: A measure of 43,560 square feet.

Alley: A public or private roadway which provides a secondary means of access to abutting property and is not intended for general traffic circulation.

Apartment: See “Dwelling Unit.”

As-Built Plans: Construction/engineering plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements which includes, but is not limited to, all structures, parking facilities, detention/retention areas, curbs, gutters, sidewalks.

Bed & Breakfast Guest Unit: One or more rooms intended for overnight occupancy by persons other than those who permanently reside at the premises.

Bed & Breakfast Homestay: An owner-occupied residence which has a maximum of three (3) guest units within a single-family dwelling, the owners of which serve breakfast to guests.

Bed & Breakfast Inn: An owner-occupied residence which has a maximum of five (5) guest units within a single-family dwelling, the owners of which serve breakfast to guests.

Bed & Breakfast Country Inn: A residence or building which has six (6) or more guest units which exhibits a character of use consistent with a motel or hotel and which may have a restaurant open to the general public as well as the guests.

Boutique: Designating a small exclusive producer or business providing consumable products.
(Created by Ordinance #358 on 3/11/14; Effective 4/11/14)

Buffer: Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light or other nuisance.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

Building Principal: A building in which is conducted the primary or predominant use of the lot on which it is located.

Building Coverage: The ratio of the horizontal area measured from the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

Building Frontage: The maximum width of a building measured in a straight line parallel with the abutting street.

Building Height: The vertical distance from the main level of the side yards immediately contiguous to the side of the building or structure to the top of the highest roof beams of a flat or shed roof, the deck on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs. Provided that the measurement shall be made from not more than 3 feet below nor more than 6 feet above the mean curb level, or in absence of curb level from the mean street level along the center line of improved road-way.

Building Line: A line parallel to the street touching a building at it's closes point to the street.

Bulk Standards: Controls which establish the maximum size of buildings and structures on a lot or parcel and the build able area within which the structure may be places including lot coverage, height, floor area ratio, setbacks and yard area.

Caliper: The diameter of a tree measure 4 feet above finished grade.

Capital Improvement: When pertaining to government, an acquisition of real property, major construction projects or acquisition of expensive equipment expected to last a long time.

Capital Improvement Program: A timetable or schedule of all future capital improvements to be carried out during a specific period and listed in order of priority, together with cost estimates and the anticipated means of financing each project.

Carport: A roofed structure providing space for the parking of motor vehicles and full open on not less than two sides.

Cellar: That part of a building having less than one-half it's floor to ceiling height above the average finished grade of the adjoining ground.

Clinic: An establishment where patients are admitted, for examination and treatment on an out-patient basis by one, or more, physicians, dentists or other medical personnel where patients are not lodged overnight.

Club: Buildings and facilities operated by a corporation, association, or persons for social, educational or recreational purposes characterized by certain membership qualifications, payment of dues and fees, regular meeting and organized by a constitution and bylaws rendering a service not customarily carried on as a business.

Cluster Development: A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space or preservation of sensitive land areas.

Compatibility: The design, arrangement and location of buildings and structures or other created or natural elements of the urban environment which are sufficiently consistent in scale, character, sitting, coloring or materials with other buildings or elements in the area, so as to avoid abrupt or severe differences.

Conditional Use: A use permitted in a particular zoning district, after a public hearing, and upon a showing that such use, in a specified location will be compatible with surrounding uses provided all required conditions of approval are met.

Consolidation, Lot: The removal of lot lines between contiguous parcels.

Consumable Products: Perishable products made, produced and/or assembled for consumption. (Created by Ordinance #358 on 3/11/14; Effective 4/11/14)

Court: Open space unobstructed from the ground to the sky which is bound on two or more sides by the walls of a building, or buildings, on the same lot.

Cut: A portion of land surface from which earth has been removed or will be removed by excavation; the depth below the original ground surface.

Day Care Center: An establishment providing for the care, supervision, and protection of its clients.

Commercial Day Care Center: A building or structure within which the care, maintenance and supervision of clients is provided for more than 12 persons for less than 24 hours per day.

Family Day Care Home: A home in which more than three but fewer than seven clients receive care, maintenance and supervision by other than their relative or guardian for less than 24 hours per day within a dwelling unit.

Group Day Care Home: A home in which at least seven but not more than twelve clients receive care, maintenance and supervision by other than their relative or guardian for less than 24 hours per day within a dwelling unit.

Density: The number of dwelling units per acre of land, measured in gross area..

Detention Pond: A pond or pool used for the temporary storage of water runoff and which provides for the controlled release of such waters.

Density Transfer: The trading of all or part of the permitted density on a parcel to another parcel or other locations on the same parcel.

District: Any area or areas of the town of Clarkdale, whether contiguous or not, wherein the same zoning or development standards apply.

Duplex: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from the ground to the roof.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

Dwelling, Attached: A single-family dwelling attached in groups of two or more single-family dwellings by common vertical walls.

Dwelling, Detached: A single-family dwelling that is not attached to any other dwelling by any means.

Dwelling, Four-Plex: A building containing four dwelling units.

Dwelling, Multi-Family: A building containing five or more dwelling units.

Dwelling, Single-Family: A building containing one single-family dwelling unit.

Dwelling, Tri-Plex: A building containing three dwelling units.

Dwelling Unit: One or more rooms designed or occupied as separate living quarters for the exclusive use of a single family maintaining a household.

Easement: A legal interest in land, granted by the owner to another person, which allows that person (s) the use of all or a portion of the owners land, generally for a stated purpose including, but not limited to, access or placement of utilities.

Factory-Built Building: A dwelling unit (or a non-residential structure which includes a dwelling unit or habitable area), other than a mobile home, manufactured home or recreational vehicle as defined herein, which is wholly or substantially manufactured at an off-site location to be assembled on-site and which has been constructed pursuant to standards for factory-built buildings as certified by a regulatory agency of the State of Arizona.

Family: Any number of persons living together as a single housekeeping unit under a common housekeeping management plan.

Family, Immediate: Husband, wife, child, stepchild, brother, sister, stepbrother, stepsister,

parent, stepparent, grandchild, grandparent, mother-in-law, father-in-law.

Fill: Sand, gravel, earth or other materials of any composition placed or deposited by humans.

Financial Assurances: Cash, letters of credit, bonds or other similar financial instruments deposited with the Town of Clarkdale to assure that required improvements will be constructed or installed in a timely manner.

Floor Area: The sum of the square footage of all of the floors of a structure or building.

Floor Area Ratio: The relationship of the floor area to the lot area computed by dividing the floor area by the lot area.

Garage: A building or parking structure used for the parking and storage of vehicles.

Garage, Private: An accessory structure used primarily for the parking and storage of vehicles operated by the customers, employees or visitors of a principal building and which is not available for use by the general public.

Garage, Private Residential: An accessory structure, or use, to a residential building used for the parking and storage of vehicles operated by the residents of the building and which is not available to the general public.

Garage, Public: A structure of building, other than a private garage or repair garage, used primarily for the parking and storage of vehicles which is available to the general public.

Garage, Repair: Any building or structure in which a business, service or industry involving the maintenance, repair, servicing or painting of vehicles is conducted or rendered.

Grade: 1) The average of the finished ground level at the center of all walls of a building.
2) The percent of rise or descent of a sloping surface.

Grading: Any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Ground Cover: Grasses, other plant materials or inorganic materials grown or placed to keep soil from being blown or washed away.

Guest Quarters (Servant Quarters): One or more rooms designed, occupied or intended as a separate living area for the use of short term guests or immediate family members with sleeping, sanitary facilities and with, or without, separate cooking facilities. Said use shall be clearly secondary and accessory to the principal use, shall not exceed a maximum size of 700 square feet and may be attached to or detached from the principal structure.

Hardship: A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

Home Occupation: Any activity carried out for economic gain by a resident and conducted as a customary, incidental and secondary use to the principal residential use.

Hotel: A facility offering transient lodging accommodations to the general public in which access to individual rooms is provided through an inside lobby and which may offer additional services including, but not limited to, restaurants, meeting rooms, entertainment or recreational facilities.

Household: A family living together in a single dwelling unit with common access to and use of all living and eating areas within the dwelling unit.

Incentive Zoning: The granting by the approving authority of additional development capacity in exchange for a public benefit or amenity. A quid pro quo - more development for a benefit, the need for which may not necessarily be created by the development itself.

Infrastructure: Facilities and services needed to sustain development and land use activities including, but not limited to utility lines, streets, fire stations, parks schools and other public facilities.

Junk: Any scrap, waste, worn out, discarded material or debris collected or stored for destruction, disposal or some other use.

Junkyard: Any lot or parcel, building or structure, used in whole or in part for the storage, collection, processing or disposal of junk.

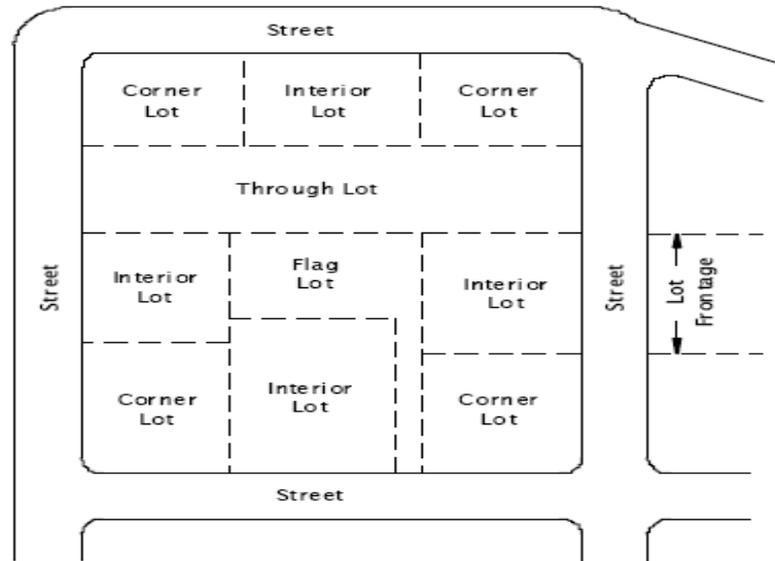
Kennel: A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.

Landscaping: An expanse of scenery including lawns, trees, plants and other organic or inorganic materials used to soften or mitigate the impacts of development.

Lighting, Fully shielded: Any outdoor light fixture shielded in such a manner that all light emitted by the fixture is projected below the horizontal as determined by a photometric test or certified by the manufacturer.

Lighting, Partially Shielded: Any light fixture shielded in such a manner that more than zero but less than 10 percent of the light emitted from the fixture is projected above the horizontal as determined by a photometric test or certified by the manufacturer.

Lot: A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, adequate for occupancy by a use herein permitted, meeting the minimum bulk requirements of the Zoning Code and having legal access.



Lot, Corner: A lot abutting upon two, or more, streets at their point of intersection.

Lot, Flag: A large lot not meeting minimum lot frontage requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots.

Lot, Reverse Corner: A corner lot having its side street line a continuation of the front lot line of the first lot to its rear.

Lot, Through: An interior lot having frontage on two streets.

Lot Area: The total square footage within the lot, excluding any public street rights-of-way.

Lot Coverage: That portion of a lot improved with covered structures.

Lot Depth: The average distance measured from the front to the rear lot line.

Lot Frontage: The length of the front lot line measured at the street right-of-way. On corner lots each side abutting a street is considered a frontage.

Lot Line: A line of record bounding a lot which divided on lot from another or from a public or private street right-of-way.

Lot Line, Front: The property line dividing a lot from a public or private street and from which the required front setback is measured.

Lot Line, Rear: The lot line(s) opposite and most distant from the front lot line. On triangular lots a line a minimum of ten feet in length located entirely within the lot, parallel with and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line not considered a front or rear lot line.

Lot Width: The average horizontal distance between the side lot lines measured parallel with the front lot line.

Manufactured Home: A residential structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974, as amended, excluding mobile homes and factory-built buildings and certified by a regulatory agency of the State of Arizona.

Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including, but not limited to, oils, plastics, resins, etc. (Created Ordinance #331 - Effective 04/08/11)

Medical Marijuana: All parts of marijuana as defined by A.R.S. § 36-2801(8), used pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency. (Created Ordinance #331 - Effective 04/08/11)

Medical Marijuana Caregiver Facility: A facility assisting with the use of medical marijuana and operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures. (Created Ordinance #331 - Effective 04/08/11)

Medical Marijuana Cultivation: The growing of medical marijuana plants, as authorized by the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures. (Created Ordinance #331 - Effective 04/08/11)

Medical Marijuana Processing Facility: A facility that: (i) engages in the growing of medical

ZONING CODE CHAPTER TWO

marijuana and/or incorporates medical marijuana into consumable or edible goods by the means of cooking, or blending; (ii) is operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures; and, (iii) is associated with a Medical Marijuana Dispensary. (Created Ordinance #331 - Effective 04/08/11)

Medical Marijuana Dispensary: A non-profit entity as defined in A.R.S. § 36-2801(11), and operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures. (Created Ordinance #331 - Effective 04/08/11)

Medical Marijuana Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § 36-2801.13 and is registered with the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency. (Created Ordinance #331 - Effective 04/08/11)

Mini-Warehouse, Mini-Storage: A facility providing small, enclosed bays of varying sizes for the storage of a customer's goods or wares without the provision of utilities (other than lighting) or the use or operation of the items stored. All units shall be completely separated from other units and shall have separate and independent outside entrances.

Mobil Home: A structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a single family dwelling unit when connected to on-site utilities, excluding recreational vehicles, manufactured homes and factory-built buildings.

Motel: An establishment providing sleeping accommodations with a majority of the rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Mural: Any picture, scene or diagram painted on any exterior wall or fence not interpreted by the Zoning Administrator to be advertising. Murals determined to be advertising shall be considered a sign and shall be included in the calculations of allowable sign area.

Neighborhood: An area of a community with characteristics which distinguish it from others including distinct ethnic or economic bases, housing types, schools or boundaries defined by distinct physical barriers such as railroads, arterial streets, rivers or major drainage channels.

Nonconforming Lot: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance which no longer conforms to the zoning

ZONING CODE CHAPTER TWO

standards because of said revision or amendment.

Nonconforming Sign: A sign lawfully existing at the time of adoption, revision or amendment of the zoning ordinance which no longer conforms to the zoning standards because of said revision or amendment.

Nonconforming Structure/Building: A structure or building, the size, dimensions or locations of which was lawfully existing at the time of adoption, revision or amendment of the zoning ordinance which no longer conforms to the zoning standards because of said revision or amendment.

Nonconforming Use: A use which was lawfully existing at the time of adoptions, revision or amendment of the Zoning ordinance which no longer conforms to the zoning standards because of said revision or amendment.

Office Park: A development which contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed and maintained on a coordinated basis.

Off-Site: Located outside the lot or parcel lines of the principal use.

Off-Site Improvement: Improvements required to be made off-site as a result of an application for development including, but not limited to, streets, water, drainage or sewer line improvements.

Off-Site Parking: Parking provided on a site other than the one on which the principal use is located.

Open Space: An area or portion of land, either landscaped or essentially unimproved and which is used to meet human recreational or spatial needs, or to protect water, air or plant areas.

Open Space, Common: Open space areas within a development which are designed or intended for the use and enjoyment of the residents and their guests.

Open Space, Private: Open space, the use of which is normally limited to the occupants of a single dwelling unit or building; yard areas for detached single family dwelling units or private patios or courtyards for attached housing units.

Open Space, Public: Open space owned and maintained by a public agency for the use and benefit of the general public.

Outdoor Sales: The display and sales of products or services primarily outside a structure and

ZONING CODE CHAPTER TWO

limited to those items generally stored, used or inspected outdoors.

Outdoor Storage: The keeping in an unenclosed area of goods, materials or merchandise for a period of longer than 24 hours.

Overlay Zone: A zoning district encompassing one or more underlying zone districts which imposes additional standards on the underlying zone districts.

Parking Lot: An off-street, ground level area improved for the temporary storage of motor vehicles.

Parking, Shared: Joint use of a parking area by more than one use.

Party (Shared) Driveway: A single access way providing access to more than one property.

Permitted Use: A use allowed in a zoning district without a public hearing and subject to the restrictions applicable to that zone district.

Person: A corporation, company, association, firm, partnership, as well as any individual, state or political subdivision of a state or agency thereof.

Principal Use: The primary or predominant use of any lot or parcel of land.

Prohibited Use: A use which is not permitted in a zone district.

Property: A lot or parcel of land together with all structures located thereon.

Public Hearing: A meeting announced and advertised in advance and open to the general public wherein the public has an opportunity to comment and participate.

Rational Nexus: The clear, direct and substantial relationship between a particular development and the public improvement needs generated by the development.

Recreational Vehicle: A vehicular-type portable unit without a permanent foundation which can be towed, hauled or driven designed primarily for temporary living accommodations for recreational, camping and travel use including, but not limited to, travel trailers, truck campers, camping trailers and motor homes.

Residential Density: The number of dwelling units per acre of land.

Restaurant: An establishment where food or beverages are prepared and served and where consumption takes place primarily within the principal structure.

Restaurant, Fast Food: An establishment where food and beverages are sold in a form ready for

ZONING CODE CHAPTER TWO

consumption, and where consumption or a significant portion of consumption takes place off the premises, or where ordering and pickup of food takes place from within an automobile.

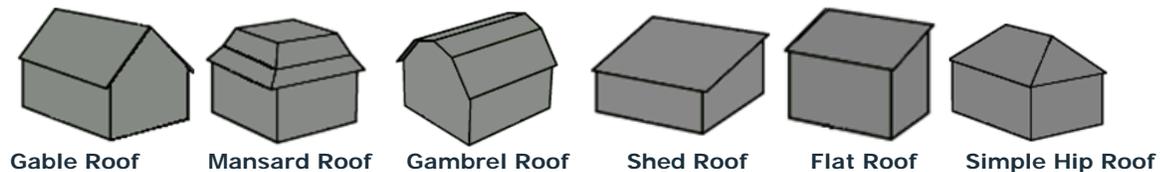
Retail Sales: The selling of goods or merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods.

Retention Basin: A pond or pool used for the permanent storage of water runoff.

Right-of-Way: An area of land dedicated or conveyed to the Town of Clarkdale in fee simple and used primarily for roadway, circulation or utility purposes.

Roof: The outside covering of a building or structure.

ROOF TYPES:



Row House: A series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof.

Salvage Yard: A lot or parcel of land used for the collection, keeping or abandonment of discarded or waste materials.

Scale of Development: The relationship of a particular project in terms of size, height, bulk, intensity of use and aesthetics to its surroundings.

Scenic Easement: An easement which limits development in order to preserve a view or scenic area.

School: Any building or part thereof used or constructed for education or instruction in any branch of knowledge including, private, public or vocational schools.

Screening: A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms or densely planted vegetation.

Seating Place: In churches or other assembly areas where benches or pews are used in place of seats, each 24 inches of bench or pew shall be counted as one seat.

Self-Storage: (See Mini-Warehouse)

ZONING CODE CHAPTER TWO

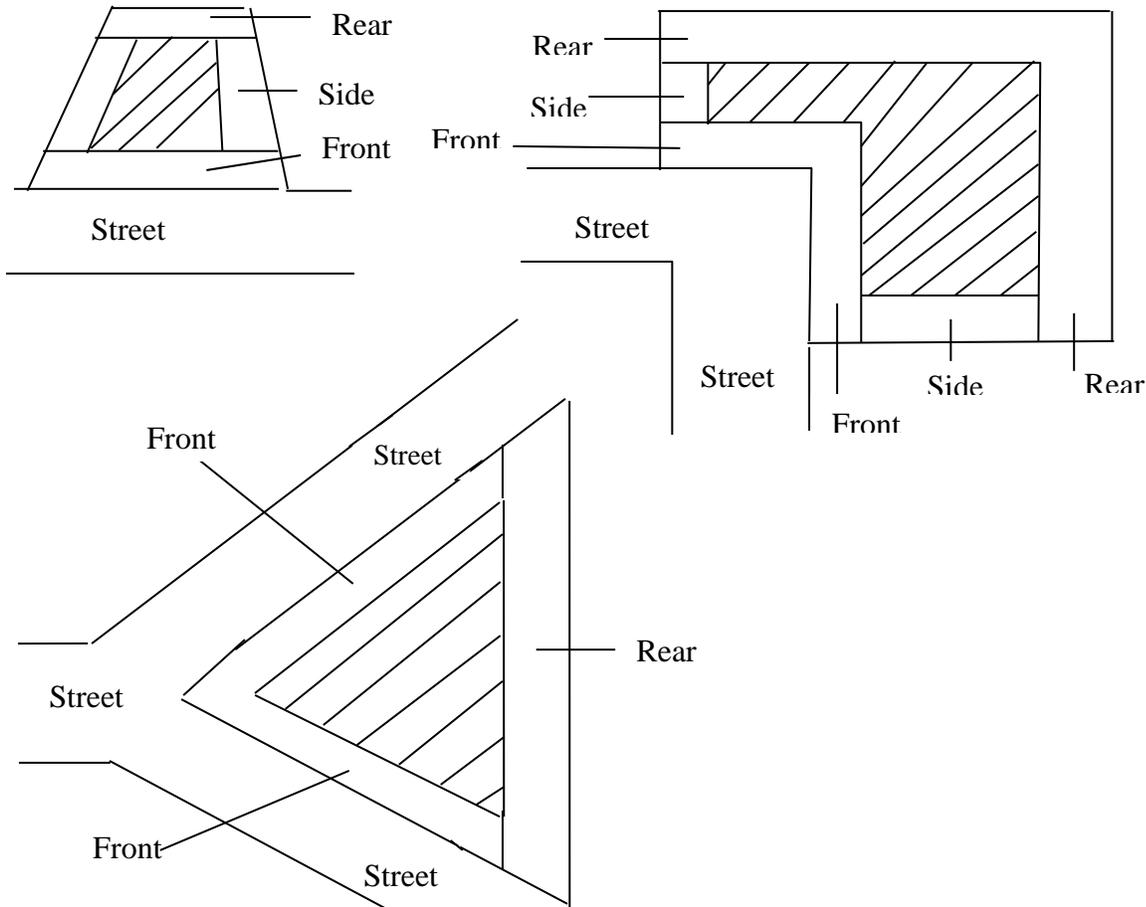
Sensitive Land Area: Any land area containing (as an example) one, or more, of the following: 1) steep slopes; 2) flood plain; 3) soils having high water tables; 4) highly erodible soils; 5) lands incapable of meeting minimum percolation standards; 6) former landfill or industrial waste areas; 7) stream corridors; 8) aquifer recharge or discharge areas; 9) wetlands; 10) scenic view corridors and 11) architectural areas of significant consequence.

Service Station: A commercial establishment conducted primarily for the purpose of retailing lubrication oils, gasoline or other motor vehicle fuels for internal combustion engines from storage tanks located below the ground.

Setback: The line which establishes the minimum distance from any lot line to a permitted principal building and defines the area within which the principal structure may be placed or erected.

Odd-shaped lot setback examples

ZONING CODE CHAPTER TWO



Setback, Front: The minimum distance from the front lot line to the nearest point of the allowable principal building measure perpendicular to the front lot line.

Setback, Rear: The minimum distance from the rear lot line(s) to the nearest point of the allowable principal building measured perpendicular to the rear lot line(s).

Setback, Side: The minimum distance from the side lot lines to the nearest point of the allowable principal building measured perpendicular to the side lot lines.

Sight Triangle: An area of land at the intersection of streets, or a street and a driveway, within which nothing may be erected, planted, places or allowed to grow in a manner which will obstruct vision of motorists entering or leaving the intersection.

Sign: Any object, device, display or structure, or part thereof, which is situated outdoors or visible outdoors, and is used to advertise, identify, display, direct, or attract attention to an object,

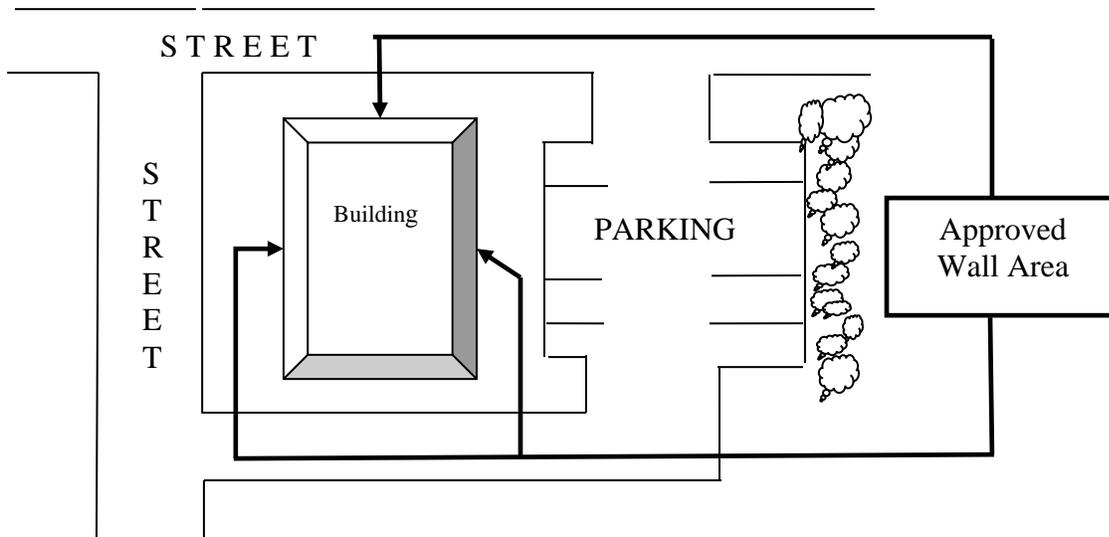
ZONING CODE CHAPTER TWO

person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign, Animated: Any sign or part of a sign which changes physical position or light intensity by any movement or rotation or that gives the appearance of such movement or rotation.

Sign, Approved Wall Area: Any exterior wall facing a publicly dedicated street, or containing a primary public entrance/exit to the building, or facing the parking lot of the building.

Approved wall area example



Sign, Construction: A temporary sign placed by a licensed contractor to advertise the work done on that property.

Sign, Flashing: Any directly, or indirectly, illuminated sign which exhibits changing natural or artificial light or color effects by any means.

Sign Freestanding: Any non-movable sign not attached to a building.

Sign, Home Occupation: A sign listing only the name or occupation of a permitted home occupation.

Sign, Ideological: Any sign announcing or supporting the personal views of the property owner or tenant of the lot on which the sign is located.

Sign, On-Site Information: Signs limited to providing directions necessary or convenient for

ZONING CODE CHAPTER TWO

visitors or clients coming onto a premises including signs marking entrances and exits, parking areas, loading zones or circulation direction.

Sign, Political: A temporary sign announcing or supporting candidates or issues in connection with any national, state or local election.

Sign, Projecting: A sign attached to a building or structure and which extends more than 18 inches from said building or structure.

Sign, Real Estate: A sign pertaining to the sale or lease of the premises on which the sign is located.

Sign, Roof: A sign which is mounted on the roof of a building or which extends above the top edge of the wall of a flat roofed building, above the eave line of a building with a hip, gambrel or gable roof or the deck line of a building with a mansard roof.

Sign, Temporary: Any sign constructed of cloth, canvas, fabric, plywood or other light materials and intended for display for a short period of time.

Sign, Wall: Any sign attached to or painted on a wall of a building or structure so that the wall forms the supporting structure or becomes the background of the sign and which does not project more than 18 inches from the wall.

Site Plan (Plot Plan): A development plan for one or more lots showing existing and proposed conditions of the lot including, but not limited to: topography, vegetation, drainage, landscaping and open space, access and circulation, utility services, buildings and signs, lighting and other information pertinent to the review of the proposal.

Steep Slope: Land areas where the slope exceeds 20 percent.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it then the space between such floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than 3 feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half story containing living quarters shall be counted as a full story.

Street, Arterial: A street with signalized or controlled intersections which channels traffic to and from collector streets and whose primary function is to provide for crosstown or regional traffic movements.

ZONING CODE CHAPTER TWO

Street, Collector: A street with controlled intersections whose main function is to carry traffic between arterial and local streets, but, which may also provide primary access to abutting properties.

Street, Local: A street with, or without, controlled intersections whose main function is to provide primary access to abutting properties.

Street, Private: An easement providing the principal means of access to a lot or parcel, owned and maintained by an individual or group of individuals, exempt from management, maintenance and liability on the part of the Town.

Street, Public: An existing state, county or municipal roadway; or a street or way shown on a plat heretofore approved pursuant to law or approved by official action; or a street on a plat filed and recorded in the County Recorder's Office which affords the principal means of access to a lot or parcel.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including, but not limited to; fences, signs, kiosks or similar uses.

Structural Alterations: Any change in the supporting member of a building such as bare walls, columns, beams, floor joists, roof joists, girders, rafters or changes in roof or exterior building lines.

Transfer of Development Rights (TDR): The removal of the right to develop or build, expressed in units per acre or floor area ratio, from one lot or parcel to another, or from a portion of a lot to another part of the same lot.

Transitional Use: A permitted land use or structure of an intermediate level of intensity or scale placed between a higher and lower intensity use.

Use: The purpose for which land or a structure is arranged or intended, or for which either land or a building is occupied or maintained.

Variance: Permission to deviate from the literal standards of the Zoning Ordinance.

Variance, Bulk: Departure from any zoning standard except use.

Variance, Use: A variance granted to allow a use not permitted by the Zoning Ordinance. Use variances are prohibited by State Statute.

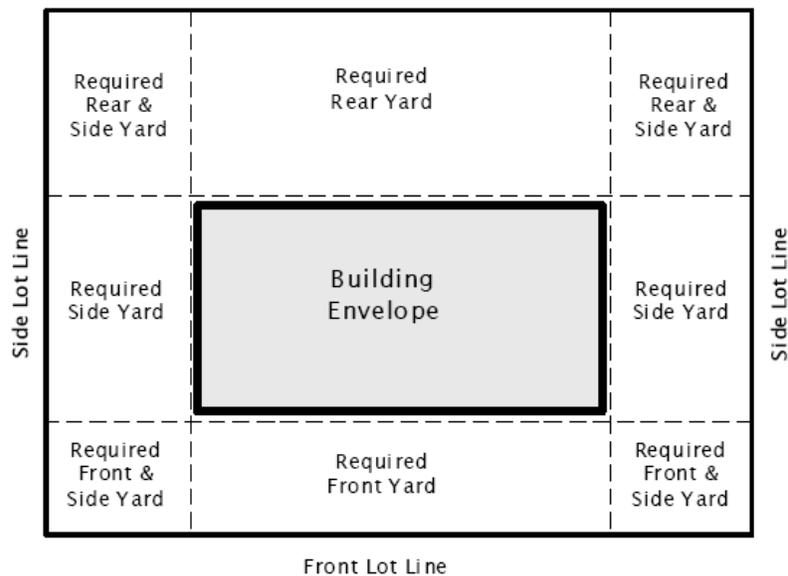
Wall: The vertical exterior surface of a building or structure.

ZONING CODE CHAPTER TWO

Wireless Communication Tower: Any structure built or attached to a building for the sole or primary purpose of supporting antennas used to provide services licensed by the Federal Communications Commission or for other transmission of information through the air. “Wireless Communication Tower” also includes the supporting facilities, buildings, or enclosures associated with the structure, including power supplies, electronic equipment housed in cabinets and antennas. (Created 7/9/13 by Ordinance #352; Effective 8/10/13)

Wholesale: Establishments engaged primarily in selling merchandise to retailers or other industrial, commercial, institutional or professional businesses.

Yard: An open area that lies between the principal building (s) and the lot lines. The minimum required yard area as set forth in the Zoning Ordinance shall remain unoccupied and unobstructed from the ground up except as may be specifically provided for in this Code.



Yard, Front: An open area extending the full width of the lot or parcel between the front lot line and any building, measured perpendicular to the lot line and the closest point of the building.

Yard, Rear: An open area extending the full width of the lot or parcel between the rear lot line and any building, measured perpendicular to the lot line and the closest point of the building.

Yard, Side: An open area extending from the front yard to the rear yard between the principal building and the nearest side lot line measured perpendicular from the side lot line to the nearest point of the principal building.

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the

ZONING CODE CHAPTER TWO

building's sides rest directly on a side lot line.

Zone: A specifically delineated area or district within which uniform development standards govern the use, placement, spacing and size of land and buildings.