Chapter 1 Article III of the Town Of Dewey Beach Municipal Code

ARTICLE III Definitions [Adopted 9-7-1984 as Ch. 2 of the 1984 Code]

§ 1-15. General rules of construction.

The general rules of construction shall apply to the regulations of this Code:

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| A. | The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary. |
| B. | Words used in the present tense include the past and future tenses, and the future the present. |
| C. | The word "shall" is always mandatory. The word "may" is permissive. |
| D. | The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure" and the word “structure” includes “building” |
| E. | Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage. |

§ 1-16. Definitions.

As used in this Code, the following terms shall have the meanings indicated:

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|  | ACCESSORY BUILDING — An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Code) located on the same lot as the main building or principal use of the land. |

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|  | ACCESSORY USE — An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Code) is located on the same lot as the principal use of the premises. When the term "accessory" is used in the Code, it shall have the same meaning as "accessory use". |

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|  | AGGREGATE AREA OR WIDTH — The sum of two or more designated areas or widths to be measured, limited, or determined under the provisions of this Code. |

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|  | ALLEY — A narrow public or private thoroughfare, not exceeding 16 feet in width, which provides only a secondary means of vehicular access to abutting properties, and which is not intended for general traffic circulation. |
|  | ALLEY RETAIL – Includes commercial properties occupied by retail type businesses which are located in such a manner so as to face each other and being separated by an alley. |
|  | AUTOMATED TELLER MACHINE – An unattended electronic machine in a public place, connected to a data system and related equipment and activated by a bank or financial institution customer to obtain cash withdrawals and other banking services. |
|  | AUTOMOBILE SERVICE STATION – A retail establishment that provides for one or more of the following:   1. The servicing of motor vehicles and operations incidental thereto and limited to the retail sale of petroleum products, and that may include one or more of the following activities: retail sales and installation of automotive accessories,; automobile washing by hand; undercoating and rustproofing; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement (excluding repair and rebuilding); radiator cleaning and flushing (excluding steam cleaning and repair); installation of accessories; and State inspection; and/or 2. The following operations if conducted within a completely enclosed building: brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or 3. The operation of a convenience food store, provided that retail sale of petroleum products is part of the operation.   In no case shall the following be permissible as part of an automobile service station operation: automobile wrecking, automobile or auto parts recycling, auto body repairs, automobile painting, the parking or storing of inoperable, wrecked or unregistered vehicles, the parking or storing of automobiles for hire, automobile parking for fee, or the operation, parking or storing of more than two towing vehicles. |

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|  | AWNING — A temporary or permanent non-load-bearing projection from a building designed to provide shade or protection from elements, having a pitched surface which may not be used for any other purpose. |

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|  | BAR — A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include those facilities otherwise referred to as taverns, night clubs, private clubs, bottle clubs and similar facilities serving alcoholic liquor. No new bars shall be permitted as per Ordinance No. XXX MM/DD/YYYY. |

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|  | BASEMENT — The portion of a building between a floor and ceiling which is partly or completely below grade and has at least half of its height below grade. |
|  | BATHROOM, PUBLIC – A permanent bathroom facility which includes a private toilet and a sink and which is available to the general public for use. |

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|  | BAY — A small gulf with an opening to the sea of less than 24 nautical miles and a strictly defined minimum area. |
|  | BEACH — That area of land and water where the Atlantic Ocean or Rehoboth Bay and the land of the Town meet and extending into the ocean or bay 100 feet and onto land to the crest of the dunes. |

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|  | BED-AND-BREAKFAST — An owner occupied private home in which up to four bedrooms are used to provide overnight accommodations, which may include breakfast, for transient guests for compensation. |
|  | BILLBOARD – Any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes, other than on a building or the grounds to which the advertising applies. |

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|  | BOARD — The Dewey Beach Board of Adjustment, unless specifically noted otherwise. |

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|  | BOAT — An open vessel over four feet in length, primarily designed for traveling on water including, but not limited to all vessels loosely defined as jet skis, canoes, kayaks, sailboats, catamarans, powerboats and rowboats. |



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|  | BUILDABLE AREA — The area of that part of the lot not included within the yards or open spaces herein required. |

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|  | BUILDABLE WIDTH — The width of that part of a lot not included within the open spaces herein required. |

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|  | BUILDING — Any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind. |

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|  | BUILDING, HEIGHT OF — The vertical distance from grade to the highest point of the building or structure. Grade is defined as follows: Grade elevation shall be taken to be the elevation at the crown of the parcel’s primary frontage street abutting any lot or parcel measured at the centerline of the lot frontage. |
|  | BOTTLE CLUB – A commercial establishment in which alcoholic liquors or mead (as those terms are defined in 4 Del. C. § 101) are not legally sold, but are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term bottle club shall not include a licensee under the Alcoholic Beverages Control Commission. |

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|  | BULK — A composite characteristic of a given building or structure as located upon a given lot; not definable as a single quantity but involving all of these characteristics: size, shape and height of building or structure, location of exterior walls in relation to lot lines, streets or to other buildings or structures, floor to area ratio, all open spaces allocated to the building or structure, amount of lot area provided per dwelling unit. |

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|  | BUSINESS DISTRICT — See “district.” |

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|  | BUILDING RESTRICTION LINE — The distance from the road where a building may be positioned, which appears in the original plat of subdivision, restrictive covenants, or in zoning ordinances and building codes. Also, the building line designated on Department of Natural Resources and Environmental Controls maps that regulates development near the beach. |

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|  | CABARET — A commercial enterprise as defined by and licensed by the Delaware Alcoholic Beverage and Control Commission pursuant to 4 Del. C. § 101(7) et seq., which presently defines “cabaret” as “an establishment where patrons are entertained by performers who dance, sing, play instruments or perform other legal acts for entertainment, but not to include a dinner theater, and where such entertainment may be performed during or after service of food and beverage, and where a minor, as defined in § 708 of this title, is to be denied admission to or permission to remain on premises after 9:00 p.m. (official Eastern Time) unless accompanied by a parent or by a legal guardian.” Cabarets must cease operations on Sundays no later than 11:00 p.m.. |

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|  | CANOPY — A detachable, roof-like cover, supported from the ground, or deck, floor, or walls of a building, for protection from sun or weather. |

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|  | CERTIFICATE OF OCCUPANCY — A statement signed by a duly authorized Town officer setting forth that a building, structure, or use, legally complies with the Zoning Chapter and that the same may be used for purposes stated herein. |

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|  | CLINIC — A building or portion thereof designed for, constructed or under construction or alteration for, or used by two or more State-licensed medical practitioners, e.g. physicians, surgeons, dentists, psychiatrists, etc., but not including lodging of such practitioners or patients overnight. |

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|  | CLUB, PRIVATE — A building or portion thereof owned or operated by a corporation, association, person or persons for social, educational, or recreational purpose, but not primarily for the profit of said owner or operator and not primarily to render a service which is customarily done as a business. A private club shall not include uses otherwise referred to as an “after hours” club, a nightclub or other similar establishment intended to be a location for congregation of persons to socialize between the hours of 1:00 a.m. and 6:00 a.m. [Amended 8-10-2001 by Ord. No. 456] |

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|  | COMMERCIAL UNIT — A portion of a building or structure set aside for commercial use and being self contained. (See SELF-CONTAINED UNIT.) |
|  | COMMERCIAL USE — Building types which include the distribution and sale or rental of goods; and the provision of services. |

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|  | CONSTRUCTION, STARTING OF — The combining of labor and material into any portion of the structure, on the site thereof, not including grading or staking. |

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|  | CONSTRUCTION, SIGNIFICANT PROGRESS – Construction performed on a development project in an amount or to an extent that comprises at least 50% of the total amount of construction to be performed for the project, as determined by the development project construction inspector. |
|  | CONSTRUCTION, COMPLETION – Construction performed on a development project that has been certified by the development project construction inspector as being complete and in full compliance with all project plans, specifications, drawings, and any other pertinent documents. |
|  | CONTIGUOUS LAND AND PARCELS – Tracts of land that share one or more common boundaries |

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|  | COOKING FACILITIES — Any appliances or equipment provided for the purpose of food preparation, with the exception of a microwave, refrigerator or coffee maker. |
|  | COURTYARD – An area wholly or partly surrounded by walls or buildings and open to the sky. |
|  | CRAWL SPACE – Apace between the first finished floor and the average level of the adjoining ground which usually contains pipes, ducts, and wiring, permits access, and where the distance between the average level of the adjoining ground and the first finished floor is not greater than five (5) feet. A crawl space shall not be considered a story, and people are prohibited from sleeping in a crawl space. |

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|  | DAY-CARE CENTER — A State licensed center which provides care or instruction for more than six children and operates on a regular basis. |
|  | DINNER THEATER — A portion of the building must be used for the presenting of public performances featuring live actors in dramatic or musical productions. The building theater must also serve at least one meal consisting of, but not limited to, appetizers, entrees, salads, vegetables, desserts and beverages other than alcoholic. There shall also be an adequate and sanitary kitchen and dining equipment. |

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|  | DISTRICT — Any section of the Town of Dewey Beach in which the zoning regulations are uniform. |

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|  | DRIVE-IN — A term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space. |

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|  | DRIVE WAY — Any improved or unimproved area serving as an area of access, entrance, exit or approach from any street to any parcel of land, regardless of public or private ownership. |
|  | DUNE LINE — Shall mean a row of dunes, which may blend in with a berm or berms, which blend in with each other, are roughly parallel to the ocean, and serve as a protective barrier against the elements. |
|  | DWELLING — A building or self-contained portion thereof containing cooking and housekeeping facilities, designed or used exclusively for residential type occupancies and permitted accessory uses, but not including trailers, mobile homes, hotels, bed and breakfast, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes. (See SELF-CONTAINED UNIT.) |

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|  | DWELLING, MULTI-FAMILY — A building designed for and/or occupied exclusively by two or more families living independently of each other. The definition of Multi-Family Dwelling shall include, but not be limited to, apartments and garden apartments, condominiums, duplex or townhouse buildings and similar structures. Multi-family dwellings may also be referred to as multi-family buildings, multi-family structures, multi-family units, or dedicated-residential buildings, dwellings or units. |

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|  | DWELLING, SINGLE-FAMILY DETACHED — A fully-detached building with one kitchen designed for or occupied exclusively by one family or other group of persons living together as a household or by a person living alone. Single-family detached dwellings may also be referred to as a single-family home, building or residence or a detached single-family home, building or residence. |
|  | DWELLING, TOWNHOUSE — A single family attached dwelling unit with party walls on a single lot, with common walls between the units and side yards on the end units only; generally having two or more stories and all necessary facilities and amenities. Townhouse dwellings may also be referred to as townhouses or townhouse buildings, structures or units. |

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|  | DWELLING UNIT — A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or by a person living alone. |

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|  | EATERY — A commercial enterprise located within a building or portion thereof set aside for the preparation, carry-out sales and/or eat-in service of food and beverages, excluding alcoholic beverages, and which has been approved by the Town Commissioners as a conditional use. |

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|  | EFFICIENCY MOTEL UNIT — One room with cooking facilities free of partitions, but including an enclosed bathroom, not exceeding 300 square feet. An open porch, balcony or deck next to an efficiency motel unit shall not be screened, windowed or enclosed in any manner. If a motel room or suite of rooms contains more than 300 square feet of floor space, and is equipped with cooking facilities, it shall be classified as a dwelling unit for purposes of determining density and parking requirements. No new hotel or motel units shall be permitted as per Ordinance No. XXX, DD/MM/YYYY. |
|  | ELDER CARE – Social and medical services, programs and facilities that are intended for the care and maintenance of the aged (generally persons 65 years of age and older). |
|  | ENTITY — A corporation, association, person or partnership of persons. |
|  | FACILITY — Something that is built, installed or established to serve a particular purpose. |

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|  | FILLING STATION — Any building, structure, or land used for the sale at retail of motor fuels, lubricants, or accessories, or for the servicing of automobiles or repairing of automobiles. |

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|  | FLOOD ZONE — All areas subject to inundation by the floodwaters of the one-hundred-year flood. The source of delineation shall be the most recent Flood Insurance Study for the Town of Dewey Beach prepared by the Federal Emergency Management Agency. These areas shall be separated into the following three categories:   1. Coastal High Hazard Area – That area of the one-hundred-year floodplain subject to the high velocity water, including but not limited to hurricane wave wash. 2. General Floodplain Area – That area of the one-hundred-year floodplain not included in the coastal high hazard area or areas subject to sheet-flow. 3. Areas of Shallow Flooding – Areas with flood depths of one to three feet (usually sheet flow or sloping terrain) where average depths have been determined. |

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|  | GROSS FLOOR AREA   |  |  | | --- | --- | | A. | COMMERCIAL, BUSINESS AND INDUSTRIAL BUILDINGS OR BUILDINGS CONTAINING MIXED USES — The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. See Table 2 for exclusions. | | B. | RESIDENTIAL BUILDINGS — The sum of the gross horizontal areas of the several floors of a dwelling measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. See Table 2 for exclusions. | |



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|  | FLOOR AREA RATIO (FAR) — The quotient obtained by dividing the aggregate gross floor area of all buildings and accessory buildings on a lot by the gross lot area. |

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|  | FRONTAGE, LOT — The distance for which the front boundary line of the lot and the street line are coincident. |

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|  | FRONTAGE, STREET — All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. |

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|  | GARAGE, PRIVATE — A space used to provide temporary storage or shelter for not more than four automobiles. Space therein may be used for not more than one commercial vehicle of not more than one-ton capacity. |
|  | GARAGE, PUBLIC — A garage used for temporary storage purposes only, having a capacity of at least one automobile and being available for public use. |

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|  | GRADE — Grade elevation shall be taken to be the elevation at the crown of the parcel’s primary frontage street abutting any lot or parcel measured at the centerline of the lot frontage |
|  | GREENSPACE — Open, vegetated land valuable for wildlife, amenity, or recreation purpose, within or adjoining a built-up area. May include previously used or undeveloped land. |
|  | GROUP HOME – A supervised long-term group living arrangement licensed by the State or other appropriate licensing authority for persons including, but not limited to, those with mental or physical handicaps, substance abusers, criminal offenders, juvenile offenders or delinquents, or others who have been found to be a danger to society or are under the jurisdiction of the criminal justice system, a governmental bureau of corrections or similar agency or institution. |
|  | HALF-STORY – A partial story under a gable or hip roof, excluding mansard and gambrel roofs, the wall plates of which on at least two directly opposite sides are not more than three (3) feet above the floor of such story. |

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|  | HOME OCCUPATION — Any occupation, profession, enterprise or activity conducted solely by one or more members of the occupying family in a residential dwelling or accessory building on a residential property, which is incidental and secondary to the use of the premises for dwelling, provided that (a) no commodity is stored or sold, except such as is made on the premises and (b) there shall be no group instruction, assembly or activity and (c) there shall be no outside storage or display material on the premises. When within the above requirement, a home occupation includes, but is not limited to arts or crafts studio, dressmaking, custom baking, day care or babysitting for no more than five children, professional office of a physician, dentist, lawyer, engineer, architect, accountant or salesman, private instruction limited to one or two pupils at a time, or other like uses. A home occupation, however, shall not be interpreted to include nursing homes, convalescent homes, rest homes, restaurants, tea rooms, tourist homes, or similar establishments. |

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|  | HOTEL or MOTEL — The term shall include motor court, tourist court, motor lodge and motor inn. Regardless of how owned or titled, a motel or hotel is a building, portion of a building, or group of buildings comprised of guest rooms, suites and/or efficiencies. No new hotels or motels shall be permitted as per Ordinance No. XXX, DD/MM/YYYY. |

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|  | JUNK — Dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, dilapidated wagons, trailers and other kinds of vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron machinery, rags, paper, excelsior, hair, mattresses, beds or bedding, any other kind of scrap or waste material which is stored, kept, handled, or displayed. |

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|  | KIOSK, INFORMATION — An interactive display or terminal which provides a service. |
|  | KIOSK, GOODS OR SERVICE – A small structure, including tents, often open on one or more sides, used as a place to sell goods or services, the sale of which requires a business license. |

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|  | LAUNDROMAT — A business that provides washing, drying and/or ironing machines or dry-cleaning machines for hire to be used by customers on the premises. |

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|  | LOADING SPACE — A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having a minimum width of 12 feet, a minimum depth of 40 feet, and a vertical clearance of at least 14 feet. |

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|  | LOT — A fractional portion of a subdivision, measured, surveyed and plotted, and set apart, for separate use and occupancy, from contiguous parcels of land, and having its principal frontage upon a street. |

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|  | LOT AREA, GROSS — The total horizontal area within the lot lines of the lot. |

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|  | LOT, CORNER — A lot abutting upon two or more streets at their intersection. |

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|  | LOT, COVERAGE — That portion of the lot area that is covered by buildings; the building area divided by the lot area, e.g., a lot containing 10,000 square feet has principal and accessory buildings planned or existing whose area is 2,500 square feet; thus the lot coverage is 25%. |

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|  | LOT, DEPTH OF — The average horizontal distance between the front and rear lot lines. |

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|  | LOT, FRONT — The portion of a lot facing and fronting on a street or road. |

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|  | LOT, INTERIOR — A lot other than a corner lot. |

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|  | LOT LINE — The boundary line of a lot. |

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|  | LOT, THROUGH (DOUBLE FRONTAGE) — A lot having a frontage on two approximately parallel streets. |

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|  | LOT WIDTH — The shortest horizontal distance between the side lot lines measured at the required building setback line. If the angle between the front and side lines is less than 90°, the lot width shall be measured from side to side at right angle to the length of the setback line. |

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|  | MAJOR STREET OR HIGHWAY — A street or highway designed as a primary highway by the Delaware State Division of Highways and including the Coastal Highway and Bayard Avenue. |

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|  | MARINA — A place for docking boats or providing services to boats and the occupants thereof, including service, storage and repair to boats, sale of fuel and supplies, and provision of lodging, food, beverages, and entertainment as accessory uses. A yacht club shall be considered as a marina, but a hotel, motel, or similar use, where docking of boats and provision of services thereto is incidental to other activities, shall not be considered a marina, nor shall boat docks accessory to a multiple dwelling where no boat-related services are rendered, and boat storage. |
|  | MIXED-USE — More than one type of use or occupancy type in a building or group of buildings on a lot. Mixed uses consist of a combination of residential and commercial uses. |

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|  | MOBILE HOME — A movable or portable dwelling, constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round occupancy, which can consist of one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit. No new mobile homes shall be permitted as per Ordinance No. XXX, DD/MM/YYYY. |
|  | MOVIE THEATER — A venue, usually a building, commercially operated for the purpose of showing motion pictures to the general public. Such a venue may also be termed a cinema or movie house and may include specifically designated areas for the preparation and sale of food and non-alcoholic beverages to customers. A movie theater may contain one or more separate movie projection screens for simultaneous commercial operation. |
|  | MULTI-FAMILY DWELLING or MULTI-FAMILY BUILDING — See DWELLING, MULTI-FAMILY.  MULTI-UNIT — A building divided in such a manner as to provide two or more units for sale or lease. A multi-unit building may be dedicated to a single occupancy type or contain a mix of residential and commercial uses depending on the parcel’s zoning restrictions. |
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|  | NONCONFORMING BUILDING — A building which does not conform with the height, area, or other bulk regulation of the district in which it is located. |

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|  | NONCONFORMING USE — The use of a building or land which does not conform with the use regulations of the district in which it is located. |

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|  | OPEN AREA — That portion of a lot excluding area set aside or used for buildings, parking, loading, and streets. Land devoted to recreation purposes, to include land for swimming pools, tennis courts, and similar recreation uses, shall be considered open area for the purpose of this definition. |

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|  | ORDINANCE — A rule, regulation or law adopted by the Town Commissioners. |

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|  | OUTSIDE SERVICE AREA — A porch, patio, deck or area of land which is not within the permanent, outside walls of a restaurant or eatery, which is used for seated dining only. |

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|  | PARCEL — Any lot or lots having common boundaries and owned by the same person or entity. |

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|  | PARKING LOT, COMMERCIAL — An area used for the storage or parking of motor vehicles, not including mobile dwelling units, for any period of time and operated for gain. |

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|  | PARKING SPACE, OFF-STREET — Refer to Chapter 185, Article VI, § 185-38. |

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|  | PATRON AREA — That area of a restaurant or commercial establishment open and accessible to customers, including seated dining areas and standing bar areas, bartop areas, hallways and foyers accessible to customers, customer waiting areas, and recreational facilities areas, and excluding rest room, service, kitchen, storage and office areas. Patron area shall include all exterior areas where service of patrons is permissible. |

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|  | PERSON — Any individual, partnership, corporation, association or any other legal entity. |

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|  | PLACE — An open, unoccupied space other than a street or alley, permanently reserved as a principal means of access to abutting property. |
|  | PLANNED DEVELOPMENT DISTRICT – A large-scale development which is planned as a means of creating a superior living environment through unified development and achieving the goals of the current Comprehensive Plan. |
|  | PLAYHOUSE — A small building designed expressly for children to play in. Gross floor area shall not exceed 200 square feet. |

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|  | PREMISES — A lot, together with all buildings and structures thereon. |

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|  | PUBLIC SANITARY SEWERAGE SYSTEM — Any sanitary sewerage system provided and maintained by the county, a municipality, or a utility company which a governmental agency has specifically approved as acceptable. |

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|  | PUBLIC WATER SYSTEM — Any water system provided and maintained by the county, a municipality, or utility company which a governmental agency has specifically approved as acceptable. |

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|  | REGULATIONS — The whole body or regulations, text, charts, tables, diagrams, maps, notations, references, and symbols contained or referred to in this Code. |

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|  | RENTAL ROOM — A room or group of rooms intended for rental to transients on a day-to-day or week-to-week basis, but not intended for use or used as a permanent dwelling and not including cooking facilities. |
|  | REPAIR, STRUCTURAL — Includes all work done with the purpose of augmenting or replacing components of a building’s structural system. |

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|  | RESTAURANT — A commercial establishment whose primary activity is the service of complete meals from a representative menu. |

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|  | ROOMING HOUSE — See “tourist home.” |

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|  | SATELLITE ANTENNA — A parabolic dish antenna, including its structural supports, used by consumers for home reception (television receivers only) of various satellite television programming signals. |
|  | SELF-CONTAINED UNIT – A building, or part of a building, that has been constructed or adapted for use as separate living accommodations. A self-contained unit can mean both a living space that is separate from other accommodations, or a living space that is connected to, and sharing access with, adjoining accommodations. |

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|  | SETBACK — An area extending from the lot lines to the building setback lines within which no buildings or other structures may be erected, except as authorized otherwise by this Code. |



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|  | SETBACK LINE or BUILDING SETBACK LINE — A line parallel to the front or street line and distant from it the least minimum depth of a required front yard; a line parallel to a side boundary line and distant from it the least minimum depth of a required side yard; a line parallel to the rear boundary line and distant from it the least minimum depth of a required rear yard. |
|  | SETBACK, TIERED — A system of determining the minimum building setbacks for a parcel based on the number of stories in the building(s) on the parcel. |

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|  | SHALL — Mandatory. |
|  | SIDEWALK — The portion of a highway, road or street specifically constructed for the use of pedestrians on the outside edge of the vehicular travel way. Sidewalks are typically, but not always, curb-separated from the roadway and made of concrete, brick or other hard surface materials. |

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|  | SIGN — See Chapter 185, Article V. |

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|  | SINGLE-FAMILY DETACHED DWELLING or BUILDING – See DWELLING, SINGLE-FAMILY DETACHED.  SITE PLAN — A drawing or set of drawings illustrating a proposed development and prepared in accordance with the specifications of Chapter 185, Article X. |
|  | SKETCH PLAN — Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision or land development approval. |
|  | SPA — A unit containing water primarily designed for non-therapeutic use which is not drained, cleaned or refilled for each individual. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles or any combination thereof. The term spa includes, but is not limited to, hot tubs. |

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|  | STORY — That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor next above it, then the space between such floor and the ceiling next above it. For the purpose of determining the number of stories, the following shall apply:   1. At the ground level, if the elevation of the bottoms of the first floor joists is more than six (6) feet above grade (or, if in a flood zone, more than six (6) feet above the minimum elevation permitted by state and local building code), the space beneath such joists shall be considered a story. 2. A space having a clearance of six feet or more at any point under a roof, such as a gambrel or mansard roof, that is suitable for living quarters shall be considered a story. 3. If the top story of a building is roofed by one or several dormers covering an aggregate of 50% or more of that story’s floor area, it shall be considered a full story. |
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|  | STREET — A public or private thoroughfare which affords the principal means of access to abutting properties, whether designated as freeway, expressway, highway, road, avenue, boulevard, lane, place, circle, or otherwise. |

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|  | STREET LINE — A dividing line separating a lot, tract, or parcel of land and a contiguous street, and also referred to as “right-of-way line.” |

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|  | STREET, SIDE — A street or right-of-way which is not a major street. |
|  | STREETSCAPE — The elements within and along the street right-of-way that define its appearance, identity, and functionality, including adjacent buildings and land uses, street furniture, landscaping, trees, sidewalks, and pavement treatments, among others. |

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|  | STRUCTURAL ALTERATIONS — Any change in the supporting members of a building, such as footings, bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls, excepting such repair as may be required for the safety of the building. |

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|  | STRUCTURE —That which is built or constructed, including, without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, trailers or mobile homes, swimming pools, backstops for tennis courts, pergolas, water tanks, towers, open-grade steps, sidewalks or stairways, tents or anything erected and framed to component parts which is fastened, anchored or rests on a permanent foundation or on the ground. |

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|  | SUBDIVIDE — The act of selling, conveying, transferring, leasing or assigning any part of a lot or parcel of land. |

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|  | SUMMER SEASON — The summer season is the period commencing at 8:00 a.m. on May 15 of each year and ending at 5:00 p.m. on September 15 of each year. |

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|  | SWIMMING POOL — Any portable pool or permanent structure containing a body of water that is 18 inches or more in depth at any point, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or other type of pool, located and designed so as not to create a hazard or be used for swimming or wading. This includes any related equipment, structures, areas and enclosures that are intended for the use of persons using or operating the swimming pool. |
|  | TAVERN — Any establishment with special space or accommodation for sale by the glass and for consumption on the premises of beer. No new taverns are permitted as per Ordinance No. XXX, DD/MM/YYYY. |

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|  | TEMPORARY STRUCTURE — A building erected for a one-time temporary use, not to exceed four months, usually lacking a permanent foundation, not connected to water and sewer, often with open walls, such open sheds, produce stands, barbecue pits, lean-to, and tents of all types, in contradistinction to permanent structures that must conform to the current adopted building code. Exception: Contractors may use temporary or portable structures for an on-site office or for storage of materials only during the course of a construction project. |

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|  | TOWNHOUSE or TOWNHOUSE DWELLING, BUILDING or UNIT – See DWELLING, TOWNHOUSE.  TOURIST HOME or ROOMING HOUSE — A dwelling having fewer than six rental rooms, without cooking facilities, for transient guests. |

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|  | TRAILER, BOAT — A trailer used solely for transporting a vessel including, but not limited to all vessels loosely defined as jet skis, canoes, kayaks, sailboats, catamarans, powerboats and rowboats.. |

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|  | TRAILER, CAMPING — A trailer used for camping and not containing lavatory facilities or cooking facilities. |

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|  | TRAILER, HOUSE — A movable or portable dwelling, constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round occupancy, which can consist of one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit. |

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|  | TRANSIENT GUEST – Any person who exercises occupancy or is entitled to occupancy of lodging space by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days or less, and including any person who actually physically occupies the lodging space by permission of any other person entitled to occupancy. |

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|  | YARD — The area extending between the lot lines, and the building set back lines on a lot. |