

ARTICLE 2
DEFINITIONS

Section 2.01 - General

For the purpose of this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future; the singular number 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 words "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the Commonwealth of Massachusetts Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary. Uses listed in the Table of Use Regulations under the classes Retail and Service Trades and Wholesale Trade and Manufacturing shall be further defined by The Standard Industrial Classification Manual published by the U.S. Bureau of the Census.

Abandonment:

The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or the removal of the characteristic equipment or furnishing used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

Adult Uses:

ART. 103, ATM 3/83; ART. 17, ATM 4/97

All those uses as described and defined in Massachusetts General Laws Chapter 40A, Section 9A, as amended.

Alteration:

Any construction, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure.

Apartment House:

A building designed or intended or used as the home or residence of four or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

ARB:

The Arlington Redevelopment Board which was vested with the rights and powers of a planning board by the Massachusetts General Court in Chapter 783 of the Acts of 1971.

Assisted Living:

A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not

related by consanguinity or affinity to their care provider; and collects payments or third party reimbursement from or on behalf of residents to pay for the provision of assistance.

Awning:

A rooflike covering, as of canvas, stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.

***Basement:**

A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is four (4) feet six (6) inches or more above the average finished grade.

Bed and Breakfast:

ART. 13, ATM 5/91

A dwelling in which lodging units are rented and breakfast is served to the people occupying the lodging units, and which has a resident owner or manager.

Bed and Breakfast Home:

ART. 13, ATM 5/91

A bed and breakfast occupied and operated by the owner and in which no more than three lodging units are available for rent.

Boarding House; Boarding Home:

A house in which a regular service of meals is furnished for persons for a remuneration.

Building:

A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building, Accessory:

A building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building, or on an adjacent lot in the same ownership.

Building Area:

The aggregate of the maximum horizontal cross sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.

Building, Attached:

A building having any portion of one or more walls in common with adjoining buildings.

Building Coverage:

The building area expressed as a percent of the total lot area.

Building, Detached:

A building having open space on all sides.

Building, Setback Line:

The line established by this Bylaw, beyond which a building shall not extend, except as specifically provided by this Bylaw.

Building, Nonconforming:

A building, lawfully existing at the time of adoption of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located.

Building, Principal:

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

Carport:

A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.

Catering:

ART. 5, ATM 4/02

Provision of prepared food, and sometimes food presentation, service staff and equipment to an off-premises location.

Catering Service:

ART. 5, ATM 4/02

Food preparation at an establishment whose principal use is restaurant or fast-order food establishment, in quantities in excess of individual meal offerings, intended for consumption at an off-premises site.

***Cellar:**

A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.

Certificate of Occupancy:

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

Commercial Vehicle:

ART 7, ATM 4/93

Any truck, including but not limited to stepvans and cube vans, or bus, or a registered motor vehicle including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial purposes and on which there is no writing or logo to designate a business or professional affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the bylaw.

Common Land:

A parcel or parcels of open space within the site designated for a planned unit development, maintained and preserved for open uses, and designed and intended for the use or enjoyment of

residents of the planned unit development, but not including parking areas or ways, public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development including walks, patios, benches, playground facilities, and terraced areas.

Conservation Land:

ART. 14, ATM 4/01

A tract or patch of land reserved for the protection, development and promotion of natural resources and for the protection of watershed resources, as well as for use as open space or for passive outdoor recreation.

Court:

An open, uncovered unoccupied space partially or wholly surrounded by the walls of a structure.

*Court, Inner:

A court surrounded on all sides by the exterior walls of a structure.

*Court, Outer:

A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.

District:

A zoning district as established by Article 3 of this Bylaw.

Dormitory:

A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semipermanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

Drive-In Food Service Establishment:

A fast-order food establishment which provides convenient vehicular access and may provide service to customers while in their vehicles and any fast-order food establishment which provides a greater number of parking spaces than is required by the Zoning Bylaw.

Driveway:

An open space, which may be paved located on a lot, which is not more than twenty (20) feet in width built for access to a garage, or off-street parking or loading space.

Duplex House:

ART. 9, ATM 4/02

A building containing two dwelling units joined side by side, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one (1) principal building occupying one (1) lot for the purpose of determining yard requirements.

Dwelling:

ART. 13, ATM 5/91

A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "one-family," "two-family," or "multi-family" dwelling shall not include hotel, lodging house, bed and breakfasts, bed and breakfast homes, hospital, membership club, mobile home, or dormitory.

Dwelling Unit:

One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking, and sanitation.

Erected:

The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged and moved.

Essential Services:

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

Family:

An individual or two or more persons related within the second degree of kinship, or by marriage or adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three (3) lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit, may constitute a family. For purposes of controlling residential density, each such group of four (4) individuals shall constitute a single family.

Fast-Order Food Establishment:

An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

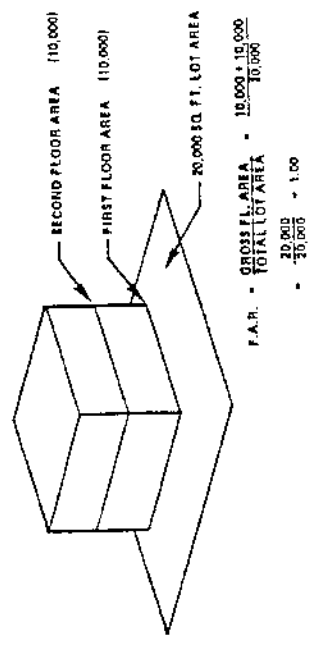
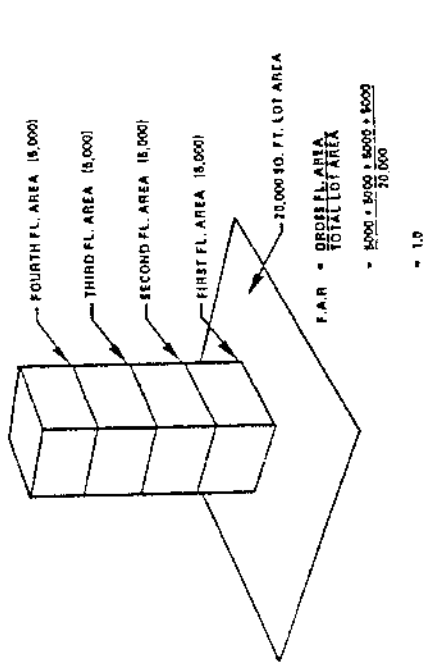
Floodline:

The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined and certified by a registered professional engineer, qualified in drainage.

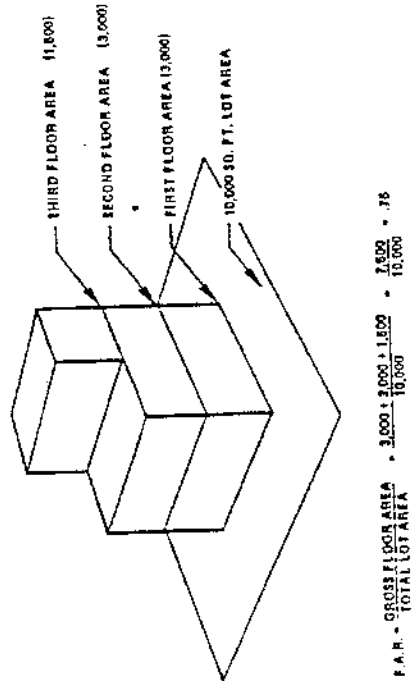
*Floor Area Ratio:

The ratio of the gross floor area to the total area of the lot.

DEFINITION OF FLOOR AREA RATIO
(DIFFERENT STRUCTURES WITH THE SAME RATIO)



DEFINITION OF FLOOR AREA RATIO



Frontage:

ART. 4, ATM 4/88

The front part of a building or lot abutting on a public or private way approved by the Town. Frontage shall be measured in a continuous line along the front lot line between the points at the intersections of the side lot lines with the front lot line.

Garage, Private:

Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.

Garage, Auto Repair:

Any building used for the keeping of motor vehicles and in which a business or industry dealing with the repair or servicing of such vehicles is maintained, but not including body work or painting.

Garage, Public:

Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.

*Gross Floor Area:

ART. 95, ATM 3/87, ART 12, ATM 4/01

The sum of the gross horizontal areas of all the floors of a principal building and its accessory building or buildings on the same lot, including basements, as measured from the exterior faces of the exterior walls, or centerlines of walls separating two (2) buildings, including:

- a. elevator shafts and stairwells on each floor,
- b. that part of attic space with headroom, measured from subfloor to the bottom of the roof joists, of seven feet three inches or more, except as excluded in (4), below;
- c. interior mezzanines, and penthouses;
- d. basements except as excluded in (2), below; and cellars in residential use;
- e. all weather habitable porches and balconies; and
- f. parking garages except as excluded in (1), below;

but excluding:

1. areas used for accessory parking garages, or off-street loading purposes;
2. that part of basements devoted exclusively to mechanical uses accessory to the operation of the building;
3. open or lattice enclosed exterior fire escapes;
4. attic space and other areas for elevator machinery or mechanical equipment accessory to the operation of the building; and
5. porches and balconies.

Ground-Mounted Solar Photovoltaic Installation:

ART. 9, ATM 4/10

A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed twenty feet in height.

Health Club:

ART. 5 ATM 4/94

An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.

Height of Building:

ART. 15, ATM 5/91

The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. In the R0, R1 and R2 zoning districts where the lot has a slope in excess of five (5) percent, the height is the vertical distance of the highest point of the roof above the average finished grade of the ground adjoining the building as computed before the building is actually erected. This definition excludes penthouses, bulkheads, and other allowable superstructures above the roof line.

Home Occupation:

ART. 12, ATM 4/93

An accessory use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use. In connection with such use, there is to be no retail sale of merchandise on the premises. Such use shall be carried on by the occupants of the dwelling unit in compliance with the provisions of Section 5.05 and shall not in any manner change the residential character of the building.

Home occupations do not include such uses as barber shops, beauty parlors, commercial stables or kennels, real estate or insurance offices, teaching of more than three pupils simultaneously, and in the case of musical instruction, more than one pupil at a time.

Hospital:

An institution certified by the American Hospital Association as an accredited hospital providing health services for in-patient and/or out-patient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, out-patient departments, central staff service facilities, and staff offices which are an integral part of the institution.

Hospital, Veterinary:

A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

Hotel:

ART. 19, ATM 4/97

A building or any part of a building containing rooming units without individual cooking facilities except for coffee makers, cook plates, and microwave ovens for transient occupancy and having a common entrance or entrances; and including an inn, motel, motor inn and tourist court, but not including a boarding house, lodging house or rooming house.

Inspector of Buildings:

Inspector of Buildings, Arlington, Massachusetts.

Junk:

Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

Junk Yard:

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 of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

Loading Space:

An off-street space 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 one thousand three hundred (1,300) square feet which includes access and maneuvering space used exclusively for loading and unloading of goods and materials from one vehicle. The dimensions of the loading space may be reduced by the Inspector of Buildings to not less than three hundred (300) square feet which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area listed above.

Lodging Unit:

ART. 13, ATM 5/91

One or more rooms for the semipermanent use of one, two or three individuals not living as a single housekeeping unit and not having cooking facilities. A "Lodging Unit" shall include rooms in boarding houses, bed and breakfasts, bed and breakfast homes, lodging houses, tourist homes or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.

Lot:

An area or parcel of land or any part thereof, not including water area, in common ownership; designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds. A series of two or more attached and/or semi-detached dwellings may under certain conditions be considered to occupy a single lot regardless of ownership.

*Lot, Corner:

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

*Lot, Interior:

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

*Lot Line, Front:

ART. 8, ATM 4/98

The property line dividing a lot from a street right-of-way. For purposes of this definition, neither the Minuteman Bikeway nor any railroad right-of-way shall be deemed to be a street right-of-way.

*Lot Line, Rear:

Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

***Lot Line, Side:**

Any lot line not a front or rear lot line.

Lot, Nonconforming:

A lot lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw.

***Lot, Through:**

A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

Marquee:

A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.

Membership Club:

A social, sports, or fraternal association or organization which is used exclusively by members and their guests.

Office:

A place in which functions such as directing, consulting, record keeping, clerical work, and sales (without the presence of merchandise) of a firm are carried on; also, a place in which a professional person conducts his professional business.

Open Space:

A yard including sidewalks, swimming pools, terraced areas, patios, playcourts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

***Open Space, Landscaped:**

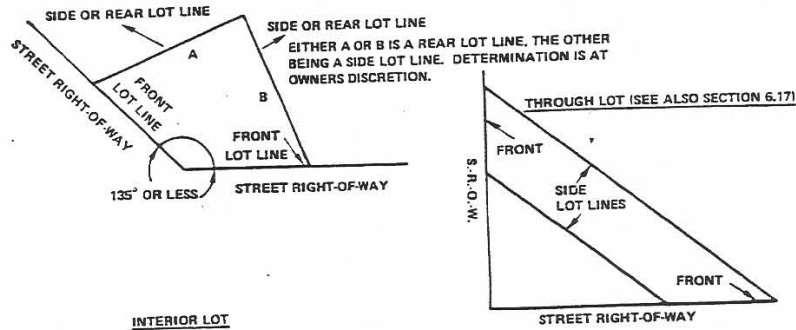
Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

***Open Space, Usable:**

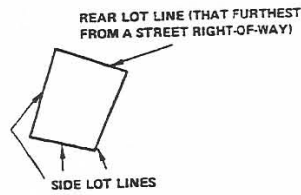
The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation including swimming pools, tennis courts or similar facilities, for garden or for household service activities such as clothes drying; which space is at least 75 percent open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if: (1) at least 75 percent of the area has a grade of less than eight (8) percent and (2) no horizontal dimension is less than 25 feet.

DEFINITION OF A LOT & FRONT, SIDE & REAR LOT LINES

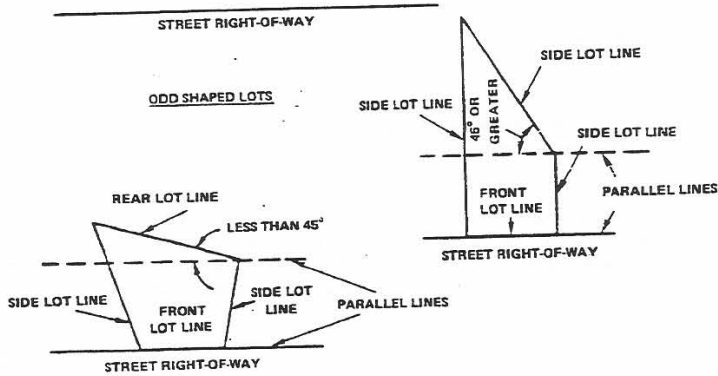
CORNER LOT (SEE ALSO SECTION 6.17)



INTERIOR LOT

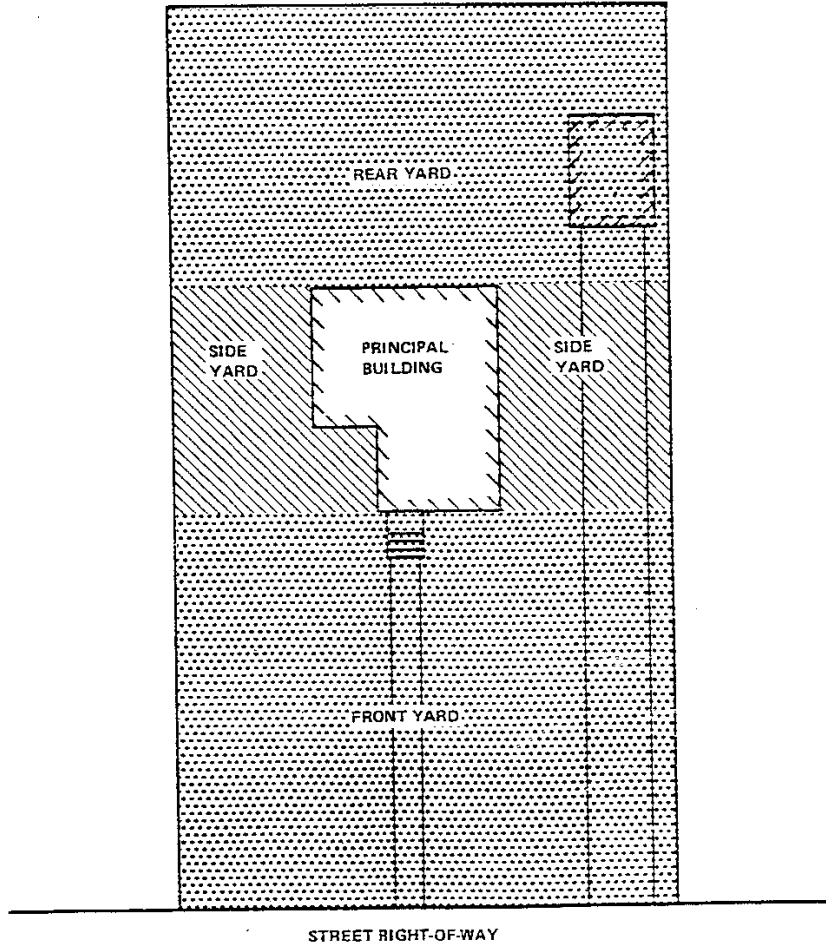


ODD SHAPED LOTS



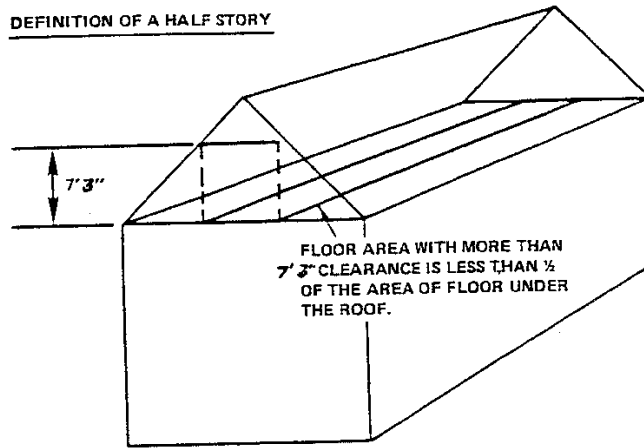
"This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw."

RELATIONSHIP OF FRONT AND REAR YARDS TO SIDE YARDS
AND TO THE PRINCIPAL BUILDING

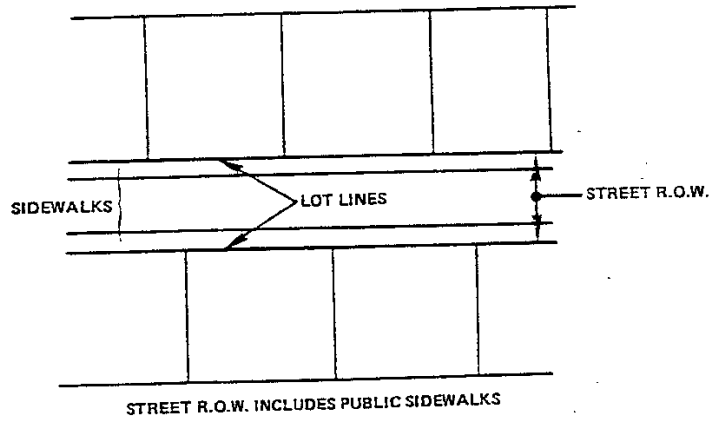


"This diagram is included for illustrative purposes only.
It is not part of the Arlington Zoning Bylaw."

DEFINITION OF A HALF STORY



DEFINITION OF A STREET RIGHT-OF-WAY



"This diagram is included for illustrative purposes only.
It is not part of the Arlington Zoning Bylaw."

Outdoor Storage Area:

A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.

Owner:

The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

Parking, Accessory:

ART. 95, ATM 3/87

Parking developed to serve the residents, occupants, employees, patrons, or other users of a building or use, or developed to meet requirements specified in Article 8.

Penthouse:

An enclosed structure above the roof of a building, other than a roof structure, extending not more than twelve (12) feet above the roof and occupying not more than thirty-three and one-third (33-1/3) percent of the roof area.

Planned Development:

A development involving the construction of two or more principal buildings on the same lot for any permitted use.

Recreational Trailer or Vehicle:

A vehicular, portable unit designed for travel, camping, or recreational use, including but not limited to the following:

- a. Travel Trailer: A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed forty-five hundred (4,500) pounds, or being of any weight provided its overall length does not exceed twenty-eight (28) feet.
- b. Pick-Up Camper: A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
- c. Motorized Camper: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- d. Tent Trailer: A folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.
- e. Boat Trailer: A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

Rehabilitation Residence:

For the purposes of this Bylaw, a building licensed or operated by the Commonwealth of Massachusetts as a Group Residence to provide residential care of alcoholic, drug or mental patients.

Repair:

With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.

Research and Development Activities:

ART. 8, ATM 4/10

Establishments used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing.

The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

Restaurant:

An establishment where the principal activity is the service or sale of food or drink for on-premises consumption.

Rooming or Lodging House:

A building containing four or more lodging units.

Service Station:

ART. 5, ATM 5/91

A building or part thereof with no more than three service bays whose chief activity is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service, car washing services or auto repair limited to: tire servicing and repair, but not recapping or regrooving, replacement of miscellaneous parts and minor adjustments to parts or motor not involving removal of head, crankcase or racing motor.

Setback:

The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded by Section 6.19.

Shared Vehicle:

ART.5, ATM 5/07

A passenger vehicle, not to exceed 5,000 pounds gross vehicle weight rating, owned by a membership based entity which makes the vehicles available for rent by the hour or day to its members. Shared vehicles are parked at locations remote from the owner entity. Shared vehicles shall not display advertising other than accessory signage which shall not exceed four square feet in total.

Sign:

Any permanent structure, device, letter, word, model, insignia, trade flag, streamer, display, emblem, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, or is designed to attract the eye. This definition shall include signs located within a window when illuminated. Marquees, canopies, clocks, thermometers and calendars shall be subject to the provisions when used in conjunction with signs as defined above.

A sign shall be painted, posted or otherwise securely affixed to a substantial intermediate removable surface and, except for free-standing signs, such surface shall be securely affixed to the

face of the building front, which can be street or parking lot frontage, but shall be in a single, unbroken plane. The foregoing shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth of an inch. The material of the sign and intermediate surface and the manner of affixation of the sign to the intermediate surface and of the intermediate surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting the safety of the public.

Sign, Accessory:

Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.

Sign Area, Area of a Sign, Signage:

The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.

Sign, Awning:

ART. 10, ATM 4/01

A sign applied directly to or incorporated as part of an awning.

Sign, Brackett:

ART. 7, ATM 4/10

A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.

Sign Canopy:

ART. 3 ATM 4/88

rooflike covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.

Sign, Facing or Face:

The surface of a sign board, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.

Sign, Freestanding:

A sign not a part of or attached to any building but generally located elsewhere on a lot.

Sign, Ground:

A free-standing sign located on or close to the ground, the top of which shall not be higher than four (4) feet above the ground.

Sign, Permanent:

Any sign as defined above, intended to be erected and maintained for more than sixty (60) days.

Sign, Portable:

A free-standing sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle.

Sign, Projecting:

Any sign which is attached to a building or other structure and any part of which projects more than twelve (12) inches from the wall surface of that portion of the building or structure in front of which the sign is positioned

Sign, Roof:

Any sign erected, constructed and maintained upon or over the roof of any building.

Sign, Standing or Pole:

A free-standing sign not exceeding fifteen (15) feet in height with eight (8) feet of clearance under the sign area and erected upon supporting devices or stands.

Sign, Temporary:

Any sign, including its supporting structure intended to be maintained for a continuous period not to exceed sixty (60) days.

Sign, Wall:

A sign not exceeding four (4) feet in height securely affixed to a wall projecting no more than twelve (12) inches from and parallel to the face of such wall, not projecting beyond the building face fronting on a street or parking lot nor above the highest line of the building to which it is attached. A wall sign shall be no higher than the lowest of the following: (a) twenty-five (25) feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, a sign shall not exceed the height of the parapet.

Sign, Primary Wall:

A sign on the building face fronting on a street or parking lot frontage.

Sign, Secondary Wall:

A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed fifty (50) percent of the maximum possible area of the primary wall sign.

Signs, Window:

ART. 9, ATM 4/01

Signs intended to be viewed from the exterior that are painted or posted on an interior transparent or translucent surface including windows and doors, or interior to and within 12 inches of such a surface. The area of a window sign shall not exceed 25 % of the area visible from the exterior of the building.

Special Permit:

A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the Board and in accordance with provisions of Article 10.

Special Permit Granting Authority:

ART. 12, ATM 5/91

The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 11.06 of the Zoning Bylaw, the Arlington Redevelopment Board.

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 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 four (4) feet six (6) inches or more above the finished grade. A cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and not used for human occupancy.

*Story, Half:

ART. 12, ATM 4/01

A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area has a clear height of seven feet three inches or more.

*Street:

A public or private way which is 27 or more feet in right-of-way width which is accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and other similar designations.

Structure:

ART. 11, STM 5/97

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

Three-Family Dwelling:

ART. 81, ATM 4/80

A house containing three (3) dwelling units.

Town House Structure:

A row of at least three (3) one-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row, or town house, may be owned by a separate owner and shall have its own at grade access.

Trailer:

Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable by virtue of having its wheels removed or skirts attached, shall not be considered a building for the purposes of this Bylaw.

Two-Family Dwelling:

A house containing two (2) dwelling units, in which part of one dwelling unit is over part of the other dwelling unit. (See Duplex House.)

Use:

The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

Use, Accessory:

A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

Use, Nonconforming:

A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw.

Use, Principal:

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 Bylaw.

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.

Variance:

Such departure from the terms of this Bylaw as the ZBA, upon appeal in specific cases, is empowered to authorize under the terms of Article 10.

Wireless Communications Facility:

ART. 11, STM 5/97

An assemblage of equipment intended to receive and/or transmit radio waves for the purpose of providing wireless communications consisting of, but not limited to, antennas and mounting brackets, antenna support structures, electrical equipment in cabinets or enclosed shelters or in other enclosed space, co-axial cables and back-up power equipment or generators.

Yard:

ART. 96, ATM 3/87

An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the line of the building wall or building part not specifically excluded by Section 6.19 and a lot line. Structures which are below the finished lot grade, including shelters for nuclear fallout shall not be deemed to occupy required yards.

*Yard, Front:

ART. 96, ATM 3/87

A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

*Yard, Rear:

ART. 96, ATM 3/87

A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line.

*Yard, Side:

ART. 96, ATM 3/87

A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

ZBA:

The Zoning Board of Appeals of the Town of Arlington, Massachusetts.