

ARTICLE II
Definitions

§ 200-4. Word usage and definitions.

- A. In this Zoning Bylaw the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural, and the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended" or "offered" to be used or occupied; the words "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof," and the word "shall" is always mandatory and not merely directory.
- B. Terms and words not defined herein but defined in the Massachusetts State Building Code and Town of North Reading General Bylaws, as amended, shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, 3rd Edition. Uses listed in the Table of Use Regulations under the classes Retail, Service and Commercial and Wholesale, Transportation and Industrial shall be further defined by the 1997 North American Industry Classification System. **[Amended 10-17-1991 OTM by Art. 21, approved 2-4-1992; 4-6-2000 ATM by Art. 26, approved 6-28-2000; 10-2-2000 OTM by Art. 16, approved 3-29-2001]**
- C. Definitions.

ABANDONMENT -- The purposeful discontinuation of a use of a building or lot; or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming¹ use, without its replacement by similar equipment or furnishings; or the occurrence of the circumstances delineated in § 200-12.

ACCESSORY BUILDING -- A detached building, the use of which is customarily subordinate and incidental to that of the principal building located on the same lot.

ACCESSORY USE -- A use of a lot customarily subordinate and incidental to the principal use of the lot or to a structure on the lot.

BUILDING -- A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, processes or property. For the purpose of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed, where the context requires, as though followed by the words "or part or parts thereof."

¹ Editor's Note: Throughout this chapter, each instance of the word "non-conforming" was amended to "nonconforming" 10-2-2000 ATM by Art. 16, approved 3-29-2001.

BUILDING AREA -- The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies and terraces expressed as a percentage of total lot area.

BUILDING INSPECTOR -- The duly appointed official of the Town of North Reading charged, among other things, with enforcement of this Zoning Bylaw.

BUILDING PERMIT -- A permit issued by the Building Inspector for the construction, reconstruction, alteration or change of a structure as required by the Massachusetts State Building Code and this Zoning Bylaw.

CAMP -- A place consisting of more or less permanent structures used for vacationing or other recreational purposes.

CERTIFICATE OF COMPLIANCE -- A statement signed by the Building Inspector, setting forth either that a building or structure complies with this Zoning Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

COUNTRY CLUB -- A suburban club with facilities for golf, other outdoor sports and social activities.

DECISION -- A determination made by the Zoning Board of Appeals pursuant to an appeal, an application for a special permit, or an application for a variance or a determination made by the Community Planning Commission pursuant to an application for a special permit. The term "decision" is synonymous with the term "finding." [**Amended 11-6-1978 OTM by Art. 12, approved 2-6-1979**]

DETACHED BUILDING -- A building having open space on all sides.

DISTRICT -- A zoning district as established by § 200-29 and 200-30 of this Zoning Bylaw.

DRIVE-IN RESTAURANT/TAKE-OUT RESTAURANT -- Premises and buildings used primarily for the sale, dispensing or serving of food, refreshments or beverages for consumption off the premises or consumption in vehicles temporarily parked on the premises, or at tables, benches or counters, the majority of which are out of doors.

DRIVE-IN USES -- A retail or consumer service use of land or a building in which the business transacted usually is conducted by a customer or client within his automobile.

DRIVEWAY -- A portion of a lot which is designed for vehicular access to a garage, or off-street parking or loading space.

DWELLING -- A privately or publicly owned permanent structure constructed pursuant to the provisions of the Massachusetts State Building Code, which is occupied in whole or in part as the home residence or sleeping place of one (1) or more persons. This term shall not include tents, trailers, campers or mobile homes. The terms "one-family," "two-family," or "multi-family" dwelling shall not include hotel, motel, lodging house, hospital, membership club, mobile home or dormitory.

DWELLING, MULTI-FAMILY -- A building or group of buildings containing four (4) or more dwelling units and including apartment house, garden apartment house and townhouse. Each unit may be owned by a separate owner. **[Amended 10-4-1984 OTM by Art. 14, approved 1-8-1985]**

DWELLING UNIT -- One (1) or more living and sleeping rooms providing complete living facilities for the use of one (1) or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking and sanitation; but not including mobile homes or trailers, however mounted, or commercial accommodations offered for transient occupancy.

EMISSION -- Energy and/or matter issued into the environment as a direct consequence of any activity or use.

ERECT -- To construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot. The word "erect" shall include "building," "constructing," "reconstructing," "altering," "enlarging" and "moving."

ESSENTIAL SERVICES:

- (1) Services provided by public or private utility, or governmental agencies through erection, construction, alteration, removal, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply or disposal systems whether underground or overhead.
- (2) Facilities necessary for the provision of essential services including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith.
- (3) Specifically excluded from this definition are buildings necessary for the furnishing of adequate services by such public or private utility, or governmental agencies for the public health, safety or general welfare.

FAMILY -- An individual, or two (2) or more persons living together as a single housekeeping unit.

FINDING -- See "decision."

GRADE, FINISHED -- The average elevation of the ground at the conclusion of construction.

GROSS FLOOR AREA -- The sum of the areas of the several floors of a building as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics, or any floor space intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Zoning Bylaw. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

HEIGHT -- The vertical distance from the average finished grade of the adjacent ground to the highest point on the highest roof of the structure.

HOSPITAL -- A building providing twenty-four-hour in-patient services for the diagnosis, treatment or other care of human ailments, including a sanitarium, sanatorium, clinic, rest home, nursing home and convalescent home.

HOTEL -- A building or any part of a building containing rooming units for transient occupancy including an inn, motel, motor inn and tourist court, but not including a boardinghouse, lodging house or rooming house.

HOUSE TRAILER -- A mobile home.

JUNK -- Any worn out, cast off, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

JUNKYARD -- The use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building, or the use within ten (10) feet of the street lot line of any lot for the storage, keeping or abandonment of junk.

LANDSCAPING -- Improvements to land to enhance its attractiveness and facilitate its use and enjoyment by planting or removal of vegetation, application of pavement, surface materials or ground cover and minor grading which does not alter the overall surface drainage pattern. [**Amended 11-6-1978 OTM by Art. 12, approved 2-6-1979**]

LIGHT MANUFACTURING -- Fabrication, processing or assembly employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or bright lights, refuse matter, electromagnetic radiation, heat or vibration.

LOADING SPACE -- An off-street space of at least twelve (12) feet in width, fifty (50) feet in length and with a vertical clearance of at least fourteen (14) feet, having an area of not less than six hundred (600) square feet plus access and maneuvering space used exclusively for loading and unloading of goods and materials from one (1) vehicle.

LODGING HOUSE -- A building containing rooms for the semi-permanent use of one (1) or more individuals not living as a single family.

LOT -- A parcel of land used or available for use as the site of one (1) or more buildings and buildings accessory thereto in the same ownership throughout, as shown or defined on a recorded instrument or as otherwise defined by metes and bounds. A lot for the purpose of this Zoning Bylaw may or may not coincide with a lot of record title.

LOT, CORNER -- A lot at the point of intersection of and abutting on two (2) or more intersecting streets, the interior angle of intersection of the street lot lines, or in case of a curved street, extended street lot lines, being not more than one hundred thirty-five (135) degrees.

LOT DEPTH -- The mean horizontal distance between the front lot line and the rear lot line.

LOT FRONTAGE -- The horizontal distance measured along the front lot line between the points of intersection of the side lot lines with the front lot line. Frontage for purposes of this Zoning Bylaw shall be only continuous frontage and shall be measured only by one (1) front lot line for the purposes of corner lots.

LOT, INTERIOR -- A lot, the side lines of which do not abut on a street.

LOT LINE, FRONT -- The property line dividing a lot from a street right-of-way.

LOT LINE, REAR -- The lot line opposite from a front lot line and which does not intersect a front lot line.

LOT LINE, SIDE -- Any lot line not a front or rear lot line.

LOT, THROUGH -- A lot, the front and rear lot lines of which abut streets; or a corner lot, two (2) opposite lines of which abut streets.

LOT, WIDTH -- The horizontal distance between the side lot lines as measured at the minimum front yard depth required by this Zoning Bylaw, and parallel to the street line.

MASSAGE ESTABLISHMENT -- Any establishment or place of business wherein massage, as defined hereafter, for hire or reward, is administered or used as the primary use of the premises. "Massage" shall mean the practice of a massage of a person by hand or by any mechanical apparatus or both, including, without limitation, nonspecific stretching techniques, oil rubs, heat lamps, salt glows, hot or cold packs, tubs, showers, cabinet baths, steam and dry heat baths, and mineral water. "Massage" is also defined to include, without limitation, stroking, touching, kneading, vibration, friction and percussion, solely, or in combination or by means of any mechanical apparatus. **[Added 4-23-1979 ATM by Art. 22, approved 5-18-1979]**

MEMBERSHIP CLUB -- A social, sports or fraternal association or organization which is used exclusively by members and their guests and is not conducted as a gainful business.

MIXED USES -- The use of a building, structure, lot or portion thereof for more than one (1) permitted use.

MOBILE HOME -- Any vehicle except a camping trailer, travel trailer, self-contained motor home or other vehicles designed for similar purposes, used or so constructed as to permit its being used as a dwelling or sleeping place for one (1) or more persons and adaptable for running water and sanitary facilities whether or not such vehicle is actually immobile because of temporary or permanent utilities, connections, foundations or other features attached to a fixed site. Any such vehicle greater than eight (8) feet in width shall be considered a mobile home. **[Amended 11-6-1978 OTM by Art. 12, approved 2-6-1979]**

MUNICIPAL FACILITY -- A physical facility, such as a parcel of real estate, a building or other structure, owned by the Town, where the activities conducted thereon are operated by Town employees or under a management agreement, lease or other contractual arrangements with the Town. **[Added 1-19-1988 STM by Art. 6, approved 2-2-1988]**

MUNICIPAL FACILITY - GOLF COURSE -- A nine-hole or eighteen-hole golf course, including golf driving range, pro shop, swimming facilities, clubhouse, eating, drinking and dining facilities, function hall, other accessory buildings and parking areas incidental thereto, but not including miniature golf facilities. Excluded herein is the use of any motorized recreational vehicles except those used in conjunction with the operation of the golf course. **[Added 1-19-1988 STM by Art. 6, approved 2-2-1988]**

MUNICIPAL FACILITY - INDOOR AND OUTDOOR RECREATION -- Indoor and/or outdoor recreation facilities, including physical fitness facilities and related pro shops, and accessory uses, but not including miniature golf facilities. **[Added 1-19-1988 STM by Art. 6, approved 2-2-1988]**

NOTICE AND ORDER -- A document issued by the Building Inspector pursuant to the provisions of § 200-21A of this Zoning Bylaw and requiring termination of zoning violations.

NURSING HOME -- See "hospital."

OVERLAY DISTRICT -- A zoning district such as the Floodplain District which is superimposed on other zoning districts and whose regulations are supplementary to those of the affected zoning districts so overlaid. Where there is a conflict between the Zoning Bylaw and an overlay district regulation or restriction, the more restrictive shall apply. **[Added 11-6-1978 OTM by Art. 12, approved 2-6-1979; amended 10-8-1987 OTM by Art. 21, approved 11-30-1987; 4-30-1992 ATM by Art. 22, approved 8-26-1992]**

PARKING SPACE -- An off-street space at least nine (9) feet in width and twenty-one (21) feet in length on its shortest side for angle parking, or ten (10) feet in width and twenty (20) feet in length for other parking, having an area of not less than one hundred eighty-nine (189) square feet, plus access and maneuvering space, whether inside or outside a structure for use as a parking stall for one motor vehicle.

PRINCIPAL BUILDING -- A building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE -- The main or primary purpose for which a structure or lot is designed, arranged or intended or for which it may be used, occupied or maintained under this Zoning Bylaw.

SERVICE STATION -- A building or part thereof whose chief activity is the selling of gasoline, oil and related products for motor vehicles.

SPECIAL PERMIT -- A permit allowing the use of a structure or lot or any action upon a premises which may be permitted under this Zoning Bylaw only upon application to and the approval of the Zoning Board of Appeals or the Community Planning Commission in accordance with the provisions of § 200-28A and B.

SPECIAL PERMIT GRANTING AUTHORITY -- The Zoning Board of Appeals shall act as the special permit granting authority in all cases except those relating to special permits granted pursuant to Articles X and XI of this Zoning Bylaw in which case the Community Planning Commission shall act as the special permit granting authority. **[Amended 11-6-1978 OTM by Art. 12, approved 2-6-1979]**

STORY -- The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third (1/3) of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is six (6) or more feet above the finished grade. An attic shall not be deemed a story if unfinished and without human occupancy.

STORY, HALF -- A story under a gable, hipped or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET **[Amended 10-10-1985 OTM by Art. 19, approved 2-4-1986; 10-5-1995 OTM by Art. 36, approved 12-22-1995; 4-7-1997 ATM by Art. 22, approved 8-1-1997]:**

- (1) A public way; or
- (2) A way shown on a plan approved and endorsed under the Subdivision Control Law; or
- (3) A way in existence on or before September 19, 1944, having in the opinion of the Community Planning Commission sufficient width [which is at least twenty-one (21) or more feet in right-of-way width], suitable grades and adequate construction to provide for the need of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STRUCTURE -- A combination of materials for occupancy or use, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, shelters, piers, wharves, bin, fence, sign, swimming pool or the like.

TOWNHOUSE -- Three (3) or more attached single dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner.

TRAVEL TRAILER, CAMPING TRAILER, CAMPER and SELF-CONTAINED MOTOR HOME -- A recreational vehicle or camper (pick-up coach) which is immediately portable, and is arranged, intended, designed or used for sleeping and/or eating but which is not designed as a permanent dwelling unit and is eight (8) feet wide or less. **[Amended 11-6-1978 OTM by Art. 12, approved 2-6-1979]**

USE -- The purpose for which a structure or land is used or intended to be used.

USED CAR LOT -- An open lot on which motor vehicles, either exclusively or predominantly used, and in running condition, are displayed for sale.

USE, SUBSTANTIALLY DIFFERENT -- A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

YARD, FRONT -- The area extending the full width of the lot between the street lot line and the front wall line of the nearest building.

YARD, REAR -- The area between the rear lot line and the nearest wall of the principal building or structure.

YARD, SIDE -- The area between the side lot line and the nearest wall of the principal building or structure.