

Chapter 18.12

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18.12.010 Definitions generally. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular. The word “building” includes the word “structure” and the word “shall” is mandatory and not directory. The term “town council” means the town council of Ross, and “planning commission” means the town council sitting as a planning commission for the town. The definitions set forth in the uniform building regulations of the town, as amended from time to time shall be applicable to this title if such definitions are not in conflict with those following. (Prior code §10 103 (part)).

18.12.020 Accessory building. “Accessory building” means a detached subordinate building, the use of which is incidental and customarily, accessory to that of the main building on the same lot, or to the use of the land. (Prior code §10 103 (part)).

18.12.030 Accessory use. “Accessory use” means a use or building incidental or subordinate to the principal use or building on the same lot. (Prior code §10 103 (part)).

18.12.040 Agency. “Agency” means an office or commercial establishment in which goods, material or equipment is received for servicing, treatment or processing elsewhere. (Prior code §10 103 (part)).

18.12.045 Attic. “Attic” means residual, open space between the ceiling of the uppermost story and the roof not suitable for normal occupancy, not partitioned off into rooms, and not used for living area. If the “attic” is

partitioned off into rooms and/or used for living area, it shall be considered a “story.” (Ord. 430 §1, 1981).

18.12.050 Basement. “Basement” means a space partly or wholly underground. A finished basement is defined as a space used in conjunction with daily household activities. It includes recreation rooms, wine cellars, laundry rooms and/or any space which is seven feet six inches or more in height or has sheet rock or paneled walls. If the finished floor level directly above a basement is six feet or more above natural grade for more than twenty-five percent of the basement perimeter, such basement shall be considered as a story. (Ord. 471 (part), 1989; Ord. 430 §3, 1981; prior code §10 103 (part)).

18.12.060 Building. “Building” means any structure having a roof supported by columns and/or walls and intended for the use of any persons, animal or chattel. (Prior code §10 103 (part)).

18.12.070 Building coverage. “Building coverage” means the land area covered by all buildings on a lot, including all projections. The area of any wooden, concrete or masonry deck, porch or patio area that is at ground level or not over eighteen inches from ground level shall not be so included provided such structure is not roofed. (Ord. 471 (part), 1989; prior code §10 103 (part)).

18.12.080 Building height. “Building height” means the vertical distance as measured in a straight line from any point of the roof to grade. (Ord. 589 §1, 2005; Ord. 471 (part), 1989; prior code §10 103 (part)).

18.12.090 Building site. “Building site” means the land area occupied by or capable of being covered by all structures permissible under this title within required yards or other setback lines. (Prior code §10 103 (part)).

18.12.100 Dwelling. “Dwelling” means a building designed for and/or occupied by one or more persons or families. (Prior code §10 103 (part)).

18.12.110 Dwelling, one-family. “Dwelling, one-family” means a building designed for and/or occupied by one family. (Prior code §10 103 (part)).

18.12.120 Family. “Family” means one person living alone, or two or more persons related by blood, marriage or legal adoption; or a group living together as a single housekeeping unit. (Ord. 524 (part), 1993; prior code §10 103 (part)).

18.12.130 Floor area ratio. “Floor area ratio” means the floor area of the building or buildings on a lot, divided by the area of that lot. For the purpose of determining the allowable floor area of a lot, the floor area is the sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior faces of the exterior walls. Floor area also includes mezzanines, finished basements and attics, garages, carports, porches which are screened or otherwise enclosed, the entirety of porches which have a depth greater than ten feet, and other detached structures which are accessory to a dwelling. (Ord. 590 §2, 2005; Ord. 575 (part), 2003; Ord. 557 (part), 2001; Ord. 471 (part), 1989; Ord. 439 §1, 1983; Ord. 264 §1, 1967; prior code §10 103 (part)).

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18.12.140 Garage, private. “Private garage” means an accessory building or portion of a building designed and/or used only for the shelter or storage of not more than four automobiles not more than one of which may be used for business or commercial purposes, and which are owned or operated by the occupants of the dwelling. (Prior code §10 103 (part)).

18.12.150 Garage, commercial. “Commercial garage” means a building, other than a private garage, used for the parking, repair or servicing of motor vehicles. (Prior code §10 103 (part)).

18.12.160 Garage, parking. “Parking garage” means a public garage designed and/or used on a commercial basis for the storage only of vehicles. (Prior code §10 103 (part)).

18.12.170 Guest house. “Guest house” means a detached subordinate dwelling used as such by guests or by members of the family of the persons occupying the main dwelling on the lot, and not involving the payment of rent, either directly or indirectly. (Prior code §10 103 (part)).

18.12.175 Handicapped. “Handicapped” means a person with a physical or mental impairment which substantially limits one or more of such person’s major life activities, a record of having such an impairment, or being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance. (Ord. 524 (part), 1993).

18.12.177 Home business. “Home business” means any activity which results in a product or service not used in its entirety by the family group, which is carried on in a residence by members of the family occupying the dwelling, which meets all of the criteria for a home occupation, but includes one other employed person in addition to members of the family. (Ord. 561 (part), 2001).

18.12.180 Home occupation. “Home occupation” means any activity which results in a product or service not used in its entirety by the family group, which is carried on in a residence, meeting all of the following criteria:

- (1) The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes;
- (2) The use is confined completely within a legal dwelling and occupies not more than twenty-five percent of the floor space of the dwelling or a portion of an accessory building;
- (3) The use is carried on by members of the family occupying the dwelling, with no other people employed on-site;
- (4) There shall be no advertising sign, nor display, nor stock in trade nor commodity sold upon the premises;
- (5) There shall be no activity outside of the dwelling unit not normally associated with residential use, nor shall the home occupation generate a character and volume of vehicular traffic not normally associated with residential use;
- (6) No garaging nor storing of vehicles bearing any advertising related to the home occupation shall be permitted nor shall any type of commercial vehicle be used in connection with the home occupation or parked on the property;
- (7) A home occupation shall not create excessive parking at the location nor shall it displace off-street motor vehicle parking space requirements of this title;
- (8) No professional offices are allowed, specifically including but not limited to the healing arts, law, accounting, real estate, clergy, insurance and similar professional or semiprofessional offices;
- (9) No listing or advertising of the address of such home occupation for business purposes is permitted except normal listing, not including display ads, in telephone, business and town directories and in newspapers and magazines;
- (10) A home occupation shall produce no external evidence of its existence; there shall be no mechanical equipment used except such as is necessary and customary for housekeeping purposes or electrical equipment acceptable for connection to one-hundred-ten or two-hundred-

twenty circuit; no outside operations or storage; no alteration of the residential appearance of the premises and no process used which is hazardous to the health, safety or general welfare of the public or which emits smoke, dust, noise, fumes, odors, vibrations, glare, or electrical disturbances onto any other premises. (Ord. 561 (part), 2001; Ord. 295 §1, 1969: prior code §10 103 (part)).

18.12.190 Lot. “Lot” means a parcel of land under one ownership used or capable of being used under the regulations of this title, and including both the building site and all required yards and other open spaces and frontages as defined herein. (Prior code §10 103 (part)).

18.12.200 Lot area. “Lot area” means the total area included within a lot excluding vehicular easements serving other property. (Prior code §10 103 (part)).

18.12.210 Lot, corner. “Corner lot” means a lot located at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of the streets. (Prior code §10 103 (part)).

18.12.220 Lot width. “Lot width” means the average distance between side lot lines. (Prior code §10 103 (part)).

18.12.225 Mezzanine. “Mezzanine” means an intermediate floor placed in any story or room. When the total area of such “mezzanine floor” exceeds thirty-three and one-third percent of the total floor area in that room, it shall be considered as constituting an additional story. The clear height above or below a “mezzanine floor” construction shall be not less than seven feet. (Ord. 430 §2, 1981).

18.12.230 Nonconforming building. “Nonconforming building” means a building or structure or portion thereof which does not conform to the regulations of the district in which it is located. (Prior code §10 103 (part)).

18.12.240 Nonconforming use. “Nonconforming use” means a use which does not comply with the use regulations in the district in which it is located, including any use requiring a use permit. (Prior code §10 103 (part)).

18.12.250 Outdoor advertising. “Outdoor advertising” means any outdoor display of advertising material in any form, in, on, or upon any physical structure, vehicle, or natural object. (Ord. 379 §1, 1977: prior code §10 103 (part)).

18.12.260 Outdoor advertising sign or structure. “Outdoor advertising sign or structure” means any structure upon which outdoor advertising is placed or displayed. (Prior code §10 103 (part)).

18.12.270 Parking space. “Parking space” means land or space privately owned, covered or uncovered, laid out for, and used or designed to be used by a standing vehicle. (Prior code §10 103 (part)).

(Ross 7/82)

18.12.273 Porch. “Porch” means a roofed structure projecting from the exterior wall of a dwelling for the purpose of providing shelter for an entrance. Porches provide an architectural transition between the interior of a residence and a yard and may not be used as living space. (Ord. 590 §1, 2005).

18.12.275 Residential care facility. “Residential care facility” means a family dwelling unit licensed or supervised by any federal, state, or local health/welfare agency which provides twenty-four-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. (Ord. 524 (part), 1993).

18.12.276 Residential second unit. “Residential second unit” means one additional living unit on any lot or parcel within a single family residential zoning district containing a single family dwelling. Such residential second unit is further defined as a building, or portion thereof, that provides complete, independent living facilities for one or more persons and permanent provisions for living, sleeping, eating, cooking, and sanitation. Accessory structures not suitable for habitation such as pool cabanas, workshops, and other improvements not suitable for habitation shall in no case be deemed to be residential second units. (Ord. 578 §1, 2003).

18.12.280 School, private. “Private school” as used in this title means and includes only a private, full-time day school or institution of learning wherein a general course of study is maintained or carried on upon academic and educational standards equivalent to those of the public schools of this state and of the same grade or grades, and which shall offer instruction in the several branches of study required to be taught in the public schools of this state. (Ord. 524 (part), 1993: prior code §10 103 (part)).

18.12.290 Service station. “Service station” means a retail business establishment supplying motor fuel and oil, and minor accessories and services for motor vehicles, and not including repairs.

18.12.300 Setback line. “Setback line” means a line established by this title to govern the placement of buildings with respect to streets, alleys and adjoining property lines. (Prior code §10 103 (part)).

18.12.310 Servants’ quarters. “Servants’ quarters” means a secondary dwelling or apartment designed for and used only by persons regularly employed on the property. (Prior code §10 103 (part)).

18.12.315 Slope. “Slope” means percent slope determined by the difference between the minimum and maximum elevations, divided by the horizontal distance between these respective elevations, times one hundred. (Ord. 471 (part), 1989).

18.12.320 Stable, private. “Private stable” means an accessory structure for the keeping and care, for private, noncommercial, and nonremunerative, purposes, of not more than two horses on a minimum lot of one acre, and one additional horse per each additional acre. On sites of less than one acre, the number of horses, if any, shall be as specified in the use permit. On lots of at least one acre, where the “additional property” is less than one acre, the “additional” horses, if any, shall be as specified in the use permit. (Ord. 377 §1, 1977: prior code §10 103 (part)).

18.12.330 Stable, commercial. “Commercial stable” means stable for the keeping of horses for remuneration, hire, sale or use on a commercial basis. (Ord. 377 §2, 1977: prior code §10 103 (part)).

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18.12.340 Structure. “Structure” means anything temporarily or permanently constructed or erected upon the ground including, without limitation, recreational use structures, such as swimming pools, pool aprons, hot tubs, patios, decks, tennis or sports courts and other similar recreational and social facilities, but excluding driveways and walkways upon the ground surface. (Ord. 447 §1, 1984: prior code §10 103 (part)).

18.12.350 Story. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and ceiling or roof above. (Ord. 471 (part), 1989: Ord. 430 §4, 1981: prior code §10 103 (part)).

18.12.360 Story, half. “Half story” is as defined the Uniform Building Code edition effective in the town. (Prior code §10 103 (part)).

18.12.370 Street. “Street” means a public vehicular way which affords a primary means of access to property. (Prior code §10 103 (part)).

18.12.380 Structural alterations. “Structural alterations” means any change in the supporting members of a building as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters. (Prior code §10 103 (part)).

18.12.385 Tennis court. “Tennis court” means the area of enclosure within which tennis, in its various forms, including without limitation, standard, platform and paddle, is played. (Ord. 368 §1, 1976).

18.12.387 Walkway. “Walkway” means a path less than or equal to four feet in width; less than or equal to eighteen inches above grade; serving a circulation function. (Ord. 471 (part), 1989).

18.12.390 Yards. “Yards” means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title, surrounding a building site. (Prior code §10 103 (part)).

18.12.400 Yard, rear. “Rear yard” means a yard extending between the side lines of the lot and measured between the rear line of the lot and the nearest point of the main building or porch nearest the rear line of the lot. (Prior code §10 103 (part)).

18.12.410 Yard, front. “Front yard” means a yard extending across the full width of the lot measured between the street line (or the lot line connected to a street by legal access) and the nearest point of the main building or porch. The front yard of a corner lot is the yard adjacent to the shorter street frontage. (Prior code §10 103 (part)).

18.12.420 Yard, side. “Side yard” means a yard on either side of the lot extending from the front line to the rear lot line, the width of each yard being measured between the side line of the lot, and the nearest point of the main building or porch. (Prior code §10 103 (part)).

(Ross 3/90)