

#### **Section F. Signs Permitted for Retail Business in the B-1 and B-2 Districts.**

The following on-premise signs are permitted for retail business in the B-1 and B-2 districts upon approval of a Certificate of Zoning Compliance from the Zoning Administrator.

1. **Multi-Tenant Buildings.** Each building which contains more than one retail business tenant is permitted one on-premise free standing sign not to exceed 32 square feet in area nor 12 feet in height; and one on-premise building wall sign not to exceed 32 square feet in area.

Each retail business located in a building which contains more than one business tenant is permitted one on-premise building wall sign not to exceed twenty square feet in area.

2. **Buildings Containing One Retail Business.** Each building which contains one retail business is permitted one on-premise building wall sign not to exceed 32 square feet and one on-premise free-standing sign not to exceed 32 square feet in area nor 16 feet in height.

#### **Section G. Signs Permitted for Other Business and Industry.**

The following on-premise signs are permitted for business and industrial establishments other than those specified in Sections E and F, upon approval of a Certificate of Zoning Compliance from the Zoning Administrator:

Buildings with a front setback greater than 100 feet are permitted one on-premise free standing sign not to exceed 24 square feet in area nor 10 feet in height; and one on-premise building wall sign not to exceed 32 square feet in area.

Buildings with a front setback of 100 feet or less are permitted one on-premise building wall sign not to exceed 24 square feet in area.

#### **Section H. Signs Permitted in the Lodging Business District.**

Each lodging business may have one on-premise free-standing sign not to exceed 15 square feet in area nor 8 feet in height; and one on-premise building wall sign not to exceed 32 square feet in area.

### **ARTICLE V. OFF-STREET PARKING REGULATIONS**

It is the intent of this Ordinance that the public interest, health, safety and welfare requires that every building and use erected or commenced after the effective date of this Ordinance shall have adequate off-street parking spaces as required in this Article.

**Section A. Required Spaces.**

Each dwelling, business, industry, institution, and public use, shall be provided with off-street parking spaces as specified below.

<u>DWELLINGS AND LODGINGS</u>	<u>SPACES REQUIRED</u>
Detached dwellings, attached dwellings, apartments and mobile homes	2 per dwelling unit
Boarding or Rooming House	1 for each accommodation and 1 for each employee per shift
Hotels, Motels, Cabins and Other Lodging Businesses	1 for each accommodation and 1 for each employee per shift in addition to spaces required for a restaurant, gift shop or other uses located on the premises
<u>GENERAL RETAIL TRADE AND SERVICES</u> (Except as stated below)	1 per 200 square feet of gross floor area otherwise
Animal Hospital and Kennel	3 per doctor and 1 per employee on the largest working shift
Automobile Service Stations	3 per service bay, 1 per service vehicle and 1 for each 2 employees
Bank	1 per 1 50 square feet of customer service area
Barber or Beauty Shop	2 per chair and 1 for each 2 employees

Clubs or Lodges

1 per 50 square feet of assembly area

Funeral Home

5 plus 1 per 5 seats in largest chapel

Medical or Dental Clinic or Office

3 per treatment room and 1 for each doctor

Nursing Convalescent or or Rest Homes

1 per 4 beds and 1 for each 2 employees

Offices

1 per 300 square feet of gross floor area

Restaurants

1 per 100 square feet of customer service area

GENERAL COMMERCIAL RECREATION USES (Except as otherwise stated below)

1 per 4 patrons to the maximum capacity of the facility, plus 1 for each 2 employees on the largest working shift

Campground

1 per campsite and 2 per cabin or lodge plus 1 per employee on the largest working shift and 1 per camp vehicle normally parked on the premises

Miniature Golf

1.5 per hole and 1 for each employee on the largest working shift

Recreation Vehicle Park

1 per recreation vehicle served plus 1 per employee on the largest working shift and 1 for each vehicle normally parked on the premises

Swimming Facility

1 per 75 square feet of water surface area plus 1 for each em-

	ployee on the largest working shift
Theaters, Indoor	1 per 4 seats
Theaters, Outdoor	1 per 3 patrons to the maximum capacity of the facility
Golf Driving Range	1 per tee and 1 for each employee on the largest working shift
Youth Camp	1 per employee on the largest working shift plus 1 for each camp vehicle normally parked on the premises

INSTITUTIONS

Churches and Places of Public Assembly	1 per 4 seats in the sanctuary
Day Care Center, Nursery School	1 for each employee and adequate off-street area for the pick-up and delivery of children
Elementary and Middle School	1 per teacher and staff member on the largest working shift plus 1 per 2 classrooms
High School	1 per teacher and staff member on the largest working shift plus 1 per 5 students

INDUSTRIAL AND MANUFACTURING USES

1 per employee on the largest working shift and 1 for each company vehicle normally parked on the premises

**Section B. General Parking Regulations.**

1. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
2. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
3. These standards shall apply fully to all uses and buildings established after the effective date of this Ordinance.
4. These standards shall apply to all additions, expansions, enlargements, or reconstructions on the basis of the addition, expansion, enlargement or reconstruction only.
5. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the Town Attorney and shall be filed with the application for a Certificate of Zoning Compliance, and shall be in full force and effect until release by resolution of the Town Council.
6. All parking areas shall be provided with safe entrance to and exit from the public thoroughfare.
7. No off-street parking spaces, except for residential uses shall be entered or exited directly from a public street or alley.
8. The use of any required parking space for the storage of any motor vehicle for sale, repair, or any other purpose other than the parking of motor vehicles, is prohibited.
9. All parking areas and parking spaces shall be surfaced with bituminous pavement, concrete or gravel. Access aisles shall be at least twenty-two (22) feet wide. Parking spaces shall be at least eight (8) feet wide and eighteen (18) feet long.

## **ARTICLE VI. ADMINISTRATION AND REVIEW PROCEDURES**

### **Section A. General Administration.**

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of land or structures necessary to carry-out the enforcement of this Ordinance.

1. Certificate of Zoning Compliance. Unless specifically excepted by this Ordinance it shall be unlawful to commence construction of any building or other structure, including accessory structures or signs, or the moving or alteration of any structure, until the Zoning Administrator has issued for such work, a Certificate of Zoning Compliance.

The application for the Certificate of Zoning Compliance shall be made on forms provided by the Zoning Administrator and shall contain all information necessary to determine conformance with the Zoning Ordinance.

2. Unlawful Use. Any use of land or a structure, or construction or alteration of a structure in violation of this Ordinance is hereby declared a nuisance per se. Whenever the Zoning Administrator declares that the use of land or a structure is in violation of this Ordinance, the owner or occupant shall, within 72 hours from the issue of a notice from the Zoning Administrator to vacate such premises, accomplish the vacation of such land or structure until said use be made to conform to the provisions of this Ordinance.

3. Remedies. When any building or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Zoning Administrator or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation may bring an injunction, mandamus or other appropriate action or proceeding, to correct or abate such violation or to prevent occupancy of such building, structure or land.

Penalties for Violation. Any person, firm or corporation who violates the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00), nor more than one hundred dollars (\$100.00). Each day of a violation shall be considered a separate offense. (*Ordinance No. 2001-5*)

### **Section B. Board of Adjustment.**

There is hereby established for the Town of Mentone a Board of Adjustment whose members shall be appointed by the mayor and Town Council of the Town of Mentone within 30 days following the adoption of this Zoning Ordinance by the Town Council. The

members of the Board shall be appointed pursuant to the terms and provisions of Section 11-52-80, Code of Alabama, 1975. The Board of Adjustment herein established shall have only those powers specifically delegated to it by the provisions of Section 11-52-80, Code of Alabama, 1975; which are:

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto;

To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance; and

To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

1. Rules of Procedure. The Board of Adjustment shall adopt rules of procedure which govern the application process, conduct of meetings and hearings, election of officers and other subjects deemed appropriate by the Board.
2. Appeal Process. Any party aggrieved by any final judgement or decision of the Board of Adjustment may within 15 days thereafter appeal therefrom to the Circuit Court by filing with such Board a written notice of appeal specifying the judgement or decision from which the appeal is taken. An appellant shall be required to pay a filing fee in Circuit Court at the time that a Notice of Appeal is filed with that Court. The Board shall cause a transcript of the proceedings in the case to be certified to the Court to which the appeal is taken and the case in such Court shall be tried de novo. Said transcript shall consist of the minutes of the proceeding, together with true and correct copies of all exhibits, documents or other evidence presented for consideration by the Board. The Board is not required to retain the services of a stenographer or court reporter to record any proceedings before the Board.

### **Section C. Zoning Amendments.**

Zoning amendments shall include changes to the Zoning Map or amendments to the Zoning Ordinance text, or both.

1. Procedure. All zoning amendments shall be considered by the Town in accordance with Title 11, Chapter 52, Article 4 of the Code of Alabama, 1975, as amended. The Town Council shall not consider a zoning amendment until the Planning Commission has conducted a public hearing and made a recommendation on the proposed amendment.
2. Application. An application for a zoning amendment shall be filed with the Secretary of the Planning Commission on forms provided by the Secretary and shall be accompanied by:
  - a. A non-refundable application fee of \$25.00.
  - b. A legal description and boundary map of the subject property.
  - c. A vicinity map showing location of the site in relation to the surrounding area and zoning of the site and adjacent property.
  - d. A site plan, drawn to scale, showing; the dimensions of the site, access to a public street, existing buildings and proposed buildings if applicable.
  - e. Applications for the MHP District shall also contain the information required for a zoning application in the MHP District Regulations.
  - f. Any supplemental information which will assist the Commission in reviewing the zoning amendment.

The application and accompanying materials shall be filed with the Secretary of the Commission at least 21 days prior to the regularly scheduled Commission meeting at which the amendment is to be considered.

3. Notice of Hearing. Public notice for the hearing at which the amendment is to be considered shall be provided in the same manner as required for public notice of a Town Council zoning amendment hearing.
4. Action by Town Council. No zoning amendment shall be approved by the Town Council until: (a) Owners of property adjacent to the property which is the subject of the zoning amendment, as their names appear upon the plats of the Tax Assessor, are notified by mail of the date, time, place and nature of the public hearing at least 10 days prior to said hearing. (b) The proposed ordinance has been posted in four conspicuous places in the Town of Mentone, 15 days prior to the hearing for the proposed ordinance, together with a notice stating the time and place that the ordinance is to be considered by the Town Council and stating fur-

ther that at such time and place all persons who desire shall have an opportunity of being heard in opposition or in favor of such ordinance.

#### **Section D. Conditional Uses.**

Conditional uses listed in the zoning districts may be appropriate in that district, subject to review and approval by the Board of Adjustment. In determining whether such uses are appropriate for a specific location, the Board shall consider the impact of the proposed conditional use on surrounding property, public streets, utilities and other public concerns. The Board may require measures such as vegetated buffer strips and/or privacy fencing between adjoining property, as well as other limitations of use, operation, location, ingress and egress, height, and other public concerns, as conditions of approval for a conditional use. All such requirements shall be binding upon the use of the property.

Conditional uses shown on the Zoning Map at the time of adoption of this Ordinance may be expanded or reconstructed and additional buildings may be constructed on the premises without further conditional use approval by the Board of Adjustment, provided that all such construction conforms to the provisions of this Ordinance.

Conditional uses identified in each of the zoning districts, shall be permitted only after approval by the Board of Adjustment at a public hearing as stipulated herein.

1. Application. An application for a conditional use shall be filed with the Secretary of the Board on forms provided by the Secretary and shall be accompanied by:
  - a. A non-refundable application fee of \$25.00.
  - b. A legal description and boundary map of the subject property.
  - c. A vicinity map showing location of the site in relation to the surrounding area and zoning of the site and adjacent property.
  - d. A site plan, drawn to scale, showing: the location, use and dimensions of all existing and proposed structures; points of ingress and egress to the property; all public and private roads; off-street parking areas; and buffers and greenbelts.
  - e. Any supplemental information which will assist the Board in reviewing the proposed conditional use.

The application and accompanying materials shall be filed with the Secretary of the Board at least 14 days prior to the Board of Adjustment hearing at which the conditional use is to be considered.

2. Notice of Hearing. Upon receipt of a conditional use application and accompanying materials, the Secretary shall place the request upon the calendar for hearing. Owners of property adjacent to the property which is the subject of the conditional use, as their names appear upon the plats of the Tax Assessor, shall be notified by mail of the date, time, place and nature of the public hearing, at least seven days prior to said hearing.

#### **Section E. Variances.**

No variance to the requirements of the Zoning Ordinance shall be permitted by the Zoning Administrator unless said variance has been approved by the Board of Adjustment at a public hearing as stipulated herein.

1. Application. An application for a variance to the requirements of the Zoning Ordinance shall be filed with the Secretary of the Board on forms provided by the Secretary, and shall be accompanied by:
  - a. A non-refundable application fee of \$25.00.
  - b. A site plan, drawn to scale, showing: property lines, rights-of-way and easements; and the location, dimensions, and building setback for all existing and proposed buildings and structures on the site and adjacent to the site.
  - c. A scale drawing which shows all dimensions of the building, structure or area which is the subject of the variance request. The application and accompanying materials shall be filed with the Secretary of the Board at least 14 days prior to the Board of Adjustment hearing at which the variance is to be considered.
2. Notice of Hearing. Upon receipt of a variance application and accompanying materials, the Secretary of the Board shall place the request upon the calendar for hearing. Owners of property adjacent to the property which is the subject of the variance, as their names appear upon the plats of the Tax Assessor, shall be notified by mail of the date, time, place and nature of the public hearing, at least seven days prior to said hearing.

#### **Section F. Administrative Appeal.**

Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days of the administrative decision which is the subject of the appeal. The Zoning Administrator shall forthwith transmit to the Board, all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the hearing by posting a notice stating the date, time, place and nature of the public hearing in four conspicuous places in the Town of Mentone at least seven days prior to said hearing, as well as due notice to the parties in interest, and decide the same within a reasonable time.

## ARTICLE VII. DEFINITIONS

Access. A way or means of approach to provide physical entrance to a property.

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Addition. A structure added to the original structure at some time after the completion of the original.

Agriculture. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Alley. A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration. Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Animal Kennel. Any structure or premises in which animals are kept, boarded, bred or trained for commercial gain.

Automobile Service Station. Any building, land area or other premises, or portion thereof, used for the retail dispensing or sale of vehicular fuels; and including as an ac-

cessory use the sale and installation of lubricants, tires, batteries and similar accessories.

Building Height. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the decked line for mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Campground. An area where two or more campsites, cabins or cottages are located for occupancy by the general public as temporary living quarters for recreation, education or vacation purposes. Any such are intended for use by recreation vehicles shall be defined as a Recreation Vehicle Park.

Clinic. An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

Club. A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

Commercial Recreation. A business which provides recreation or amusement activities for a fee to the general public, such as miniature golf, go-kart track, water slide or theme park, amusement park, swimming pool, batting cages, boat rental, ski slope, and similar uses.

Commercial Use. Activity carried out for pecuniary gain.

Condominium. A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Day Care Center. Any child care business receiving more than six children for care during all or part of the day. The term does not include: programs operated as part of a religious institution; public or private school; nor special activity programs such as athletics, crafts and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

Density. The number of families, individuals, dwelling units, or housing structures per unit of land.

Dormitory. A building used as group living quarters for students, employees, campers or participants of schools, churches, youth camp or similar institution.

Dwelling. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling for the exclusive use of a single family maintaining a household. The word

dwelling shall not include boarding nor rooming houses, dormitories, motels, hotels, tents, recreation vehicle or other facilities designed or used primarily for transient residents.

Establishment. An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

Factory-Built Dwelling. A dwelling that is constructed and assembled at a factory and transported to the building site and placed on a permanent foundation.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

General Public. Any and all individuals without any prior qualifications.

Grade, Finished. The final elevation of the ground surface after development.

Group Care Facility. A facility or dwelling housing persons unrelated by blood or marriage and operating as a group family household.

Height. The vertical distance of a structure measured from the average elevation of the finished grade at the base of the structure to the highest point of the structure.

Home Occupation. A use conducted entirely within an enclosed dwelling, employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy and does not change the character thereof.

Hotel. A facility offering transient lodging accommodations to the general public and providing additional services such as dining, meeting rooms, and recreation facilities.

Institution. Public and quasi-public uses such as cemetery, church, school, park and government owned buildings and facilities.

Lot. A parcel of land established by plat, subdivision or as otherwise permitted by law, intended for transfer of ownership or for building development, which shall be comprised of land area or a combination of land area and water surface area, except that each lot shall be comprised of land area in an amount equal to or greater than the minimum lot area required in the zoning district in which it is located. Each lot shall abut a public street or have access to a public street by means of a recorded access easement or right-of-way.

Lot, Corner. A lot or parcel of land abutting upon two or more streets at their intersection.

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

Mini-Warehouse. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

Minimum Lot Area. The total land area within the lot lines of a lot, excluding public street rights-of-way.

Mobile Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities.

Mobile Home Park. A parcel of land with two or more mobile homes used as dwellings or with two or more spaces designated or intended for parking of mobile homes to be used as dwellings.

Mobile Home Space. A plot of land for placement of a single mobile home within a mobile home park.

Motel. An establishment providing transient accommodations with most rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Non-Conforming Lot. A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revisions or amendment to conform to the present requirements of the Zoning Ordinance.

Non-Conforming Sign. Any sign lawfully existing on the effective date of the Zoning Ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

Non-Conforming Structure or Building. A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Non-Conforming Use. A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nursing Home. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Off-Street Parking Area. A temporary storage area for motor vehicles that is located on private property and comprised of parking spaces and access aisles.

Off-Street Parking Space. A temporary storage area for one motor vehicle that is located on private property..

Outdoor Storage. The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Owner. An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

Premises. A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Recreation Facility, Commercial. An outdoor recreation facility operated as a business and open to the public for a fee, including but not limited to: amusement and theme parks, batting cages, boat and raft rentals, bungee jumping, go-kart tracks, golf driving range, helicopter and balloon rides, miniature golf, ski area and water slides.

Recreation Facility, Personal. A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

Recreation Facility, Private. A recreation facility operated by a non-profit organization, and open only to bona fide members and guests of such nonprofit organization.

Recreation Facility, Public. A recreation facility operated by a governmental agency and open to the general public.

Recreation Vehicle. A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreation Vehicle Park. An area with two or more spaces used or intended for parking of recreation vehicles by the general public as temporary living quarters for recreation, education or vacation purposes.

Rent. A periodic payment, made by a tenant, to his landlord for the use of land, buildings, structures or other property, or portions thereof.

Restaurant. An establishment where food and drink is prepared, served and consumed primarily within the principal building.

Retail Services. Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services.

Retail Trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Seasonal Dwelling Unit. A dwelling unit that lacks one or more of the basic amenities or utilities required for all year or all weather occupancy.

Seasonal Use. A use carried on for only a part of the year such as outdoor swimming during the summer months or skiing during the winter months.

Setback Line. That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Shopping Center. Three or more retail or service establishments located in one building or a group of architecturally unified buildings under one ownership or management, with selected tenants and an integrated parking area.

Sign. Any object, device, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign, Animated or Moving. Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

Sign Area. The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

Sign, Off-Premise. A sign which directs attention to a business, commodity, service of entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Sign. Directional. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as one-way, entrance, and exit.

Sign. Flashing. Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign. Free Standing. Any non-movable sign not affixed to a building.

Sign. Governmental. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Sign. Illuminated. A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

Sign. Portable. A sign that is not permanently affixed to a building, structure or the ground.

Sign. Real Estate. A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Sign. Roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the wall of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Sign. Temporary. A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material, displayed for a period of time not to exceed six weeks during any calendar year and removed within one week after completion of the event, sale or activity it advertises.

Sign. Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

Ski Area. An area developed for snow skiing, with trails and lifts, and including ski rental and sales, instruction, and eating facilities.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Tenant. An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

Theater. A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

Theater, Drive-In. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Use, Accessory. A use of land or of a building or portion thereof customarily incidental to the principal use of the land or building and located on the same lot with such principal use

Use, Conditional. A use permitted in a zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Zoning Ordinance and authorized by the Board of Adjustment.

Use, Existing. The use of lot or structure at the time of the enactment of the Zoning Ordinance.

Use, Permitted. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Use, Principal. The primary or predominant use of any lot.

Utility, Private or Public. (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, natural gas, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

Warehouse. A building used primarily for the storage of goods and materials.

Yard. An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

Youth Camp. Any parcel or parcels of land having the general characteristics of a camp as the term is generally understood, used wholly or partially for recreation or educational purposes, the primary business of which is the accommodation of five or more children under the age of 18 years of age for a period of two days or more, which may include a site that is operated as a day camp.

Youth camps shall not be open to the general public for daily use but shall accommodate guests on a reservation basis only, for activities such as youth camps and conferences, seminars and retreats for adult or youth organizations.

Zone. A specifically delineated area or district within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

## **ARTICLE VIII LEGAL STATUS PROVISIONS**

### **Section A. Separability.**

That each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision thereof to be void or invalid for any reason shall not effect any other provision thereof. It is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

All ordinances or parts of ordinances inconsistent herewith at the time this Ordinance takes effect are hereby repealed.

### **Section B. Conflict of Laws.**

If this ordinance or any part of this ordinance is deemed to be in conflict with state law, then, by operation of laws state law shall prevail and take precedence over said municipal ordinance. In addition thereto any federal law or regulation promulgated by executive agency of the United States of America shall accordingly take precedence over this ordinance.

### **Section C. Effective Date.**

This Ordinance shall take effect on the \_\_\_ day of \_\_\_\_\_, 1992, following its passage, and approval by publication as required by law.

ADOPTED THIS 1ST DAY OF JUNE, 1992.

\_\_\_\_\_  
HONORABLE MAX CASH, MAYOR

ATTEST:

CATHERINE BAILEY, TOWN CLERK  
(SEAL)