

CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

SECTION 201: DEFINITIONS (General Definitions, Flood Plain Management Determinations, Sewer Regulation Definitions, Sign Regulations Definitions).

Words as defined herein shall be used to interpret provisions of this Code. Interpretation of any words not herein defined shall be made in accordance with the standards specified below.

A. Interpretation

1. All interpretations of words not herein defined shall be reviewed in the context of the purpose or intent Sections of this Code and the Official Plan as adopted.
2. Words shall be interpreted through consultation with standard planning textbooks. Words with a unique planning definition shall be interpreted to include that definition.
3. Words which have a unique definition in state or federal law shall be deemed to include that meaning.
4. Words without a unique planning definition shall be deemed to be common usage as defined in standard dictionaries.

B. Official Plan

The Village Plan as adopted by the Village Trustees and filed with the Village Clerk is the Official Plan of the Village of Essex Junction. It is the clear intent of this Code to implement the provisions of the Plan and the Plan shall be consulted to determine the intent of any provisions of this Code. Ordinances, bylaws, or regulations enacted which are in clear conflict with the Village Plan shall not be adopted until and unless the Plan is amended.

C. General Definitions

1. "*Abandonment.*" To cease or discontinue a use or activity for a period of twelve (12) months, but excluding temporary or short-term interruption to use or activity during periods of remodeling, maintaining, or otherwise improving a facility, or during normal periods of vacation or seasonal closure.
2. "*Accessory Apartment*" shall mean a small apartment created within an existing single family dwelling unit.
3. "*Accessory structure*" shall mean a structure, the use of which is incidental and subordinate in size (fifty 50% or less) to the principal structure located on the same lot.
4. "*Accessory use*" shall mean any use or structure which clearly meets the following:
 - i) It is clearly incidental and customarily found in association with the principal use;
 - ii) It is subordinate in area, purpose and extent to the primary structure and use of the lot;
 - iii) It is not identified in the zoning district as a permitted or conditional principal use.
5. "*Additions*" shall mean any development activity which increases floor area or height of a building or structure.
6. "*Administrative Determination*" shall mean a written statement by Staff which approves or disapproves any request as provided herein or interprets a provision of this

Code.

7. *"Adult Day Care Facility"*. See *"Family Care Facility and Family Care Home."*

8. *"Adverse impact"* shall mean any addition or effect of a proposed use or structure which may be harmful or injurious to public health, safety or property; any addition or use which does not meet specific review criteria as established herein; or any proposed uses or structures which cumulatively may be harmful or injurious to public health, safety, or property.

9. *"Agent"* shall mean any individual, group, or corporation specifically authorized in writing to act on behalf of any party to a proceeding covered by this Code.

10. *"Agriculture"* or *"Agriculture sales-related activity"* shall mean the use of property or structures for common farming-related activities necessary for crop and animal production. A plant or tree nursery shall be deemed an agricultural related activity. The sale of agricultural products or byproducts on agricultural property is deemed an "agriculture sales-related activity".

11. *"Alteration"* shall mean any change or modification to a structure.

12. *"Animal boarding facility"* or *"kennel"* shall mean any land, structure, or facility designed and used for the temporary storage or housing of five (5) or more domesticated animals at any time; the housing, storage or raising of any animals as part of an active farm is not deemed to be an animal boarding facility.

13. *"Animal exhibits"* shall mean any structure or property where animals are kept in captivity for public display with or without charge.

14. *"Animal shelter"* shall mean any accessory structure or property which is used for housing or sheltering four (4) or fewer common household pets over three (3) months of age, outside of the principal permitted structure.

15. *"Antenna, tower: satellite dish"* shall mean any device erected and designed to transmit or accept any type of radio, television, telephone or other electronic signals.

16. *"Application"* shall mean a written request for approval of a proposed use, building or activity as regulated herein.

17. *"Bank"* shall mean any financial institution involved in the direct deposit or withdrawal of funds or a structure which houses facilities to deposit or withdraw funds electronically.

18. *"Bed and breakfast"* shall mean any building, or portion thereof, of residential character which contains no more than four (4) sleeping rooms for rent for transient occupancy not exceeding (2) weeks, and where food is served family style.

19. *"Berm"* shall mean a mound of soil used for screening or landscaping which includes trees, shrubs or ground cover.

20. *"Bikepath"* shall mean any sidewalk, lane, or path designated and clearly marked by the Village for use by bicycles. Nothing shall prevent a bikepath from being utilized by pedestrians or other non-motorized conveyances.

21. *"Boarding house"* shall mean any establishment or charitable organization which provides meals and beds for pay for four (4) or more individuals for thirty (30) or more days in a single family or multi-family dwelling.

22. *"Boundary Line Adjustment"* shall mean adjusting the line between two adjacent lots when the adjustment does not change the nature of any previous subdivision, does not create any new lots, and does not make any existing lot non-conforming.

23. *"Buffer"* shall mean an area required to separate low intensity land uses from more intensive land uses, or a mandated setback from a wetland, stream, river or utility.

24. *"Building"* shall mean any structure that encloses a space for sheltering any occupancy or use including the above ground placement of any type of fuel or oil tank; any structure, vehicle or preassembled building which is permanently attached to the ground or is located on the property for thirty (30) or more days shall be deemed a building. Recreational vehicles as defined herein shall not be deemed a building.
25. *"Building height"* shall mean the vertical distance from the average finished grade elevation to the highest point of a parapet surrounding a flat roof, the mean height between eave and the highest ridge line of a pitched roof or the highest point of a roof of any other shape (Mansard, Gambrel, Etc), excluding chimneys and decorative cupolas, provided that they do not extend more than five feet above the highest point of the rest of the structure.
26. *"Building line"* shall mean a line defining the nearest points to adjacent streets or property lines to which a building may be constructed or placed.
27. *"Building materials establishment"* shall mean any facility whose principal business is the sale of products to be used off site for construction and installation purposes.
28. *"Building, principal"* shall mean a building in which the main or primary use of the lot is conducted.
29. *"Business service"* shall mean a business which offers services to other businesses or individuals, including but not limited to, photocopying, blueprinting, insurance sales, financial management, computer and data processing, security services, interior cleaning and similar uses whose principal business is not the sale of goods or materials.
30. *"Caliper"* shall mean the measurement of the diameter of a tree measured as follows:
31. A tree less than four (4) inches in diameter shall be measured six (6) inches above grade.
32. A tree four (4) or more inches in diameter shall be measured twelve (12) inches above grade.
33. *"Capital Improvement"* shall mean any public facility or infrastructure including, but not limited to, streets, sewers, water mains, lights, traffic control devices, public buildings and other public facilities.
34. *"Capital Improvement, off-site"* shall mean the construction or placement of public infrastructure including, but not limited to, streets, sewers, water mains, lights, traffic control devices and other public facilities which is determined necessary upon review of a development proposal.
35. *"Car wash, incidental"* shall mean any facility whose principal business is the provision of other automobile services but provides one bay for the washing of vehicles, clearly incidental to the other automobile services provided.
36. *"Car wash,"* means any facility whose principal business is the cleaning and washing of vehicles of any type, or a facility which provides two (2) or more bays for the washing of vehicles by the customer or for hire by the business.
37. *"Catering services"* shall mean any facility which prepares food for delivery and consumption off the premises.
38. *"Cemetery"* shall mean a parcel of land use for the burial of the dead for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries.
39. *"Change in Intensity of Use"* shall mean any change in the use of a structure or land that results in an increase or decrease in any standard established in Chapters 6 or 7

of this Code as applied to the subject use.

40. *"Church or other place of worship"* shall mean any premises used and operated as a non-profit operation principally as a place of worship and religious education.

41. *"Circus, carnival"* shall mean any temporary entertainment facility open to the general public with or without a fee which provides rides, shows, food booths, animal entertainment or other shows.

42. *"Clinic, medical"* shall mean any facility which provides medical services by licensed professionals to individuals on an out-patient basis and which does not provide facilities for the care of patients on an overnight basis.

43. *"Clinic, veterinary"* shall mean any facility which provides medical care to animals which may include facilities for keeping animals overnight as part of veterinary care. Facilities which provide for the overnight boarding or caring of animals which are not part of veterinary care are deemed to be animal boarding facilities.

44. *"Commercial vehicle"* shall mean any vehicle designed (or modified) for business purposes for an individual or business; any vehicle which is used primarily to transport tools of a trade or supplies; any vehicle which has attached advertising materials.

45. *"Common household pet"* shall mean any domesticated animal commonly associated with and cared for in individual homes. Wild animals, livestock or other domesticated farm animals are not common household pets.

46. *"Common improvements"* shall mean all streets, driveways, parking bays, or other vehicle use areas, and all uses, facilities, structures, buildings and other improvements or portions thereof, which are designed and provided for the common use, benefits and enjoyment of all residents or occupants of a development or portion thereof.

47. *"Common ownership"* shall mean ownership of common open space or common improvements which grants at least some undivided and common rights in such lands or improvements to the residents or occupants of a development or a neighborhood, either directly or indirectly, through shares or other interests in the property.

48. *"Common open space"* shall mean all open space, or portions thereof, including landscaping, screening, and buffering, which is designated and provided for the common use, benefit and enjoyment of all residents or occupants of all or a designated portion of a development or neighborhood, or which is required as a buffer to protect adjacent property.

49. *"Comprehensive Plan", "Village Plan" or "Plan"* shall mean the Comprehensive Plan for the Village of Essex Junction as adopted pursuant to Title 24, Chapter 119, Section 4385 of Vermont Statutes and filed with the Village Clerk.

50. *"Conditional use"* shall mean a use, as designated on the Use Chart, which may be appropriate at a particular location following specific standards of review and approval as specified in this Code.

51. *"Congregate Housing"* shall mean a facility containing two or more dwelling units for long term residence exclusively by persons 55 years or older, and their spouses, and which shall include, without limitation, common dining and social recreation features, special safety and convenience features designed for the needs of the elderly. Social services for the residents must include at least two of following: meal services, transportation, housekeeping, linen, and organized social activities.

52. *"Construction"* shall mean any earthmoving activity or grading activity; the erection, placement or assembly of any building or structure or additions thereto on any lot or parcel; the moving and placement of any building, structure or materials onto any

lot or parcel.

53. *"Construction service establishment"* shall mean any facility which provides off-site services for the construction or building of any development and which stores construction materials or equipment used by business on the property.

54. *"Contiguous"* shall mean adjoining or separated by no more than a street, railroad, property line, brook, stream, easement or other feature.

55. *"Cul-de-sac"* shall mean a dead-end street designed to provide a vehicular turn-around at the end of the street.

56. *"Cultural facility"* shall mean the use of land, buildings, or structures to provide educational and informational services to the general public, which shall include, but not be limited to, children's museums, schools, art galleries, libraries, or similar facilities.

57. *"Day care facility"* shall mean a facility in which care is provided on a regular basis for seven (7) or more children under twelve (12) years of age, at one time. Such facilities include those commonly known as "day care center", "day nurseries", "play groups", and "preschool".

58. *"Day care home"* shall mean a facility which provides care in the owner's residence on a regular basis for six (6) or fewer children at any time, excluding children of the owner.

59. *"Density bonus"* shall mean an increase in the number of residential units, lot size or the size of a non-residential structure specifically granted to a single development.

60. *"Design storm"* shall mean the maximum storm expected to occur once during the interval specified in this Code.

61. *"Development"* shall mean the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, a change in the intensity or use of land, or the filling of land or the dividing of land into two or more parcels.

62. *"Development standards"* shall mean the engineering, construction, and design standards, procedures and practices necessary for approval and review of development proposals.

63. *"Discharge, storm water"* shall mean any stormwater which leaves a site and subsequently enters any artificial or natural drainage system or drainage way.

64. *"Domestic vehicle"* shall mean a car, automobile or non-commercial vehicle designed and used for personal purposes.

65. *"Dormitory."* A building that is owned and/or operated by an educational institution whose primary purpose is to provide living accommodations for individuals associated with the institution.

66. *"Drainage facilities"* shall mean any drainage way or facility designed and constructed to control the surface flow of water and may include surface and sub-surface components.

67. *"Driveway"* shall mean the portion of a lot and right of way used for vehicular access between an abutting street and a vehicular parking area. A driveway serving multiple units on one lot shall not be considered a private drive or private street.

68. *"Dry cleaner"* shall mean an establishment which provides laundry, dyeing or dry cleaning services to individual customers. Drop-off facilities for cleaning off-the-premises shall be deemed "personal service establishments".

69. *"Dumpster"* shall mean an enclosed container or a container with a lid used to temporarily store waste. A container used for domestic waste for single family shall not

be deemed a dumpster.

70. *"Dwelling, Mobile Home or Manufactured Home"* shall mean a dwelling unit constructed off site on a chassis or frame and moved or placed on a lot and connected to utilities.

71. *"Dwelling, Multi-Family"* shall mean a building or structure designed to contain three or more dwelling units.

72. *"Dwelling, Single-Family"* shall mean a building or structure designed to contain no more than one dwelling unit.

73. *"Dwelling, Two-Family" "Duplex"* shall mean a building or structure designed to contain no more than two dwelling units.

74. *"Dwelling Unit"* shall mean a dwelling structure, or portion thereof, designed, constructed or used as living quarters for one family, and which includes facilities for food preparation, sleeping and sanitation.

75. *"Easement"* shall mean a grant by a property owner of one or more of the rights associated with the property for use by the public, a corporation or another person or entity. Easements shall not be subtracted from the total lot area.

76. *"Eating and drinking establishment"* shall mean any establishment which provides, for compensation, food or drinks primarily for consumption on the premises. This term does not include establishments which provide drive-through facilities or whose primary business is the preparation of food to be consumed off the premises.

77. *"Eating establishment, drive-through"* shall mean any facility which provides one or more windows which allow patrons to buy and pick up food from their vehicle for consumption off premises.

78. *"Emergency shelter"* shall mean any building, structure, residence or place for the temporary housing or care of individuals or families (including limited counseling) for a period not to exceed thirty (30) days. This term shall not be deemed to include day care facilities, day care homes, family care homes, family care facilities, nursing, rest or convalescent homes, halfway houses or similar facilities.

79. *"Existing"* shall mean in existence on or before the effective date of this Code.

80. *"Family"* shall mean one or more persons occupying a dwelling and living as a single housekeeping unit. Family may include a group of not more than five (5) unrelated persons living as a single housekeeping unit or foster children living with one or more unrelated persons.

81. *"Family care facility"* shall mean a facility in which care is provided on a regular basis for seven (7) or more adults, including limited counseling and medical care, and commonly known as group care facilities, hospices, half-way houses, and similar facilities.

82. *"Family care home"* shall mean a facility which provides for care in the owner's residence on a regular basis, for six (6) or fewer adults at any time, excluding residents of the dwelling.

83. *"Fence"* shall mean a freestanding structure of metal, masonry, stone, wood or any combination, which is attached to the ground and used for confinement, screening, or partitioning purposes.

84. *"Fill" or "Filling"* shall mean the placement of material or soil on any property in any manner which increases or alters the flow of stormwater on any adjacent lot. Soil preparation for gardening purposes shall not be deemed "fill".

85. *"Flea market"* shall mean any premises where the principal use is the sale of new

and used household goods, personal effects, tools, art work, handicrafts, and small appliances or equipment in small quantities on a temporary or limited basis. Spaces or booths may be rented or leased to individuals for the sale of products.

86. *"Floor area"* shall mean the square footage of the horizontal floor area within any building or structure measured from the interior walls.

87. *"Frontage"* shall mean the length of the front lot line for a single parcel of land which runs contiguous to and parallel with public right-of-way or private street or easement which it borders.

88. *"Funeral home"* shall mean any building or structure, or part thereof used for human funeral services which may include a chapel or facility to be used for funeral services. A funeral home and funeral home services shall not include cremation services.

89. *"Gas pump"* shall mean any device used for the sale of fuel where no service or repair activity is provided. The sale of fuel may be secondary or incidental to the sale of other goods or products.

90. *"Group housing"* shall mean any premises where the principal use is the housing of two or more individuals not living as a single housekeeping unit and which does not have individual cooking and eating facilities or separate apartments. This term shall be deemed to specifically include sororities, fraternities, retreat houses, camps, convents or similar uses but does not include hotels, family care facilities, family care homes or boarding houses.

91. *"Handicap Parking"* A parking space designed to comply with standards of the American with Disabilities Act.

92. *"Hard Surfaced"* shall mean surfaced with asphalt, concrete, paving stones and similar material. Gravel is not considered hard surfaced.

93. *"Historic property or historic resource"* shall mean any property, building, structure, or place identified as having local, state or national historic significance.

94. *"Home occupation"* shall mean any activity undertaken or intended for financial gain by the occupants of any dwelling unit.

95. *"Home Owners Association"* shall mean a formally constituted nonprofit association or corporation made up of the property owners and/or residents of fixed place and responsible for the costs and upkeep of common facilities.

96. *"Hotel, motel"* shall mean a facility designed and constructed to provide sleeping facilities for travelers for a fee and for limited periods of time. Common terms include inn, motor inn, motor lodge, tourist cabin, and tourist court. A hotel may have limited cooking facilities in individual rooms provided, however, that no more than fifteen (15) percent of all the units may provide cooking facilities.

97. *"Hotel, motel – Extended Stay"* shall mean a facility that contains six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves, and ovens. Guests primarily stay for periods of one week or more. Extended stay hotels/motels shall not be occupied by children in the local school system. Extended stay hotels/motels shall not be used as permanent residences.

98. *"Impervious surface"* shall mean that portion of a lot or parcel of land which has been compacted or covered in such a way to resist the infiltration of water. This shall include any building, structure, roof, sidewalk, street, driveway or similar uses.

99. *"Incinerator"* shall mean any facility designed to be used for the disposal by

combustion of products or materials.

100. *"Infrastructure"* shall mean road, water, sewer, storm water, street lights, drainage systems or similar facilities.

101. *"Junk vehicle"* shall mean any vehicle, trailer, semi-trailer or other motorized conveyance which, for a period exceeding thirty (30) days is inoperable or in a condition that would not be allowed to operate upon public roads in its present condition under the law of the State of Vermont. Vehicles which are used for salvage or parts are specifically deemed to be junk vehicles. Vehicles that are being repaired or restored shall be excluded if the owner demonstrates that efforts to bring the vehicle to an operable condition have been made and will be completed within thirty (30) days. The restoration or repair of one antique vehicle, owned by the resident, and repaired or restored within an enclosed structure, shall not be deemed a junk vehicle.

102. *"Junk yard"* shall mean any place which is maintained, operated or used in connection with a business for storing, keeping or processing, buying or selling junk for processing or use on or off the premises. Also included is any facility designed or used for the storage or sale of unlicensed vehicles or parts from vehicles. This does not include a garage or service station where wrecked or damaged vehicles are stored for less than thirty (30) days, or a recycling or waste collection center approved under provisions of this Code, or new or used car sales establishments where vehicles for sale are unlicensed.

103. *"Landfill collection site"* shall mean any premises, facility, structure, or building designed and utilized for the temporary storage or sorting of materials for later removal to a landfill or recycling center.

104. *"Landscape service"* shall mean any establishment which provides maintenance, planting, sodding, seeding, trimming or other care to any plant off-premises. The production and storage of plant materials on the premises for pick-up and delivery is also deemed a landscape service.

105. *"Livestock or other domesticated farm animals"* shall mean animals typically associated with farm or agricultural practices. Livestock or domesticated animals shall include but not limited to the following: bison, chickens, cows, ducks, geese, goats, horses, ostrich, llamas, sheep, swine, etc.

106. *"Lot"* shall mean a definable parcel of land occupied or capable of being occupied by one or more structures or uses as regulated and approved by this Code.

107. *"Lot area"* shall mean the area within the property lines of a lot, calculated from dimensions of the boundary lines of the lot, exclusive of any portion of the lot that is within a public or private street.

108. *"Lot consolidation"* shall mean a procedure used to combine two or more lots into a single lot.

109. *"Lot, corner"* shall mean a lot abutting two (2) or more intersecting public or private streets.

110. *"Lot coverage"* means that portion of the area (square footage) which is covered by buildings, structures, parking areas, sidewalks, driveways or other impervious surfaces.

111. *"Lot depth"* shall mean the distance between the front and rear lot lines.

112. *"Lot line"* shall mean the boundary which separates the lot from adjoining lots or streets.

113. *"Lot line, front"* shall mean a lot line which separates the lot from a public or

private street or approved easement.

114. *"Lot line, side"* shall mean a lot line which separates a lot from adjoining properties.

115. *"Lot line rear"* shall mean the lot line intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

116. *"Lot, reverse frontage"* shall mean any lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major street and which provides no access to the major street.

117. *"Lot width"* shall mean the horizontal distance between the side lot lines of a lot measured along a straight line, parallel to the front line at the minimum required building setback line.

118. *"Mail Services"* shall mean any establishment which engages in the distribution of mail or parcels.

119. *"Manufacturing, Heavy"* shall mean any land use where a principal activity is the assembly or creation of products from raw materials. Specifically included are asphalt batch plants, commercial incinerators (not accessory to a permitted use), oil, gas or coal fired facilities used to process raw products, and other similar uses which potentially generate water or air-borne pollutants.

120. *"Manufacturing, Light"* shall mean any business where the principal use is the assembly of materials or parts to be used in the manufacture or assembly of consumer products including small appliances, electronics, computers, and other products. Research and development of new products, or improvements to existing products is permitted.

121. *"Material Change in Use"* shall mean a change from:

- a) one type of use identified in the Use Table set forth in Section 615 to another type of use set forth in such table or a use not set forth in such table; or
- b) a type of use not set forth in the Use Table at Section 615 to a type of use set forth in such table; or
- c) a type of use not set forth in the Use Table at Section 615 to another type of use not set forth in such table.

122. *"Medical and Dental Lab"* shall mean any establishment whose principal business is the processing, testing, or analysis of materials for medical purposes and which provides limited direct client service. Clients or patients shall not be examined or treated on the premises.

123. *"Mini warehouse"* shall mean a storage facility designed and constructed for rent of individual storage spaces to customers where each rented or leased space has an individual door or gate. The storage or lease of spaces for commercial storage shall be deemed a warehouse.

124. *"Motor vehicle maintenance service"* shall mean a facility which provides vehicle maintenance, including oil changes and lubrication, tire sales and replacement, and minimal work while the customer is on the premises. Sale of gasoline, oil, tires or parts for use off premises is not permitted.

125. *"Motor Vehicle repair services" "Service Station"* shall mean any facility which provides repair service to individual vehicles including the installation of new or used parts. Repair and installation includes engine repair, transmission repair, body repair, and the installation or replacement of any mechanical parts. Car washing, maintenance

services, tire installation and sale of parts may be an incidental or accessory use. The sale of gasoline may be permitted.

126. *"Nursing, rest, or convalescent home"* shall mean an institution other than a hospital for the care of children, the aged, the infirm, or those suffering long-term bodily ailments and whose residents require on-going professional care and assistance.

127. *"Occupancy"* shall mean the use of any structure, premises, or portion thereof which is leased, rented, or owned, for any conditional, permitted, or non-conforming use.

128. *"Office"* shall mean any building, structure, room, suite or portion thereof where the occupant transacts business or carries on a stated occupation. An office shall not include the manufacture, assembly, cleaning, testing, processing, or repair of any product.

129. *"Office, home"* shall mean any business use of a room, or portion thereof, within a dwelling, which meets the home occupation standards.

130. *"Office, incidental"* shall mean any suite, room or occupancy within a building used for the purposes of meeting customers or processing paperwork for the permitted business.

131. *"Office, professional"* shall mean any building or structure where the principal use is the conduct of business by professionals such as engineers, architects, planners, land surveyors, artists, attorneys, accountants, insurance agents, real estate brokers, and limited dental and medical services. Facilities which provide overnight care to any customer shall not be deemed a professional office.

132. *"Off-site improvements"* shall mean improvements to public infrastructure required as a condition of approval of a development which created the need for the improvements.

133. *"Open Space"* shall mean that area within the boundaries of any lot or development that is intended to provide light and air and upon which no improvement which creates impervious surfaces may be installed, erected, or constructed. Open space shall in general be available for entry and use by the occupants of the lot. Ordinarily, open space shall be maintained with vegetative cover.

134. *"Ownership", "owner of record"* shall mean the individual, group, or corporation with legal title to the land or with a contract to obtain legal title, or an individual, group, or corporation given specific ownership rights by a lease.

135. *"Parcel"* shall mean a lot or tract of land.

136. *"Parking area"* shall mean any area outside of any street right-of-way or easement specifically allocated and designed to accommodate the parking or storage of domestic vehicles.

137. *"Parking, commercial"* shall mean the use of land or structures as a principal use for the parking of vehicles for a fee.

138. *"Parking space"* shall mean a striped or signed space designed to accommodate one vehicle. Spaces may be marked for handicapped vehicles, small cars, recreational vehicles, or other type of motorized vehicle.

139. *"Personal Service Establishment"* shall mean a facility which provides care to a person or a person's apparel, barber shops, beauty shops, seamstress shops, shoe repair shops, coin-operated laundries, optician shops, diet centers, health clubs, spas, pet grooming shops and similar uses. Sales of products must be clearly incidental to the services provided.

140. *"Planning Commission" "Commission"* shall mean the Planning Commission

created under provisions of Title 24, Chapter 117 of Vermont Statutes appointed by the Village Board of Trustees with the responsibilities as specified by Vermont Statutes, the Village Charter and the provisions of this Code.

141. *"Pollution"* shall mean the presence in the air, water, or soils of any substance, contaminants or noise which may be harmful or hazardous to human health or welfare or animal and plant life or property as defined by Federal and State law.

142. *"Principal building"* shall mean a building or structure in which is conducted the main or principal use of the lot or parcel upon which said building is located.

143. *"Principal use"* shall mean the main use which is conducted on a lot or parcel or within a building or structure located on the lot or parcel.

144. *"Private community use"* shall mean any structure used, owned or operated by a profit or non-profit organization for the sole benefit of its membership. Food and beverages may be provided on the premises if the facility is so designed and constructed. Membership may be recreational or social.

145. *"Private street"* shall mean any street which has not been accepted as a public street.

146. *"Private yard"* (condo, townhouse, etc.) shall mean any yard fenced, screened or walled to provide private space on the lot for the owners or occupants of a dwelling of any type.

147. *"Public"* shall describe any use, land, structure, building, or facility used by any state or local governmental entity for use by the general public regardless of ownership.

148. *"Public hearing"* shall mean any duly noticed hearing on an application or use as specified by this Code.

149. *"Public meeting"* shall mean any duly noticed meeting at which a quorum is present to conduct business.

150. *"Public Works Standards"* shall mean the construction and installation standards adopted herein for infrastructure or connection to or use of existing public infrastructure.

151. *"Recreation use, high intensity"* shall mean any public, quasi-public or private property where the principal use is a zoo, aquarium, amusement park, stadium, drive-in facility, golf course, exposition center, or similar use or activity.

152. *"Recreation use, low intensity"* shall mean any public, quasi-public or private facility where the principal use is a park, playground, athletic field, tennis court, bike path, or similar facility. A private club house restricted to use by development residents may be a low intensity recreation use.

153. *"Recreation use, medium intensity"* shall mean any recreation facility or use such as billiards, bowling, miniature golf course, in-door shooting range, arcade, pool halls, theaters and similar facilities.

154. *"Recreation use, temporary"* shall mean any recreation use which is established on a temporary basis including circuses, carnivals, booths, festivals, and similar uses.

155. *"Recreational vehicle"* shall mean any vehicle built and used primarily for recreation purposes (including boats) and designed to be pulled behind another vehicle or any motorized vehicle which accommodates sleeping and/or eating. Common terms include camper, topper, trailer, motor home, and RV.

156. *"Recreational vehicle site"* shall mean any parcel or portion thereof designed and constructed to accommodate the parking of one or more recreational vehicles for a fee.

157. *"Recycling center"* shall mean a facility designated for the delivery and pick-up of recyclable materials.

158. *"Redevelopment"* shall mean the alteration, conversion, reconstruction, structural alteration or enlargement of any structure or the change in any use.
159. *"Repair service establishment"* shall mean a business in an enclosed structure whose principal use is the repair and replacement of common household items such as appliances, watches, musical instruments, computers, bicycles, radios, televisions, refrigerators, air conditioners and similar uses. Product sales shall be incidental to the repair business.
160. *"Residential development"* shall mean any subdivision, apartment, cluster home, carriage home, condominium, or townhouse designed and constructed for residential occupancy.
161. *"Re-subdivision"* shall mean the creation of a new subdivision whose boundaries or lot lines have changed from a previously approved subdivision and excluding "lot division", "lot consolidation" or "boundary adjustment".
162. *"Retail, convenience"* shall mean an establishment whose principal use is the sale of products in small quantities for the daily use of customers including but not limited to bakeries, food stores, news stands, tobacco shops, card shops, liquor stores, delicatessens, musical supply stores, pet stores, jewelry stores, camera and photography supplies, ice cream parlors, meat and seafood shops, and florist shops.
163. *"Retail sales,"* shall mean an establishment whose principal use is the sale of products for consumption or use by the customer off the premises. This shall include but not be limited to hardware, department, paint, office equipment, sporting goods, trading stamp and redemption outlets, television (including satellite dishes), automotive supply and major household appliance stores (including refrigerators, stoves, ovens, air conditioners, furnaces).
164. *"Right-of-way"* means any parcel of land deeded or for which an easement is granted for the current or future construction of a public or private street. A right of way shall be subtracted from the total lot area.
165. *"Roadside sale of agricultural products"* means the use of any lot or portion thereof for the display or sale of locally grown or produced agricultural products on a temporary or seasonal basis.
166. *"Sales, outdoor"* shall mean the use of any lot or parcel or portion thereof for the sale and storage of any product or the exchange or swapping of any product among customers.
167. *"Sales, temporary"* shall mean the use of any structure, lot or parcel for limited sales events which are conducted on private or public property for brief periods of time.
168. *"Salvage"* shall mean the recovery of any product from the waste stream with intent to recycle or sell for any purpose.
169. *"School"* shall mean any establishment certified by the Vermont Department of Education, including parochial, private, public and nursery schools, colleges, universities and accessory uses, but specifically excluding commercially operated schools of beauty culture, business, dancing, driving, music and other similar establishments.
170. *"Service bay"* shall mean a space designed and constructed for the placement of any motor vehicle for repair, servicing, or washing. Service bays may be located outside of structures.
171. *"Service Station"*. See *"Motor Vehicle Repair Services"*.
172. *"Setback"* The required minimum horizontal distance from the property line to the nearest point of a structure.

173. *"Sewer Allocation"* shall mean the granting of specific rights to discharge sewage into a sewer for treatment at the Village's Waste Water Treatment Plant.
174. *"Shopping center"* shall mean a structure or series of structures which contain a variety of commercial outlets for purchasing goods and services.
175. *"Site Plan"* shall mean a plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principle site development features proposed for a specific parcel of land.
176. *"Small Scale Facility"* shall mean any Wireless Telecommunication Facility that is installed on the ground and does not exceed 20 feet in elevation and/ or that is installed on an existing building or structure and does not extend more than 20 feet from the building or structure.
177. *"Solar collector" "Solar receptor"* shall mean a device designed and used for collecting solar energy and converting it to heat or electrical energy.
178. *"Solid waste collection point"* shall mean an area or facility designated for the temporary collection and transfer of waste to an approved landfill.
179. *"Stable, public"* shall mean any boarding and grooming facility for horses or other livestock with stalls for rent to the general public. A stable may include riding facilities and trails.
180. *"Staff"* shall mean any Village employee or other personnel retained on a contractual basis to whom is delegated the authority to take specific actions as provided herein.
181. *"Storage, outdoor"* shall mean any facility whose principal use is the storage of products, equipment, recreation vehicles or supplies and which does not include storage of vehicles for sale to the general public.
182. *"Storm water retention facility"* shall mean any facility designed and constructed to hold stormwater runoff.
183. *"Storm water runoff"* shall mean water from precipitation which is not absorbed into the soil, does not evaporate and which runs across the land during periods of precipitation.
184. *"Story"* shall mean a portion of a building between an upper surface of a floor and the upper surface of the floor above, or if there is no floor above it, the space between such floor and ceiling above it. A basement shall be considered as a story when the distance from grade to the finished surface of the floor above the basement is more than six (6) feet for more than 50 percent of the perimeter or more than twelve (12) feet at any point.
185. *"Street"* shall mean any public or private way designed for use by motorized and non-motorized vehicles and pedestrians; and providing access to adjoining lots.
186. *"Structure"* shall mean the assembly or placement of any materials for occupancy or use including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence (except a wall or fence on an operating farm and fences less than six (6) feet in height) and tanks for storage of gas and/or oil consistent with Section 4303 of Title 24, Chapter 117 of Vermont Statutes Annotated.
187. *"Subdivision"* shall mean any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, plots, units or interests for the purpose of offer for sale, lease or development. Multi-Family developments of 5 or less units shall not be considered a subdivision.
188. *"Substantial improvement"* shall mean any repair, reconstruction or improvement

of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started (b) if the structure has been damaged and is being restored, the value of the structure before the damage occurred. The term does not, however, include (1) any improvement to comply with existing State or local health, safety or sanitary code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places

189. *"Taxi-cab and limousine service"* shall mean a parcel, building or space designated for use by any company providing transportation for a fee. Incidental office space, structures designed for the storage of vehicles and the outdoor storage of vehicles not currently in service may be included.

190. *"Temporary permit, Champlain Valley Exposition"* shall mean any permit authorized herein and issued for specific events at the Champlain Valley Exposition Fairgrounds.

191. *"Temporary use"* shall mean an identified use permitted on an occasional basis for a specific length of time.

192. *"Temporary use permit"* shall mean a permit authorizing the establishment of a specific temporary use.

193. *"Traffic impact study"* shall mean a study which analyzes the traffic generated by a specific development proposal and describes the impact of the traffic generated on adjacent streets, intersections and driveways. A traffic impact study may also include a study of impact on streets or intersections not immediately adjacent to the proposed development.

194. *"Transfer of development rights"* shall mean a process by which the right to develop one portion of a parcel of land (sending area) is transferred to another portion of the same parcel (receiving area). The right to develop the sending area of land is eliminated.

195. *"Trustees" "Board of Trustees"* shall mean the legislative body of the Village of Essex Junction elected pursuant to the provisions of the Village Charter.

196. *"Utility uses, utilities"* shall mean any public regulated company or governmental entity which provides specific public services including electricity, natural gas, telephone, cable television, water, sewer, storm sewer and similar facilities.

197. *"Variance"* shall mean a procedure by which a waiver of Code requirements may be obtained from the Zoning Board when the strict application of the Code to a specific parcel will cause undue hardship.

198. *"Visibility triangle"* shall mean a designated area located adjacent to the intersection of two or more streets or driveways which shall be kept free from visual obstruction.

199. *"Warehouse"* shall mean a facility where the principle use is the storage of merchandise, products, or materials for a fee or for distribution or sale to other businesses. Storage of materials incidental to a permitted use is not a warehouse.

200. *"Wild animals"* shall mean any non domesticated animals.

201. *"Wireless Telecommunication Facility"* shall mean *any tower or other support structure*, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services.

202. *"Wireless Telecommunication Service"* shall mean any commercial mobile service,

wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

203. *"Wireless Telecommunication Service Provider"* shall mean any person or entity providing Wireless Telecommunication Services.

204. *"Yard"* The required open space area located on the same lot with a building or structure, unoccupied and unobstructed from the ground up. The minimum depth or width of a yard shall be the horizontal distance between the lot line and the nearest point of the structure.

205. *"Yard, special"* shall mean the required front, side or rear lot area normally required for setbacks which, due to unusual lot configurations, cannot meet the standard side, front, or rear yard definitions.

206. *"Zoning Board of Adjustment" "Zoning Board" "Board of Adjustment" "Board"* shall mean the Board as appointed by the Village Trustees which has the specific authority to act on variances, conditional uses, and Code interpretations as specifically delegated by this Code and provisions of the State of Vermont Statutes.

D. Transit Oriented Development – for the purposes of Section 607 of this Code, the following definitions shall apply:

1. *"Affordable Housing"* shall mean housing, either rental or for sale, that is affordable to households earning 80% of the median income for the Burlington Metropolitan Statistical Area (MSA) as established by the US Census Bureau and for which they pay no more than 30% of their gross income for housing, which includes utilities for rental properties.
2. *"Alley"* shall mean a vehicular driveway located to the rear of lots providing access to service areas and parking, and containing utility easements. Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll curbs at the edges.
3. *"Block"* shall mean an aggregate of private lots, passages, rear lanes and alleys, circumscribed by thoroughfares.
4. *"Façade"* shall mean the exterior wall of a building that is set along a frontage line.
5. *"Frontage Line"* shall mean lot lines that coincide with a public frontage. Facades along frontage lines define the public realm and are therefore more regulated than the elevations that coincide with other lot lines.
6. *"Liner Building"* shall mean a building specifically designed to mask a parking lot or a parking garage from a frontage.
7. *"Parking Structure"* shall mean a building containing two or more stories of parking. Parking structures shall have liner buildings for the full height of the parking structure.
8. *"Pedestrian Oriented Design"* shall mean the design of community neighborhoods, streetscapes, sites, and buildings that emphasizes pedestrian access, comfort, and visual interest. Transit-Oriented Design that includes design and intensity of land use to support transit in addition to pedestrians.
9. *"Plaza"* shall mean a public open space at ground level wholly or partly enclosed by a building or buildings. It is continuously accessible to the public and has openings to

the sky.

10. "Rowhouse" shall mean a single-family dwelling that shares a party wall with another of the same type and occupies the full frontage line.

11. "Square" shall mean an open space available for unstructured recreation and purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be 1 acre and the maximum shall be 5 acres.

12. "Streetscape" shall mean the urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.) and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

13. "Transit Oriented Development" shall mean a development pattern characterized by a mix of uses surrounding a transit platform where streets have a high level of connectivity, blocks are small, and streetscape, buildings, and uses cater to the pedestrian.

14. "Transit Park and Ride" shall mean a facility designed for the temporary parking of automobiles, the occupants of which transfer to public transit or other automobiles to continue their trips.

E. Flood Plain Management Definitions - For the purposes of Section 611 of this Code, the following definitions shall apply:

1. "Administrator" shall mean the Administrator of the Federal Insurance Administration.

2. "Area of shallow flooding" means a designated A or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

3. "Area of special flood hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

4. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

5. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

6. "Building" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

7. "Development" means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

8. "Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e. mudflow) and related erosion areas having special hazards have been designated.

9. "Flood Insurance Rate Map" (FIRM) means an official map of a community, on

which the Administrator has delineated both the special hazard area and the risk premium zones applicable to the community.

10. *"Flood insurance study"* means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

11. *"Flood proofing"* means any combination of structural and non-structural additions, changes, or adjustments, to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

12. *"Floodway"* means the channel of a river or watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

13. *"Lowest Floor"* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 611.C.

14. *"Manufactured home"* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

15. *"Mean sea level"* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

16. *"Structure"* means an assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm.

17. *"Substantial improvement"* means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (I) before the improvement or repair is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either (I) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

F. Sewer Regulation Definitions - For the purpose of Chapter 11 of the Code, the following special definitions shall apply:

1. *"BOD (denoting Biochemical Oxygen Demand)"* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.

2. *"Building Drain"* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5)

feet (1.5 meters) outside the inner face of the building wall.

3. *"Building Sewer"* shall mean the extension from the building drain to the public sewer or private sewer or other place of disposal. Each building sewer is a private line and must be maintained by the property owner.
4. *"Combined Sewer"* shall mean a sewer receiving both surface runoff and sewage.
5. *"Garbage"* shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
6. *"Industrial Wastes"* shall mean liquid or gaseous wastes from industrial manufacturing processes, trade, business as distinct from sanitary sewage.
7. *"Natural Outlet"* shall mean an outlet into a water-course, pond, ditch, lake, or other body of surface or ground water.
8. *"Person"* shall mean any individual, firm, company, association, society, corporation, or group.
9. *"Ph"* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. *"Properly Shredded Garbage"* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.
11. *"Public Sewer"* shall mean a sewer in which all owners have equal rights which is controlled by public authority.
12. *"Sanitary Sewer"* shall mean a sewer which carries sewage not including storm, surface, and ground waters.
13. *"Sewage"* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
14. *"Sewage Treatment Plant"* shall mean any arrangement of devices and structures used for treating sewage.
15. *"Sewage Works"* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
16. *"Sewer"* shall mean a pipe or conduit for carrying sewage.
17. *"Slug"* shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
18. *"Storm Drain (sometimes termed "storm sewer")"* shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
19. *"Superintendent"* shall mean the manager of the Sewage Department or his authorized deputy, agent or representative.
20. *"Suspended Solids"* shall mean solids that either float on the surface of, or are suspended in water, sewage, or other liquids, and which are removable by laboratory filtering.
21. *"Water-course"* shall mean a channel in which a flow of water occurs, either continuously or intermittently.

22. *"Secretary"* shall mean the Secretary of the Agency of Natural Resources, State of Vermont, or his representatives.

G. Sign Regulation Definitions - For the purposes of Section 714 of this Code, the following special definitions shall apply:

1. *"Billboard"* shall mean an off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.
2. *"Directional sign"* shall mean a free-standing sign used at driveway entrances to direct traffic flow which includes no advertising or logos.
3. *"Facade"* shall mean the principal face of a building, usually facing the street and/or containing a public entrance.
4. *"Natural causes"* shall mean those causes which occur naturally in nature, such as wind, rain or earthquakes. Natural deterioration caused by rot or rust or damage caused by human actions shall not be considered a natural cause.
5. *"Replacement cost"* shall mean the estimated total cost of replacement, at fair market rates, with the same or similar materials, by a professional contractor.
6. *"Sign"* shall mean any device that is visible to persons not located on the lot where such device is located and designed to attract the attention of such persons or to communicate information to them.
7. *"Sign, alteration"* shall mean any repairs or replacement of any part of a sign including its support structure except for repainting. Changing messages on a permanent display area of a sign designed for periodic changing of messages is not regarded as an alteration.
8. *"Sign, Facing or Face"* shall mean the surface of a sign board, background area, and structural trim through which a message is displayed or illustrated.
9. *"Sign, Free-Standing"* shall mean a sign that is permanently attached to, erected on, or supported by an independent structure which is not an integral part of or attached to a building or other structure. If the message is removed from a structure originally designed and used as a freestanding sign, this structure shall be considered a sign.
10. *"Sign, Government"* shall mean any traffic control, directional, or informational sign placed on any parcel or in the right-of-way for the purpose of protecting the general public health, safety, or welfare.
11. *"Sign, Grand-Opening"* shall mean a temporary sign used to announce the opening of new businesses which have been closed more than 7 days and are re-opening. Changes in management or ownership do not qualify under this definition.
12. *"Sign, Ground"* shall mean a permanent, free-standing sign located on or close to the ground.
13. *"Signs, Internally Illuminated"* shall mean signs where the source of the illumination is inside the sign and light emanates through the message of the sign. Signs which are filled with neon or other gas that glows shall be considered internally illuminated signs.
14. *"Sign, Off-Premises"* shall mean a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. Signs which draw attention to causes or proclaim political, religious, or other non-commercial messages shall also be an off-premises sign.

15. *"Sign Permit"* shall mean a permit issued which authorizes the recipient to erect, move, enlarge or alter a sign.
16. *"Sign, Permanent"* shall mean any sign as defined herein, permanently affixed to a building or the ground.
17. *"Sign, Portable"* shall mean a free-standing sign not permanently affixed, anchored or secured to the ground or structure on the lot it occupies, including trailered signs.
18. *"Sign, Projecting"* shall mean any sign which is attached to a building or other structure and which projects from the wall or roof surface of that portion of the building or structure to which the sign is attached.
19. *"Sign, Roof"* shall mean a sign on a roof that has a pitch of less than one-to-four. Signs on a roof with a pitch of greater than one-to-four shall be considered a wall sign.
20. *"Sign, Wall"* shall mean a permanent sign securely affixed to and parallel to the face of a wall of a building.
21. *"Sign, Window"* shall mean signs painted or posted on any glass or translucent surfaces.
22. *"Sign, On-Premises"* shall mean a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, enterprise or activity that exists or is conducted, offered, sold, maintained, or provided on the lot where the sign is located.
23. *"Sign, Temporary"* shall mean a sign which is used in connection with an event that is designed, intended, or expected to take place or to be completed within a short or definite period. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

SECTION 202: GENERAL RULES The rules as set forth in this Section shall apply to any interpretation of this Code unless specifically limited or altered by a specific provision of this Code or a Court of competent jurisdiction.

- A. **Generally.** All provisions, terms, phrases or expressions shall be liberally construed in order that the true intent and meaning of the Commission and Trustees is met.
- B. **Gender.** Words which are in the masculine gender shall be construed to include the feminine and neuter.
- C. **Number.** Words used in the singular may include the plural and words in the plural may include the singular. All interpretations shall include the context in which the words are used.
- D. **Tense.** Words in the past or present tense include the future as well as the past or present.
- E. **Year.** The word year shall mean a calendar year unless otherwise indicated.
- F. **Shall; Should; May; Will; Includes.** The word "shall" is mandatory; the word "may" is authorized but not required, the word "should" is desirable, but not mandatory; the word "includes" shall not limit a term to a specific example or series of examples, but is intended to extend its meaning to all other circumstances or examples of like kind or character.