

SECTION VII: DEFINITIONS

7.0 TERM DEFINITIONS

Agriculture - The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids hereof, including the breeding and grazing of any or all of such animals, bees and apiary products; fur animals, trees and forest products, fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Agricultural Use - Agriculture shall include but not be limited to farming, horticulture, floriculture, viticulture nursery, truck gardening, greenhouses, maple sugar productions and display and sale of natural products raised in the town with the necessary structures needed for these uses.

Artisan/Craftsman. The practitioner of a handicraft or art requiring special skills, such as hand weaving or sculpting.

Attic - The space between the ceiling of the top story of a building and its roof and not used for living, sleeping or eating quarters.

Automobile Service Station - Any building, land area or premises, or portion thereof, used or intended to be used for retail dispensing or sale of vehicular fuels; and including as accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

Building - A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. The word "building" shall be construed, where the context requires, as though followed by the words "or part or parts thereof." A porch is to be considered as part of a building when considering setbacks.

Business - The transacting or carrying on of a trade or commercial enterprise, not manufacturing, with a view to profit, or for livelihood.

Camping - To reside on any land, public or private, for more than 24 hours without a certificate of occupancy.

Child Care Facility - Centers that serve children under seven years of age or sixteen if the children have special needs, or school-age children (under fourteen years of age or sixteen if they have special needs) in programs that are held before or after school hours or during vacation.

Club, Private - A social, fraternal, religious, athletic, or political association or organization which operates solely for members and their guests, and is not conducted as a gainful business.

Convalescent or Nursing Home - A convalescent or nursing home is defined as any institution, however named, whether conducted for charity or profit which is advertised, announced or maintained for the express or implied purpose of caring for three or more persons admitted thereto for the purpose of nursing or convalescent care.

Dwelling - A building occupied as a residence for one or more families.

Dwelling, One-Family - A detached residential dwelling unit, designed for an occupied by one-family only. This definition shall include manufactured housing units that meet the state standards for building construction.

Family - A family is any number of individuals related by blood, marriage or adoption living together as a single housekeeping unit, provided that a group of not more than five persons keeping house together but not necessarily related by blood or marriage shall be considered a family. This section, however, does not apply to non-related disabled persons as defined by any applicable Federal and/or State law and/or regulations.

Family Day 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 years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children shall not exceed six, including participating children living in the residence. Family day 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 therefor.

Frontage - The linear distance of a lot fronting on a single street measured continuously along one line between its side lot lines and their intersection with the street line. (See Diagram 7.0) Frontage must provide meaningful access to the parcel.

Height - In reference to a building, the vertical distance between the highest point of the roof and the average grade of land on which the building is located.

Home Occupation - A home occupation is any activity conducted by a resident within his/her dwelling for financial gain and employing no more than two persons who are not residents of the premises.

Horticulture - The cultivation of a garden or orchard.

Hospital or Sanitarium - A Hospital or Sanitarium is any institution, however named, whether conducted for charity or for profit, which is advertised, conducted or maintained for the express or implied purpose of caring for persons admitted thereto for the purpose of diagnosis or medical or surgical treatment which is rendered within said institution.

Hotel - A building operated by a duly licensed inn-holder where lodging is furnished or food is served to transient or permanent guests, and which has a public dining room and a general kitchen.

Junk - Articles such as old iron, brass, copper, tin, lead, or other base metals, cordage, old bags, rags, waste paper, paper clippings, scraps, clips, rubber, glass, empty bottles, empty cans, and all other articles or property discarded or abandoned.

Light Manufacturing - An industry engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing and which meets the performance standards, bulk controls, and other requirements established in this bylaw.

Lot - A parcel of land. In order to be used for building purposes, it must meet the criteria for a building lot.

Lot, Building - A parcel of land in one ownership meeting the dimensional requirements of this Bylaw in which such land is situated, and if occupied by a principal building and its accessory buildings, meeting the minimum yard requirements of that district, and defined on a plan or a deed recorded in the Registry of Deeds.

Lot, Conforming - A parcel of land of required minimum building lot dimensions at the time of its recording.

Lot, Corner - A lot having at least two adjacent sides dividing it from a street right of way, provided that the interior angle at the intersection of such two sides is less than one-hundred thirty-five degrees (135°).

Lot, Frontage - The length of the front lot as measured along the property line dividing a lot from a street right of way.

Lot Line, Front - The lot line separating a lot from a street right-of-way. (See Diagram 7.0.)

Lot Line, Rear - The lot line opposite the street line, except that in case of a corner lot, the rear lot line shall be the line opposite the street line of the street on which the building is numbered or would be numbered. (See Diagram 7.0.)

Lot Line, Side - The line dividing one lot from another. (See Diagram 7.0.)

Manufactured Home - A structure, built in conformance to the national manufactured Home Construction and Safety Standards which is transportable in one or more sections, which in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein, as defined in M.G.L. Chapter 140, section 32Q, as amended.

Mobile Home - A dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for permanent living quarters.

Motel - An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Motorized Camper - A portable dwelling designed and constructed as an integral part of a self-propelled vehicle to be used as a temporary dwelling for travel, camping, vacation and recreation uses and eligible to be licensed/registered and insured for highway use.

Parking Area - Any open space used for parking motor vehicles exclusively, and in which no gasoline nor motor vehicle accessories are sold, or no other business conducted.

Pick-up Coach or Pick-up Camper - A structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, camping, vacation and recreation uses and eligible to be licensed/registered and insured for highway use.

Rear Lot Line - See definition of Lot Line, Rear in this section
Rear Yard - See definition of Yard, Rear in this section.

Restaurant - An establishment where food is, and where alcoholic beverages may be, prepared, served and consumed primarily within the primary building.

Retail Service Business - Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

Retail Trade Business - Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Riding Stable, Commercial – An accessory building in which horses are bred, sheltered and fed for a fee.

Riding Stable, Private - An accessory building in which horses are sheltered and fed, for private use.

Sign - Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projects images.

Special Permit - Special permit is a process which allows the Town to conduct a more detailed review of certain uses and structures which may have a significant impact on their surroundings and ensures proposals are consistent with the purpose of the Zoning Bylaw. Special Permits are issued by the Special Permit Granting Authority as provided in Section 6.4 of this Bylaw.

Special Permit Granting Authority - The Special Permit Granting Authority shall be the Board of Appeals as provided in Section 6.4.2 of this bylaw.

Street - A public way, a private way shown on a plan approved under the Subdivision Control Law, or a way in existence when the Subdivision Control Law became effective in Middlefield of sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the abutting land or land to be served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Street Line - The dividing line between a street and a lot, and in the case of a public way the street line established by the public authority in laying out the way upon which the lot abuts. If the street line cannot be established, it shall be considered to be a line parallel with and twenty-five feet distance from the center line of the street.

Story - The horizontal portion through a building between floor and ceiling. The word "story" shall not include the portion of the basement or cellar of a building above grade. The word "story" shall not include "attic" as defined in this Section.

Structure - A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, mast for radio antenna, or the like. The work "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof."

Tent-Trailer - A canvas, folding structure, mounted on wheels, designed to be used as a temporary dwelling for travel, camping, vacation and recreation uses and eligible to be licensed/registered and insured for highway use.

Travel Trailers - A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "Travel Trailer", thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed forty-five hundred (4500) pounds, or being of any weight provided its overall length does not exceed twenty-eight (28) feet.

Use - The purpose or activity for which land or buildings are occupied or maintained.

Variance - A departure from the provisions of a zoning bylaw relating to setbacks, side yards, frontage requirements and lot size, but not involving the actual use or structure. A variance is granted because strict enforcement of the zoning bylaw as it applies to a specific lot would cause an undue hardship and present site-specific practical difficulties that are not relevant to other lots in the district.

Variance, Use - A variance granted for a use or structure that is not permitted in the district. Use variances are prohibited in Middlefield.

Viticulture - the cultivation of grapes.

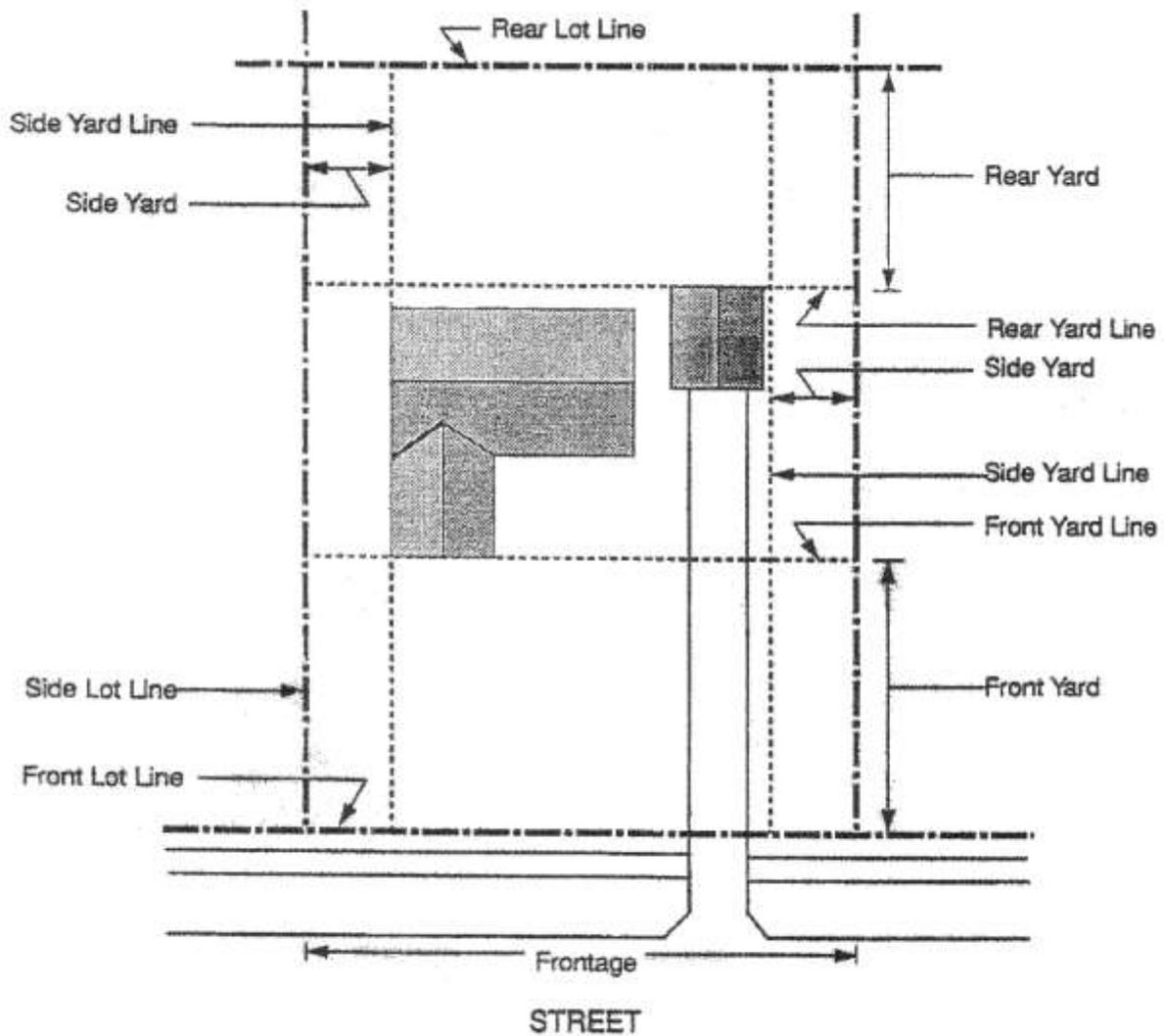
Yard - A required open space, unoccupied except as herein permitted, between a principal building and a street or lot line.

Yard (Front) - The required unoccupied space across the full width of the lot and extending from the front line of the building located on such lot to the street line of such lot.

Yard (Side) - The required unoccupied space extending from the front yard to the rear yard between a building and the adjacent side line of the lot on which said building is located.

Yard (Rear) - The required unoccupied space across the full width of a lot and extending from the rear foundation line of the building located on such lot to the rear line of such lot

Diagram 7.0



For Definition Use Only

Refer to Page 3-4 for Dimensions