

SOUTHBRIDGE ZONING BYLAWS

SECTION 10. DEFINITIONS

For purposes 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 includes the plural and the plural includes the singular. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. 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 State Building Code shall have meanings given therein unless a contrary intention clearly appears in this Bylaw. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

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.

ACCESSORY USE: A use that is customarily incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.

ADULT DAY CARE: ~~A~~s Social day care or adult day health facility as those terms are defined by the Massachusetts Department of Elder Affairs.

AS OF RIGHT SITING: A use designated as YES (Y) in the Table of Use Regulations that may proceed without the need for a special permit, amendment, waiver, variance, or other discretionary approval, but may be subject to site plan review to determine conformance with these bylaws. Such uses can be reasonably regulated by site plan approval and Inspections staff.

ADULT USES. The following terms are associated with Adult Uses.

ADULT USE ESTABLISHMENT: An establishment having a substantial or significant portion of its business activity, stock in trade, or other materials for sale, rental or display, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct as defined in G.L. c. 272, § 31, including but not limited to the following: any adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store as defined below:

ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

ADULT CABARET: A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which present: (a) persons who appear in a state of nudity as defined in G.L. c. 272, § 31; or (b) live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31; or (c) films, motion pictures, video cassettes, slides, photographic reproductions or any other

SOUTHBRIDGE ZONING BYLAWS

visual media which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

ADULT MOTION PICTURE THEATER: An enclosed building used for presenting material (including, but not limited to, motion picture films, video cassettes, cable television, slides or any other such visual media) distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

ADULT PARAPHERNALIA STORE: An establishment having as a portion of its stock devices, objects, tools, or toys which are distinguished by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

ADULT VIDEO STORE: An establishment having as a substantial or significant portion of its stock in trade - for sale or rent - motion picture films, video cassettes, and similar audio/visual media, which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

SUBSTANTIAL OR SIGNIFICANT PORTION: ~~The terms "substantial or significant portion" as used herein shall mean any of the following:~~ (a) 20 percent or more of the business inventory or stock of merchandise for sale, rental distribution, or exhibition during any period of time; or (b) 20 percent or more of the annual number of gross sales, rentals, or other business transactions; or (c) 20 percent or more of the annual gross business revenue; or (d) 20 percent or more of the hours during which the establishment is open.

AGRICULTURE, EXEMPT: As defined in M.G.L. c. 40A, § 3.

AGRICULTURE, NON-EXEMPT: The keeping of livestock, horticultural uses, viticulture, and silviculture; on a non-exempt farm in a manner that complies with regulations of the Board of Health, including chickens, turkeys, ducks, cows, goats, sheep, alpaca, llamas, donkeys, burros and mules, wild rabbits, and emu, and excludes roosters, pigs, geese, bulls, and oxen, and other non-domestic animals.

AUTO-RELATED USES. The following terms relate to auto services and sales.

AUTOMOBILE REPAIR GARAGE: An establishment, garage or work areas enclosed within a building for the servicing and repair of motor vehicles, but not including (1) installing new parts or accessories that are not replacements for existing parts or accessories (e.g., customizing), or (2) towing or storing a motor vehicle, or (3) storage of vehicles for the cannibalization of vehicle parts, or (4) fuel sales, or (5) indoor or outdoor sale and rental of motor vehicles, box truck, cargo van, motorcycle, trailer, all-terrain vehicle, snowmobile, boat or personal water craft.

AUTOMOBILE SERVICE STATION: ~~Any~~ building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental; excluding storage of abandoned motor vehicles on the premises. May include the sale of propane or kerosene as accessory uses.

GARAGE, PRIVATE: Covered space for the housing of motor vehicles, but not for commercial storage or rental of more than two (2) stalls.

GARAGE, PUBLIC OR STORAGE: A building or part thereof, other than private garage, for the storage of motor vehicles.

SOUTHBRIDGE ZONING BYLAWS

BED AND BREAKFAST: An owner-occupied dwelling providing overnight accommodations for transient guests, where only breakfast is served.

BILLBOARD: A sign which directs attention to a business, commodity, service entertainment or attraction, sold, offered or located elsewhere than upon the same lot where such sign is displayed or only incidentally upon such lot.

BOARDING HOUSE: A dwelling providing rooms for rent to not more than four unrelated people paying rent on a weekly or monthly basis, with shared cooking, eating, and sanitation facilities and adequate means of emergency egress as well as parking as determined by the Zoning Enforcement Officer and subject to annual licensure by the Town Council.

BODY ART: The practice of physical adornment by permitted establishments and practitioners using, but not limited to, the following techniques: Body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in medicine, such as implants under the skin, which are prohibited.

BUILDING-RELATED TERMS. The following terms apply to buildings.

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

BUILDING AREA: The ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

BUILDING HEIGHT: ~~€~~The vertical distance measured from the established grade in business or industry districts, or from the natural grade in residence districts if higher than the established grade or if no grade has been established, to the level of the highest point of the roof beams in the case of flat roofs or roofs inclining not more than one inch to the foot, and to the mean height level between the top of the main plate and the highest ridge in the case of other roofs. Where the lot faces on two or more streets the "established grade" is the average level of the grade on that street frontage where the average grade is highest.

STORY: A "story" is that portion of a building between a floor and the ceiling next above it.

STORY, GROUND: A "ground" story or "first" story is the lowest story entirely above the established or natural grade, whichever level is higher, except that if any basement or cellar is used for residence purposes by more than one person, such basement or cellar shall be deemed to be the first story.

STORY, HALF: ~~€~~The space used for residence purposes above the highest full story provided the roof plate is not higher than four (4) feet above the floor. An "attic" is the space between the top story and a pitched roof.

BUILDING COMMISSIONER: The administrative chief of the building department, meeting the minimum qualifications in G.L. c. 143, § 3 and certified in accordance with 780 CMR R7, with responsibility for administering and enforcing 780 CMR in the Town of Southbridge.

SOUTHBRIDGE ZONING BYLAWS

CAFETERIA: A type of food service establishment where food is provided for consumption on the premises on a self-serve or limited-service basis where customers select food from a buffet-style display, and with tables or group seating arrangements in a common dining room.

CAMP, ~~VACATION~~: ~~A parcel of land used or intended to be used, let or rented for temporary short-term occupancy (not to exceed 90 days) by campers or transient tourists utilizing tents, recreational vehicles or other types of movable or temporary shelter. Land used, or intended to be used, let, or rented for occupancy by campers traveling by automobile or otherwise; or for occupancy by house trailers, tents, or moveable or temporary dwellings, rooms or sleeping quarters of any kind. — Use Sturbridge Definition~~

~~CHILD CARE CENTER: As defined in G.L. c. 15D, s. 1A.~~

CLEARING: The removal and/or cutting of trees, shrubs, bushes, or bush; or grubbing.

CLUB: An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political, or athletic purpose, whose activities are confined to the members and guests and are not generally extended to the general public and includes the establishment so operated.

COMMERCIAL RECREATION, INDOOR: A structure for recreational, social, or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers conducted for or not for profit.

COMMERCIAL RECREATION, OUTDOOR: Drive-in theatre, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this Bylaw.

CONTRACTOR'S YARD: Land used for the storage of commercial construction equipment, materials, and supplies and for the parking of registered commercial vehicles.

CORNER LOT: See LOT.

DORMITORY: Housing for students and faculty of educational institutions.

DWELLING- AND RESIDENCE-RELATED TERMS. The following terms relate to dwellings and types of dwellings. (See also, SENIOR HOUSING.)

DWELLING, MULTIFAMILY: A building designed or intended or used as the residence of three or more families, each occupying a separate dwelling unit and living independently of each other, and who may have a common right in halls and stairways; with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY DETACHED: A dwelling other than a mobile home, singly and apart from any other building, designed or intended or used exclusively as the residence of one family.

DWELLING, TOWNHOUSE OR SINGLE-FAMILY ATTACHED: A residential building of at least three but not more than eight single-family dwelling units sharing at least one common or party or fire wall, and with each building having at least one floor at ground level with a separate entrance.

SOUTHBRIDGE ZONING BYLAWS

DWELLING, TWO_FAMILY: A detached residential building designed or intended or used exclusively as the residence of two families. A two-family dwelling shall not include a detached single-family dwelling with an accessory apartment.

DWELLING UNIT: ~~means a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

GROUP HOME: A premise licensed by or operated by an agency of the Commonwealth of Massachusetts or subdivision thereof as a special residence for people with disabilities.

EDUCATIONAL AND INSTITUTIONAL TERMS. The following terms relate to educational and institutional uses

CHILD CARE CENTER: ~~Child care center~~ Staff members provide care for groups of children, often placed in classrooms by age. As defined in M.G.L. c. 15D, s. 1A

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences. ~~Hospital or~~

NURSING HOME or CARE FACILITY: Any institution, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of providing three or more individuals admitted thereto with long or short-term: resident, nursing, convalescent, or rehabilitative care; supervision and care for ambulatory persons; or retirement home care for elderly persons. Long-term care facility shall include convalescent or nursing homes, rest homes, infirmaries, and sanitariums. ~~nursing home~~

LIBRARY: an information ~~athenaeum~~ ~~athenaeum~~ in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale; libraries often include classrooms, computer sciences, and hosts community activities.

MUSEUM ~~Library or museum~~: a public or quasi-public facilities, including aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, archive libraries, and planetariums, with no retail sales activities other than artwork, an accessory gift/book shop, and/or accessory food sales.

~~Private for-profit educational use~~ PRIVATE FOR-PROFIT EDUCATIONAL USE: accredited or nonaccredited educational facilities owned and/or operated by a private company or business that usually does not receive state or federal aid, and are often managed by investors and stakeholders.

~~Public or private non-profit educational use~~ PUBLIC OR PRIVATE NON-PROFIT EDUCATIONAL USE: educational facilities owned by a non-profit organization that often receives state or federal aid.

~~Religious use~~ RELIGIOUS USE: any use including services, meetings, education, and any other activities conducted by or for a religious group or organization.

FAMILY: Any number of persons related to one another by blood, marriage, or adoption, all residing together as a single integral housekeeping unit; or ~~not more than three (review)~~ unrelated persons

SOUTHBRIDGE ZONING BYLAWS

residing together as a single, integral housekeeping unit. ~~This definition shall not preclude more than three unrelated people with disabilities, as defined in the Americans with Disabilities Act of 1990, as amended, occupying a group home.~~

FARM: Any parcel of land which is used primarily for the raising of agricultural products, livestock, poultry and dairy products. It includes farm structures within the prescribed limits, and the storage of equipment used, including above-ground tanks for farm vehicles and machinery. (See also, AGRICULTURE)

FAST ORDER FOOD: Food which is primarily intended for immediate consumption; available upon a short waiting time; packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

FLOODPLAIN RELATED TERMS – The following terms apply to floodplains

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FLOODWAY: The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs

SOUTHBRIDGE ZONING BYLAWS

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.

RECREATIONAL VEHICLE: A vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA: The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

START OF CONSTRUCTION: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL REPAIR OF A FOUNDATION: When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE: A grant of relief by a community from the terms of a flood plain management regulation.

SOUTHBRIDGE ZONING BYLAWS

VIOLATION: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided.

FLOOR AREA, GROSS: The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics and penthouses as measured about the exterior face of the exterior walls.

FLOOR AREA, NET: The interior floor area of a dwelling unit exclusive of basements, stairwells, halls, bathrooms, corridors, attics, walls, partitions and attached accessory buildings.

FRONTAGE STREET: A street which provides the required lot frontage for a building. When a lot is bounded by more than one street, any one of them but only one, may be designated as the frontage street by the owner, provided that the street meets the frontage requirement and that the principal permitted building on the lot is numbered on such frontage street. However, in the case of a lot bounded by two streets forming an interior angle of more than 135 degrees, their combined frontage between lot lines may be used to satisfy the lot frontage requirement.

GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted and has a minimum output of electric power of 250 Kilowatts, direct current.

GROUP HOME: A premise licensed by or operated by an agency of the Commonwealth of Massachusetts or subdivision thereof as a special residence for people with disabilities.

HOME OCCUPATION: Any activity conducted as a residential accessory use by a resident within the dwelling for financial gain. A home occupation is incidental to, and clearly subordinate to, the residential use of the property.

HOTEL: A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building, with or without public dining facilities, with access to units primarily from interior lobbies, courts, or halls. (See also, MOTEL)

KENNEL (Commercial): ~~(Define)~~ an establishment used for boarding, holding, day care, overnight stays or training of dogs that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such dog, an establishment engaged in the business of breeding animals for sale or exchange to wholesalers, brokers, or pet shops in return for consideration; however, kennel shall not include an animal shelter or animal control facility, a pet shop licensed under section M.G.L. chapter 129 s 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding, or an individual who temporarily and not in the normal course of business, boards or cares for animals owned by others.

LOADING SPACE, OFF-STREET: An off-street space or berth, on the same lot with a building, for the temporary parking of vehicles while loading or unloading merchandise or material, which has access to a street, alley or other appropriate means of ingress and egress.

LOT-RELATED TERMS. The following terms apply to the regulation of lots.

LOT: A single tract of land held in single ownership throughout and which is bounded by streets, ponds, waterways, or by land of other owners.

SOUTHBRIDGE ZONING BYLAWS

LOT DEPTH: The mean distance from a street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot. The "width of a lot" is its mean width measured at right angles to its depth.

LOT FRONTAGE: The continuous portion of the line separating a lot from a street to which the owner of the lot can provide the physical access to a principal building on the lot, in compliance with applicable bylaws, regulations or laws, for motor vehicles to reach required off-street parking spaces or loading bays, and for emergency services such as fire protection or ambulance service, and for other vehicles to gain access to the principal building for deliveries, such as mail.

LOT LINE, REAR: The lot line opposite to the street line or in the case of a corner lot the rear lot line may be elected by the owner.

LOT, CORNER: A lot at the junction of and fronting on two or more intersecting streets 20 feet or more in width. A lot having frontage on two or more streets shall have two or more front yards, each of which shall comply with the requirements of the front yard provisions. In no case shall any building or structure be located closer to the sideline of a street than the minimum required front setback.

YARD, FRONT: A space across the full width of the lot and extending from the street line of such lot to that point on the building nearest to such street line.

YARD, REAR: A space across the full width of the lot and extending from the rear lot line to that point on the building nearest to such rear lot line. In the case of a triangular lot with only one side fronting on a street, the rear yard shall be the open unoccupied space between the rear wall of the building and a line half -way between such rear wall and the point of intersection of the side lines of the lot.

YARD, SIDE: A space extending from the front yard to the rear yard between a building and the adjacent side line of the lot on which the building is located.

MANUFACTURING: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

MIXED-USE BUILDING: A building or group of buildings under one or single ownership which contains dwellings located above the ground floor of an institutional, civic, office, commercial, or retail use.

MOBILE HOME: Any structure with wheels or designed for the attachment of wheels built on a chassis, enabling it to be conveyed upon the public streets or highways, and is duly licensable as a vehicle, designed and constructed in such manner as will permit occupancy thereof as a dwelling or a sleeping place for one or more persons and is equipped with bath facilities, flush toilet and designed to be connected to a water supply and to a sewage disposal system, whether resting on wheels, jacks or other foundations.

MOTEL: A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building, with or without public dining facilities, and characterized by direct access to every unit from an automobile, parking spaces or facility. (See also, HOTEL.)

SOUTHBRIDGE ZONING BYLAWS

NON-CONFORMING USE OR STRUCTURE: A lawfully existing use or structure which does not conform to the provisions of this Bylaw.

OPEN LAND: Any space on a lot not occupied by a building.

PARKING AREA: Any open space used for parking motor vehicles exclusively, and in which no gasoline or fuel or motor vehicle accessories are sold or no other business is conducted.

PREMISES: That portion of a lot, structure or building actually in use for the specific purpose or use under consideration.

PROFESSIONAL OR BUSINESS OFFICE: A building or part thereof for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise, including, but not limited to, offices of banks and financial institutions, medical offices, medical clinics, and others.

RESTAURANT: A place where the primary function is the serving of food and beverages.

ROOMING HOUSE: An owner-occupied dwelling providing rooms for rent to not more than four unrelated people paying rent on a weekly or monthly basis, with shared cooking, eating, and sanitation facilities and adequate means of emergency egress as determined by the Zoning Enforcement Officer and subject to annual licensure by the Town Council.

SAFE/SOBER HOUSE: A single-family dwelling, certified by the National Alliance for Recovery Residences, Massachusetts Alliance of Sober Houses, or other recognized professional organization, providing temporary accommodations to individuals recovering from substance abuse and addiction.

SENIOR HOUSING. The following uses are associated with senior residential development.

ASSISTED LIVING RESIDENCE: An assisted living residence is a long-term senior residential facility that provides personal care support services such as meals, medication management, bathing, dressing, and transportation, principally for people age 55 years and over, and certified by the Massachusetts Office of Elder Affairs.

CONTINUING CARE RETIREMENT COMMUNITY: A Senior Residential Development that provides a continuum of senior housing and care services principally for people age 55 years and over, operated or sponsored as a coordinated unit by a corporation or organization, having among its principal purposes the provision of housing and associated services for senior citizens. A CCRC shall include a variety of housing types and may also include semi-institutional facilities such as skilled nursing care or a rehabilitation facility.

INDEPENDENT LIVING UNITS: Multifamily buildings in a Senior Residential Development that are designed and intended for occupancy principally by people age 55 years and over, with units that include some basic services such as meals, housekeeping, grounds maintenance, security, and common areas and common facilities for events and activities benefiting residents of the development.

SHOPPING CENTER: A group of retail and other commercial tenants that is planned, owned, and managed as a single property, with on-site parking for patrons of the tenant establishments.

SIGN TERMS. The following terms apply to the regulation of signs.

SOUTHBRIDGE ZONING BYLAWS

BANNER SIGN: Signs made of cloth, fabric, paper, non-rigid plastic or similar types of material; national flags, flags of political subdivisions and symbolic flags of an institution or a business are excluded.

CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architect, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure of project.

ELECTRONIC MESSAGE CENTER: Means any sign on which the characters, letters or illustrations can be changed automatically or through electronic or mechanical means. Electronic Message Centers include time and temperature signs.

FREESTANDING SIGN: A sign attached to the ground and supported by uprights placed on or in the ground.

SIGN AREA: The area defined by the frame or edge of a sign; however, where there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed, rectilinear shape which most closely outlines the said sign. Sign area includes the advertising surface and any framing, trim or molding, but not the supporting structure.

SIGN HEIGHT: The vertical distance from the grade below the sign to the uppermost module, cabinet or character.

POLITICAL SIGN. A temporary sign which advertises a candidate or candidates for public elective office, a political party, or which promotes a position on a public or ballot issue.

REAL ESTATE SIGN. A temporary sign which advertises the real estate on which it is located for rent, lease, or sale.

SHOPPING CENTER SIGN. A pylon type sign announcing the shopping center itself, and shall be a maximum of twenty (20) feet in height, and shall be appropriately landscaped.

SIGN: The term "sign" shall include outdoor structures for advertising, letters, words, models, devices, symbols, revolving or flashing lights, trademarks, and shall include every kind of structure that is arranged, designed or used as an outdoor advertisement, announcement or direction.

STREET LINE: The "street line" is the dividing line between a street and a lot.

STREET, ROAD OR WAY: An area of land dedicated, approved by the Planning Board, or legally open for public travel under at least one of the following classifications: A public way duly laid out by the Town of Southbridge, the Worcester County Commissioners, the Commonwealth of Massachusetts, or a way which the Southbridge Town Clerk certifies is maintained by public authority and used as a public way excluding, however, limited access highway; or A way shown on a definitive plan approved and endorsed in accordance with the Subdivision Control Laws; or A way in existence prior to said Subdivision Control Law having become effective in the Town of Southbridge (March 11, 1940), 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

SOUTHBRIDGE ZONING BYLAWS

abutting thereon or served thereby, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.

STRUCTURE: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, mast for radio antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

USE: The purpose for which land or building is occupied, or maintained, arranged, designed or intended.

ZONING ENFORCEMENT OFFICER: The Building Inspector unless otherwise designated by the Town Manager.