

## CHAPTER XVI – Definitions

### Definitions

#### 1.0 LANGUAGE INTERPRETATIONS

For the purposes of this By-Law, certain terms and words used herein shall be interpreted as follows:

- 1.1 The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
- 1.2 The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- 1.3 The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- 1.4 The words "used" or "occupied" include the words "intended, designed, maintained or arranged to be used or occupied."
- 1.5 The word "lot" includes the words "plot" or "parcel."

#### 2.0 DEFINITIONS

The following words and phrases shall have the meaning given in this Section. All words and terms not defined herein shall be used with a meaning of standard usage.

~~**Accessory Apartment:** A separate complete housekeeping unit that is substantially contained within the structure of a single family unit but can be isolated from it.~~

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**Accessory Use:** ~~or~~ A use on the same lot as an allowed principal use that is of a nature customarily incidental to and subordinate, both in size and intensity, to the principal use.

**Accessory Structure:** ~~—A structure located on the same lot with the main building, detached or attached, and customarily incidental and subordinate to the use of the main building. A use or structure on the same lot as an allowed principal use or structure that is of a nature customarily incidental to and subordinate, both in size and intensity, to the principal use or structure.~~

~~**Airfield:** All facilities for the storage, maintenance, take-off and landing of motorized aircraft, and related accessory services such as restaurants, gift shops, and flight instruction programs.~~

**Aisle:** A corridor used for access within a parking lot by motor vehicles to the parking spaces.

**Alteration:** Any change in the total floor area, use, adaptability or external appearance of an existing structure.

**Animal Hospital:** A building used by a veterinarian for the treatment, housing and boarding of small domestic animals such as dogs, cats, rabbits, birds and fowl.

**Automobile Service Station:** The use of land and structures engaged in the retail sale of gasoline, oil, batteries, tires and other motor vehicle accessories and/or for the servicing of motor vehicles including repairs and body work.

**Auto Wrecking, Junk and Scrap Establishment:** Any land or structure used primarily for the collection, storage and sale of any material which has been used, salvaged, scrapped or reclaimed including the dismantlement, storage and salvage of three or more unregistered, inoperative vehicles.

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**Boarding or Lodging House:** Any building in which rooms for living purposes, with or without meals, are rented for compensation to no more than four (4) guests with the owner resident on the premises

**Buffer:** An area located between buildings, uses, or activities that is either left in an undisturbed state or, if warranted and required by the reviewing authority, designed, graded and landscaped to lessen or absorb the effects of light, sound, dust, noise, vibration, and odors from one on the other.

**Building:** Any structure having a roof designed or used for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

~~**Boarding or Lodging House:** Any building in which rooms for living purposes, with or without meals, are rented for compensation to no more than four (4) guests with the owner resident on the premises.~~

**Building, Principal:** A building in which is conducted or in which is intended to be conducted the main or principal use of the lot on which it is located.

**Building Setback Line:** The line within a lot defining the required minimum setback distance between any structure and the adjacent street line.

**Cartway:** That portion of a road right-of-way which is paved exclusive of curbs.

**Center Line:** A line running parallel to and equidistant from both sides of a street.

**Cluster Development:** A residential development in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property or other groups of lots within the development by intervening common land.

**Convalescent, Nursing or Rest Home:** Any institution licensed as a nursing, convalescent or rest home or charitable home for the aged by the Department of Public Health pursuant to Massachusetts General Laws, Chapter 111, Section 71.

**Curb Return:** A curved curb connecting the tangents of two intersecting curbs of streets or driveways.

**Day Care Center:** Any facility operated on a regular basis, licensed by the Commonwealth of Massachusetts, which receives no more than six (6) children for non-residential custody and care during part or all of the day separate from their parents.

**Duplex:** A two family home in which both dwelling units are part of the same structure ~~and are located side-by-side and separated by a party wall.~~

**Dwelling:** A building designed for human living quarters.

**Dwelling, Attached:** Both side walls of all except the dwelling units at the ends of the building are party walls.

**Dwelling, Multiple Family:** A residential building designed for or occupied by three or more families.

**Dwelling, Single Family Detached:** A residential dwelling unit other than a mobile home, designed for and occupied by one family only and having no roof, wall or floor in common with any other dwelling unit.

**Dwelling, Two Family:** A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

**Dwelling Unit:** A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Easement:** An interest in land owned by another that entitles its holder to a specific limited use; i.e., utilities, etc. (See: Right of Way.)

**Extension:** An addition to the floor area of an existing structure, an increase in the size of a structure or an increase in that portion of a lot occupied by an existing use; an enlargement.

**Family Day Care Home:** Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided,

however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the residence. Family day care home shall not mean private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

**Frontage:** That portion of a lot contiguous with a street or street right of way line and providing access thereto. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under "Yards" in this Chapter. A lot shall only be deemed to have frontage along any street to which it has both legal and physical access.

**Gross Floor Area:** The sum of the gross usable area of all floors of a building measured from the face of the exterior walls. Retail and service floor area is that portion of the total floor area relegated to use by the customer and employees to consummate retail sales and services including display areas for goods but not including office space or storage areas.

**Gross Leaseable Area:** The gross floor area of a building but not including space occupied by mechanical equipment, space related to the operation and maintenance of the building and areas such as stairwells, lobbies and bathrooms for common or public usage.

**Height:** The vertical distance of a structure measured from the mean level of the ground surrounding the structure to its highest point, regardless of roof design.

**Home Occupation:** That accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling.

**Job Training and Vocational Services:** Services related to workforce development including but not limited to job training, job placement, vocational/career exploration, work skills building, job development and retention, and career counseling. Service facilities may include but are not limited to conference rooms, breakout rooms, facilities for video-conferencing, and facilities for lodging and food services for training attendees and instructors only.

**Kennel:** A ~~lot with~~ structures or pens in which three (3) or more dogs, cats or other household pets that are more than six (6) months old are boarded, bred or sold.

**Lot:** A parcel in identical ownership throughout, bounded by other parcels of land or streets.

**Corner Lot:** A lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than one hundred (100) feet.

**Interior Lot:** A lot with only one frontage on a street.

**Through Lot:** A lot with front and rear street frontage.

**Lot Line:** A line bounding a lot which divides one lot from another or from a street or any other public or private space.

**Front Lot Line:** The line separating the lot from the street right-of-way.

**Side Lot Lines:** Any lines which are not front or rear lot lines.

**Rear Lot Line:** The line parallel to or within forty-five (45) degrees of being parallel to a street line which defines the rear of the lot.

**Lot Size or Lot Area:** These terms are defined as the area contained within the boundary lines of a lot, ~~said area shall contain a contiguous portion of land that, to varying degrees, meets the restriction of being located in the Town of Oxford and is not defined in M.G.L. c.131 §40 as "bank, fresh water wetland, marsh, meadow or swamp bordering on any~~

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	<p>creek, river, stream, pond, or lake, or any land under said waters". The degrees of variability are as follows: in the R-1 zoning district, lots shall contain at least 80% of the required lot size or lot area that meets the above restriction; in the R-2 zoning district, lots shall contain at least 90% of the required lot size or lot area that meets the above restriction; and in all other zoning districts, lots shall contain 100% of the required lot size or lot area that meets the above restriction.</p>
05/14/96	<p><b>Lot Width:</b> The distance between the side lot lines measured parallel to the frontage of the lot at that point of the principal building which is closest to the frontage. For corner lots, the width shall be measured between the lot lines which project from the street on which the lot derives its frontage.</p> <p><b>Maximum Lot Coverage:</b> The percentage of lot area which may be occupied by the ground floor area of all primary and accessory buildings.</p> <p><b>Mining and Quarrying:</b> The use of land for the purpose of extracting rocks and minerals for sale, exclusive of grading a lot preparatory to the construction of a structure for which a building permit has been issued. Includes establishments engaged in operating sand and gravel pits and in washing, screening or preparing sand and gravel for construction of industrial uses.</p> <p><b>Non-Conforming Lot:</b> A lot which does not comply with the dimensional requirements for the district in which it is located where such lot was legally recorded prior to the enactment of this By-Law or amendment thereto.</p> <p><b>Non-Conforming Use or Structure:</b> Any use or structure existing at the effective date of this By-Law or any subsequent amendment thereto which does not conform to one or more provisions of this By-Law.</p> <p><b>Off-Street Loading Space:</b> A space not located within any street right-of-way used by motor vehicles for the temporary storage of trucks and other commercial vehicles while loading and unloading merchandise or materials.</p> <p><b>Off-Street Parking Space:</b> A space not located within any street right-of-way used by motor vehicles for the temporary storage of one (1) motor vehicle.</p> <p><b>Parking Bay:</b> A parking facility unit that has two (2) rows of parking stalls and a central aisle.</p>
05/01/97	<p><b>Principal Use:</b> The main use of a lot or structure.</p> <p><b>Public Utilities and Facilities:</b> A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, transportation, or telephone or telegraph service, including commercial mobile radio service providers whether or not any such business or service is regulated by the Public Utilities Commission.</p> <p><b>Recorded:</b> Recorded in the Worcester District Registry of Deeds or registered in the Land Court.</p> <p><del>Recorded:</del> Recorded in the Worcester District Registry of Deeds or registered in the Land Court.</p> <p><b>Restaurant, Drive-In:</b> An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state to the customer while in a motor vehicle.</p> <p><b>Restaurant, Fast-Food:</b> An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state to the customer for consumption either within the building or for carry-out with consumption off the premises. Food items are usually served in paper, plastic or other disposable containers.</p> <p><b>Restaurant, Standard:</b> An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state to the customer and whose principal method of operation includes one or both of the following characteristics: (1)</p>

customers, normally provided with an individual menu, are served by a restaurant employee at the same table or counter at which the food is consumed; (2) a cafeteria type operation where food and beverages generally are consumed within the restaurant building.

**Right-of-Way:** A legal right of passage over another person's ground; i.e., public way, railroad, etc. (See "Easement.")

**Roadside Stand:** A stand or other structure for the sale of produce or products principally produced on the premises on which the stand is situated.

**Shopping Center:** A group of two or more primary uses or structures used for retail sales and service occupying a lot in single ownership.

**Sight Prism:** Visibility at intersecting streets shall not be impaired by any vegetation or material obstruction placed within a prism extending thirty (30) feet in either direction and above three (3) feet or below twelve (12) feet measured from grade level.

**Street:** A public or private corridor which is used as a means of vehicular traffic and includes only the following:

- (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way; or
- (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or
- (c) a way in existence when the Subdivision Control Law became effective in the Town of Oxford having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs 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.

**Arterial Street:** A major street with fast or heavy traffic of considerable continuity used primarily as a traffic artery connecting two or more neighborhoods or areas.

**Collector Street:** A major street which carries traffic from local streets to arterial streets.

**Local Street:** Any street which is not defined herein as either an arterial or collector street.

**Street Line:** A line separating a street from a lot.

**Structure:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things structures include buildings, mobile homes, walls, fences and swimming pools.

**Use:** Any purpose for which a lot or structure may be designed, arranged, intended or occupied or any activity, occupation, business or operation carried on in a structure on a lot.

**Yard or Garage Sale:** Any offering for sale to the general public of any and all new or used items of personal property provided that said sale is held on the premises by a resident thereof.

**Yard:** An unoccupied space, open to the sky, extending from the lot line to a structure. The size of a required yard shall be measured as the shortest distance between the structure and lot line.

**Front Yard:** The yard extending the full length of the front lot line.

**Side Yard:** A yard extending along the side lot line from the required front yard to the required rear yard setback area.

**Rear Yard:** The yard extending the full length of the rear lot line.

**Buffer Yard:** A yard covered with vegetation and designed to provide an area of separation between different districts or uses.

**Yard Setback Area:** An area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the By-Law for front, side or rear yard setbacks.