

Article XIII. Definitions

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Except as defined herein, all words used in this Zoning Law shall carry their everyday dictionary definition. Words used in the present tense include the future; the singular number includes the plural and the plural number includes the singular; the word "lot" includes the word "plot" or "parcel" or "tract;" the word "structure" includes the word "building." The term "occupied" or "used" as applied to any given building or land shall be construed to include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used or occupied." Unless the context requires a different interpretation, any word denoting gender includes the female and the male. The word "shall" is mandatory and not optional. Unless otherwise expressly stated, the following terms shall, for the purposes of this Zoning Law, have the meaning herein indicated. The same would apply to terms used in the Town Freshwater Wetlands and other laws or State laws such as Agriculture and Markets Law, Environmental Conservation Law, and their implementing regulations.

A. Terms Used Throughout This Zoning Law Defined:

ACCESSORY STRUCTURE. A structure or building, the use of which is clearly and customarily incidental and subordinate to that of the principal structure or building and which is attached thereto, or is located on the same lot or premises. Except for an "Accessory Dwelling Unit" approved under Articles VI and/or VII of this Zoning Law, "Accessory Structures" are not for the purpose of human habitation and may include such structures or buildings as garages, swimming pools, tennis courts, garden or tool sheds, barns, studios, greenhouses, and playhouses, and such elements as satellite dish antennae, and solar and wind energy systems.

ACCESSORY USE. A use, occupancy or tenancy which is clearly and customarily incidental and subordinate to the principal use, occupancy, or tenancy, and located on the same lot or premises. Except for uses accessory to a dwelling unit, any use which is accessory to a Special Permit Use shall also require a Special Use Permit. Any use which is accessory to a permitted use shall be considered a permitted use.

ACTIVE SENIOR HOUSING. A residential development which is developed and meets the requirements of Article VI, Section D(37) of the Zoning Law, owned by a public agency or private sponsor in which rental dwelling units or dwelling units for purchase are exclusively provided for elderly persons, aged 62 or older, and other members of the households which they head.

ADDITION. Extension or increase in area or height of a building.

ADULT USE, PASSIVE. See "Passive Adult Use."

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AGRICULTURE. Any activity connected with the raising of crops, livestock or production of livestock products, including but not limited to. field crops, fruits, vegetables, horticultural specialties; livestock and livestock products; maple sap; Christmas trees; aquaculture products; and woody bio-mass. This shall encompass any activity or use now permitted by law, engaged in by or on behalf of a farmer in connection with farming including, but not limited to. housing for farm workers; stables and other tourist activities; the collection, transportation, distribution and storage of animal and poultry waste; storage, transportation and use of equipment for tillage, planting, harvesting and marketing; transportation, storage and use of fertilizers and limes, and lawfully permitted and applied insecticides, herbicides, and fungicides; construction of farm structures and facilities, including farm wineries and other on-farm food processing; construction and maintenance of fences and other enclosures; and the use and/or maintenance of related pastures, idle or fallow land, woodland, wetland, farm ponds, farm roads and certain farm buildings and other structures related to the agricultural practices. Agriculture shall also include value-added processing, wholesale and retail marketing of the agricultural output of the farm, including U-pick sales, and related products that contribute to farm income including the sale at the owner's farm stand of agricultural products as long as a major portion of the annual gross sales of the farm stand have been grown on said farm. Agriculture shall not include a Confined Animal Feeding Operation (CAFO) as defined herein.

ALTERATION. As applied to a building or structure, any change, rearrangement, enlargement, addition or diminution to a building or other structure, whether vertically or horizontally, other than repairs; any modification in construction, or in building equipment, or the moving of a building or structure from one location to another.

ALTERNATE CARE HOUSING FACILITY. A facility designed used as a group residence or extended care facility, including assisted living facilities and nursing homes, designed for the care and housing of persons who are unable to live and work independently at a particular time and which provides for provision of such person's specific needs and where compensation and/or reimbursement of costs is paid to an operator pursuant to state or federal standards, licensing requirements or programs funding residential care services. For purposes of this Zoning Law, an "Alternate Care Housing Facility" shall include, but not necessarily be limited to the following specific types of facilities.

1. **Community Residence.** A dwelling providing room, board, and recreation for the mentally and/or physically disabled under responsible supervision.
2. **Halfway House.** A community residence providing room, board, recreation and rehabilitative services for the mentally and/or physically disabled under responsible supervision.
3. **Supervised Living Facility.** A community residence or group home providing 24-hour on-site responsible supervision for long-term residence.
4. **Supportive Living Facility.** A community residence providing responsible supervision for residents.
5. **Family Care Housing.** A dwelling providing room, board and supervision for patients who are maintained on an inpatient basis by a state-operated psychiatric facility.

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6. Housing for the Disabled. For those persons who are unable to function in society without assistance and/or supervision because of their physical, mental or emotional deficiencies.
7. Nursing Home. A premises on which is provided lodging, meals and continuing nursing care for compensation to convalescent or chronically ill persons. The term "Nursing Home" shall include a convalescent home and a rest home.
8. Assisted Living Facility. A residential care facility providing residential units accompanied by services for housekeeping, personal care, health care, recreation and food.

An "Alternate Care Housing Facility," for purposes of this Zoning Law, shall not include a "Community residential facility for the disabled," as that term is defined in Section 41.34 of the New York State Mental Hygiene Law

ANIMAL HOSPITAL. See "Veterinarian's Office."

ANIMAL HUSBANDRY. The keeping, grazing, feeding and care of animals other than household pets or more than two (2) saddle horses or ponies for 4H Club Activities. However, the term "Animal-husbandry" shall not be construed to include the activities of fur farms, pig farms, cage type poultry houses or any type of concentrated animal feeding operation (CAFO).

APARTMENT. A dwelling unit contained within a two-family or multi-family dwelling.

APPLICANT. a property owner or agent of a property owner who has filed an application for a use of land or structure pursuant to this Zoning Law.

AQUIFER. A geologic unit of stratified drift capable of yielding usable amounts of water.

AQUIFER PROTECTION AREA. The areas identified as such on the Water Resources Protection Overlay (WR-O) District Map based on surveys, analysis and research to accurately delineate the location of an aquifer.

AREA AND BULK REGULATIONS. The combination of controls in Article IV which establish the residential density of a lot or lots and the maximum size of a building or structure and its location on such lot.

ATM BANKING MACHINE. An automated teller machine (ATM) is a computerized telecommunications device that provides the customers of a financial institution with access to financial transactions in a public space. An ATM includes a personal teller machine (PTM).

AUTOMOBILE BODY SHOP. Any area of land, including structures thereon, that is used for the painting of motor vehicles; the rebuilding or reconditioning of motor vehicles; including collision services including frame and fender straightening and repair; or the dismantling or disassembly of frames or exterior parts.

BAKE SHOP. A retail establishment producing and selling breads, pies, cakes, cookies and other bake goods and which establishment may provide a maximum of eight (8) seats at tables or a counter for the on-premises consumption of baked goods and related beverages such as coffee, tea, milk or fruit juices. The term "bake shop" shall not include a Formula Food Establishment as defined herein.

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BASEMENT. That space of a building which is partly below grade, which has more than half of its height, measured from floor to ceiling, above the average finished grade of the ground adjoining the building.

BED AND BREAKFAST ESTABLISHMENT. A private owner-occupied dwelling in which at least one (1) and not more than five (5) rooms are offered for rent for transient occupancy, in which overnight lodging and breakfast are offered to such occupant(s), and on which no public restaurant is maintained.

BEGINNING OF CONSTRUCTION. The incorporation of both labor and materials within the footings or foundation of a building or group of buildings subsequent to the issuance of a Building Permit in full conformance with this Zoning Law.

BIODIVERSITY. Biodiversity describes the variety of life and its processes. The term refers to all the variation in nature, including ecosystems, biological communities, species and their genes. It also refers to the interactions of organisms with each other, and with the non-biological components of their environments such as soil, water, air and sunlight. Habitats with a high species richness (i.e. number of species) and habitats with low species richness may be equally important to overall biodiversity.

BIO-MASS. Bio-mass is plant matter grown for use as biofuel, but it also includes plant or animal matter used for production of fibres, chemicals or heat. It excludes organic material which has been transformed by geological processes into substances such as coal or petroleum.

BUFFER. A strip of land established and suitably developed with fencing and/or berms or natural vegetation to visually separate one use from another and to shield or block noise, light or other nuisances. The term "buffer" or "screen" also applies, when used throughout this Zoning Law, to the act of establishing and maintaining a "buffer" as defined herein. Buffers may also apply to protected wetland areas. See the Town of Rhinebeck Freshwater Wetlands Law for the definition of "ASSOCIATED BUFFER."

BUILDABLE AREA. The space remaining on the lot after the minimum yard, open space and natural environmental constraint requirements have been met.

BUILDING. "Building" shall mean any building, structure, or portion thereof used for residential business or industrial purpose.

BUILDING, ACCESSORY. See definition of "Accessory Structure."

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which said building is located. In any residential district, any dwelling, except for an accessory dwelling unit as permitted by this Zoning Law, shall be deemed the principal building on the lot on which it is situated.

BUILDING, SEMI-DETACHED. A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

BUILDING ENVELOPE. The setback lines or other restrictive demarkation that establish an area on a lot in which building and other site improvements can occur.

BUILDING INSPECTOR. See definition of "Code Enforcement Officer" herein.

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BUILDING LINE. The line established by law, ordinance, or regulation, beyond which no part of a building, other than parts expressly excepted, may extend.

BUILDING LINE, FRONT A line generally parallel to the street or road beyond which the front of a building may not project into the required front yard as specified for the district in which the lot is situated. The front yard setback begins where the minimum lot width is achieved.

BUILDING MATERIALS. A retail business for the storage and sale of primarily wood products but which may also include the sale of hardware and other building products.

BUSINESS OFFICE. A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations. See “Professional Office.”

BUSINESS SERVICE. An establishment primarily engaged in rendering services on a fee or contract basis, such as advertising and mailing, building maintenance, employment service, office equipment rental and leasing, commercial research, development and testing, photo finishing and personal services.

CAMP. A parcel of land on which are located two (2) or more cabins, shelters or other accommodations, of a design or character suitable for seasonal, or other more or less temporary living purposes, including summer colony, resort and day camp. Camps shall provide 10,000 square feet of lot area for each tent, cabin or other principal building and 3,000 square feet per person accommodated. A trailer park, camp trailers, campers, trailer coaches, travel trailers, recreational vehicles, motor homes, bus, boarding house, hotel, or motel shall not be construed to be a “camp.”

CAMPGROUND. Any area designated for transient occupancy by camping in tents or similar non-vehicular portable dwelling designated for temporary shelter.

CEMETERY. Land used or intended to be used for the burial of dead human beings and dedicated for cemetery purposes, when operated within the boundary of such lands and in accordance with the requirements of Article VI, Section D of this Zoning Law.

CENTRAL WATER. For the purposes of this Zoning Law, a community water supply system approved by the Town of Rhinebeck, Dutchess County and/or State of New York for either private or public operation.

CESSATION OF USE. As used herein, a use shall be determined by the Code Enforcement Officer to have ceased when it has been discontinued, either temporarily or permanently, whether with the intent to abandon such use or not.

CHANNEL. A natural or artificial watercourse with a definite bed and banks which conducts continuously or periodically flowing water.

CLEAR-CUTTING. The indiscriminate removal of all or most trees, regardless of size or maturity, for a purpose other than development. This definition shall not include the selective removal of tree species according to a forest management plan consistent with § 480-a of the New York State Real Property Tax Law or the *New York State Timber Harvesting Guidelines* or the New York State Cooperating Forester Program, and in accordance with environmentally sound and sustainable silvicultural principles; removal of dead trees; or removal of trees in

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accordance with a Subdivision Plat or Site Plan approved by the Town of Rhinebeck Planning Board.

CLEARING. Any activity that removes the vegetative surface cover.

CLINIC, DENTAL OR MEDICAL. A facility designed for the practice of dentistry or medicine at which non-resident patients are treated.

CLUB, NOT-FOR-PROFIT MEMBERSHIP. Premises of an organization of persons who meet periodically to promote some non-profit social, educational, athletic, service or recreational objective, and who cater exclusively to members and their guests, with no vending, merchandising or commercial activities conducted, except as required generally for the membership and purposes of the club. A "Not-for-profit Membership Club" shall not include a "Rod and Gun Club" as defined herein.

COMMERCIAL RECREATION FACILITY. An establishment engaged in providing recreation for a fee or admission charge, including membership sports, recreation clubs, and health clubs, but specifically excluding air arenas, amusement parks, go-cart tracks, driving ranges, water sports parks, rings, race tracks, or similar facilities, whether full-size or miniature and whether located indoors or outdoors.

COMMON SEWER. For the purposes of this Zoning Law, a community sewage disposal system approved by the Town of Rhinebeck, Dutchess County and/or State of New York for either private or public operation.

COMMUNICATION FACILITY OR TOWER. A structure used primarily for transmitting and/or receiving radio, television, microwave cellular telephone or similar electromagnetic signals. As set forth at Article VI, Section D herein, for the purpose of this Chapter, neither receive-only antennae or satellite dishes for residential use nor any other building-mounted or other structure-mounted antennae less than fifteen (15) feet in height, shall be considered a Communication Facility or Tower.

COMPREHENSIVE PLAN. The official Town Board adopted document that provides a consistent policy direction to guide the immediate and long range protection, enhancement, and development of the Town of Rhinebeck. As described in Section 272-a of the New York State Town Law, the Comprehensive Plan consists of materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports, elements, appendices, and other descriptive material. Such materials identify goals, objectives, principles, guidelines, policies, standards, devices and instruments for the unincorporated area of the Town-outside the Village of Rhinebeck. The Town of Rhinebeck "Comprehensive Plan" may also be referred to as either the "The Rhinebeck Plan," the "Town Plan" or the "Town Comprehensive Plan."

CONDOMINIUM. A building or group of buildings in which dwelling units are owned individually within a multiple dwelling structure. The land underlying such structure(s), common areas and common facilities are owned by the owners on a proportional, undivided basis. Since condominiums represent the functional equivalent of a land subdivision, they shall be subject to the Town of Rhinebeck *Land Subdivision Regulations*.

CONFERENCE CENTER. A facility used for in-residence business, cultural or professional programs, conferences, retreats and seminars, often with campus-type accommodations for sleeping, eating and recreation.

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CONFINED ANIMAL FEEDING OPERATION (CAFO). A “confined animal feeding operation” or CAFO means a lot or facility, together with any associated treatment works, where both of the following conditions are met: 1) Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and 2) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the operation lot or facility.

CONGREGATE CARE FACILITY. A housing facility where each resident has an individual, usually private, housing unit which contains a sitting space, kitchen and bathroom, in addition to a bedroom. A resident may share a common kitchen, dining room and living room with one or more residents.

CONSERVANCY LOT. A large, privately owned lot comprising part of an area of open land as prescribed by Article V, Section I of this Zoning Law. The purpose of the conservancy lot is to provide surrounding residents with visual access to open protected space, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be permanently protected through conservation easements and used in conformance with standards for protected open space. Public access to conservancy lots is not required.

CONSERVATION ADVISORY COUNCIL (CAC). The Conservation Advisory Council or Conservation Advisory Board of the Town of Rhinebeck, New York as these terms are defined in New York State General Municipal Law.

CONSERVATION AREA. Land left in its natural and essentially undeveloped state, including vegetation and terrain, for the purpose of preserving habitats for plants and animals, scenic views, open space, aesthetic appreciation, passive recreation and other conservation purposes.

CONSERVATION EASEMENT. A legal agreement in the form of an easement, covenant, restriction or other interest in real property created under and subject to the provisions of Article 49, Title 3 of the Environmental Conservation Law, which limits or restricts the development, management or use of such real property in perpetuity for the purpose of preserving or maintaining the scenic, agricultural, open, historic, recreational, archaeological, architectural or natural condition, character, significance or amenities of the property.

CONSERVATION SUBDIVISION. A subdivision which is designed in accordance with the provisions of Article V, Section I of this Zoning Law and which is specifically intended to conserve significant features of the natural and cultural landscape, and which achieves this result through flexibility in lot sizes and dimensions and permanent designation of protected open space.

CONSTRUCTION, FIRE-RESISTANT. That type of construction in which the walls, partitions, columns, floor and roof are non combustible with sufficient fire resistance to withstand the effects of a fire and prevent its spread from story to story.

CONTAMINATION. The presence of chemical substances, matter or energy whose nature, location or quantity causes instability, disorder, harm or discomfort to the physical systems or living organisms therein.



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CONTRACTOR'S YARD. Property used for the storage or keeping of construction supplies, materials, equipment, machinery or vehicles, or parts thereof, which are in operable condition and active use by a construction or landscape contractor.

CONVENTIONAL SUBDIVISION. A subdivision in which lots are laid out in accordance with the basic dimensional standards of the district in which the property is located, as set forth in the Schedule of Area and Bulk Regulations, and for which a Special Use Permit and Site Plan approval is required pursuant to Articles V and VI of this Zoning Law.

CONVERSION. A change in use or occupancy of a building, generally by alteration or by other reorganization.

COTTAGE HOME. A cottage home is similar to a detached accessory dwelling unit but, rather than contained within another accessory structure such as a barn, garage, or carriage house, shall be a detached structure separate and apart from the single family dwelling and/or other accessory structures on the lot. A cottage home shall not exceed 750 square feet on lots less than one-half acre nor 1,000 square feet on lots one-half acre or larger, shall be built in accordance with the New York State Uniform Fire Prevention and Building Code, and shall be clearly incidental and subordinate to the principal building or structure.

COUNTRY CLUB. A "country club" is a private club that offers a variety of recreational sports facilities to its members such as a golf course, swimming, horseback riding, and tennis. Country clubs may provide dining facilities to their members and guests, and may host catered events, such as weddings.

COUNTRY INN. A building or group of buildings, which is used for the overnight sleeping accommodation of the traveling public and which shall include residential accommodation for the owner or caretaker. The Zoning Law permits, subject to issuance of a Special Use Permit, a Country Inn 1 and Country Inn 2 as described more fully in Article VI, Sections D(38) and D(39) of the Zoning Law.

COVERAGE, LOT OR IMPERVIOUS SURFACE COVERAGE. That percentage of the plot or lot area covered by the composite building area on or extended to the ground plane of all principal and accessory buildings or structures, roads, parking lots and parking areas and other impervious surfaces as defined herein. Such coverage excludes uncovered porches, terraces, and wooden decks, except where used for commercial purposes.

DAY CAMP. Non-overnight camp providing recreation, arts and crafts, and other activities for participants.

DELICATESSEN. A retail establishment selling meats, salads, other foods and condiments in a prepared state and which establishment may include a maximum of twenty (20) seats at tables and/or a counter for the on-premises consumption of sandwiches or other foods and related coffee, tea, milk, fruit juices and other non-alcoholic beverages. A delicatessen may stock household supplies to customers who purchase only a relatively few items. The term "delicatessen" shall not include a Fast Food Establishment as defined herein.

DENSITY. The ratio of land area per dwelling unit on a lot.

1. **GROSS DENSITY** is the ratio of dwelling units to the land area of the total lot.

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2. NET DENSITY is the ratio of dwelling units to the land area of the lot after subtracting non-buildable areas including 100 year floodplains, wetlands, regulated wetland buffers, ponds, streams, and steep slopes over 25 percent gradient.

DESIGN STANDARDS. The design manual originally adopted by the Town Board in June 1999 and amended from time to time, so as to complement the Design Standards found in Article V, Section U of this Zoning Law, the "Site Plan Design Criteria" set forth at Article VII, Section F of this Zoning Law, and other design standards adopted by the Town Board.

DEVELOPMENT. Any activity other than conservation, agriculture conducted in a manner consistent with "Sound Agricultural Practices" as defined by the New York State Department of Agriculture and Markets, or forestry conducted in a manner consistent with the "Timber Harvesting Guidelines" and "Best Management Practices" as defined by the New York State Department of Environmental Conservation, which materially affects the existing condition of land or improvements, including but not limited to:

1. Removal of trees or other natural vegetative cover;
2. Substantial excavation or deposit of earth or other fill, including alteration of the banks of any stream or body of water;
3. Construction, reconstruction, alteration or demolition of any building, structure or other improvement;
4. Dumping or parking of any object or material, whether mobile, liquid or solid;
5. Commencement of any use of the land and improvements thereto and any change in the type or intensity of such use; and
6. Commencement or change in type or intensity of any noise, light, smoke or other emission, in contravention of the general performance standards stated in Article, V, Section A of this Zoning Law.

DISTRICT, OR ZONING DISTRICT. An area or section of the Town illustrated on the Zoning District Map contained within this Zoning Law, and within which uniform requirements regulate the use of land, buildings and structures and the height, bulk, density, setback and other features of buildings and structures.

DISTRICT, FLOATING. A district that is established through the Zoning Amendment process, enumerated in Article XII and as further described in Article VI, Section B(37), to provide housing for senior citizens. Unlike other Zoning Districts, the Senior Housing Floating Zoning District has not been mapped and is subject to legislative discretion.

DISTRICT, OVERLAY. An area or section of the Town illustrated on the Zoning District Map contained within this Zoning Law, and within which additional requirements are provided to protect identified natural and cultural resources or provide for incentives for specific types of development that are encouraged in the Town or to complement those of the underlying land use district to which such designation is added.

DRIVEWAY. Land situated on a lot used or intended to be used as a private access route directly serving a building, structure, parking area, or other lands and not providing a route for through traffic.

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DWELLING. A building designed or used principally as the living quarters for one (1) or more families.

DWELLING, MULTI-FAMILY. A building containing separate living units for three or more families, including apartment buildings, townhouses, rowhouses, regardless of the form of ownership (condominium, fee simple, rental).

DWELLING, ONE-FAMILY. A detached building containing one (1) dwelling unit only.

DWELLING, TWO-FAMILY. A detached or semi-detached building containing two (2) dwelling units only.

DWELLING UNIT. A building, or entirely self-contained portion thereof, containing complete housekeeping facilities for one (1) family. A dormitory, hotel, motel, country inn, nursing home, fraternity, sorority or other similar building shall not be deemed to constitute a "dwelling unit."

DWELLING UNIT, ACCESSORY. A separate and complete dwelling unit that is contained within the structure of a single-family dwelling or in a building or structure accessory to a single-family dwelling.

ECHO UNIT, (ELDER COTTAGE HOUSING OPPORTUNITY). A modular cottage, not exceeding 750 square feet, for installation on a single-family residential premises, designed to be occupied by one or two people who will benefit from living in close proximity to the principal residents of the premises.

EDUCATIONAL INSTITUTION. Any parochial, private, or public institution offering courses in general, technical, or religious education that is not operated for profit or gain and conducts a full-time curriculum of instruction a minimum of five (5) days per week for seven (7) months per year. This definition specifically excludes from coverage after school programs for students who are receiving their primary education elsewhere. Educational Institutions operate in buildings owned or leased by the institution for some or all of the following purposes: administrative and faculty offices, classrooms, dining halls, housing limited to enrolled full time students, staff and faculty presently employed full-time by the educational facility, laboratories and other ancillary uses typically and customarily associated with educational facilities

EMERGENCY - Any occurrence or circumstances involving actual or imminent physical trauma or property damage threatened or caused by an emergency that demands immediate action.

EMPLOYEE. Shall mean the regular working staff, (paid, volunteer or otherwise) at maximum strength and in full time equivalent numbers necessary to operate, maintain or service any given facility or use under normal levels of service.

ENRICHED HOUSING FOR THE ELDERLY. A residence offering alternative living arrangements (i.e. small, congregate living arrangements wherein comprehensive supportive services are shared) for frail, older adults who do not want or need institutional care, but who are no longer able to carry out the activities of daily living without assistance.

ENVIRONMENTAL PERFORMANCE STANDARDS. Regulations for the control of dangerous or objectionable uses having potential adverse impacts as described for non-residential and non-agricultural uses in Article V, Section A of this Zoning Law.

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EROSION CONTROL MANUAL. The most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual.”

ESTABLISHMENT. A building or related group of buildings for purposes of the conduct of business, located on a single parcel or lot, and including one or more uses.

EXCAVATION, MAJOR. Removal, replacement or recontouring of earth materials meeting one or more of the following criteria. No use or activity classified as a “major excavation” may be so intensive as to constitute either an “extractive operation” or “soil mining” as defined under this Zoning Law.

1. Involving more than 200 cubic yards of material; or
2. Affecting more than 10,000 square feet of land area; or
3. The changing of existing drainage patterns affecting neighboring properties.

EXCAVATION, MINOR. Removal, replacement or recontouring of earth materials meeting all of the following criteria.

1. Involving less than 200 cubic yards of material; and
2. Affecting less than 10,000 square feet of land area; and
3. Which will not affect the character or pattern of drainage to neighboring properties.

EXTRACTIVE OPERATION. A lot or land or part thereof, used for the purpose of extracting and/or removing sand, gravel, clay, stone, loam, humus, topsoil or other earth materials for sale, exclusive of the following.

1. Subject to the criteria set forth in Article V, Section E of this Zoning Law, the process of grading a lot preparatory to the construction of a building for which a Building Permit has been issued or installing roadways and/or other improvements described on a Subdivision Plat or Site Plan approved by the Planning Board; and
2. Either “minor excavation” or “major excavation” as defined herein.

FACADE. The face or front of a building facing the major or principal street.

FAIRGROUND. A name for occasional or periodic competitive exhibition including but not limited to farm products and/or livestock, usually accompanied by amusement features and for which an admission fee may or may not be charged.

FAMILY. One of the following.

1. One (1), two (2) or three (3) persons occupying a dwelling unit; or
2. Four (4) or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present.

1. The group must share the entire house;
2. Occupants must live and cook together as a single housekeeping unit;

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3. Expenses for food, rent, utilities or other household expenses must be shared by the group; and
4. The group is permanent and stable and is not transient or temporary in nature.

FARM. Land and on-farm buildings, equipment and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise.

FARM MARKET - An accessory retail facility, larger than a roadside stand, owned and operated by the owner or operator of the farm and intended for the sale of local farm produce, farm products and related farm items on either a seasonal or year-round basis.

FAST FOOD ESTABLISHMENT. An establishment required by contractual or other arrangements to offer some or all of the following.

1. Standardized menus, ingredients, food preparation, décor, external façade and/or uniforms;
2. Systemic purchasing for food, containers, wrappers, and other consumable goods from a central source;
3. Pre-prepared food in a ready-to-consume state;
4. Sold over the counter in disposable containers and wrappers;
5. Selected from a limited menu;
6. For immediate consumption on or off the premises;
7. Where the customer pays before eating;

This definition shall not include bake shops, delicatessens, or restaurants as defined herein.

FENCE. An unroofed enclosing structure erected for decorative purposes or for the purpose of preventing passage or view.

FLAG LOT. See definition of LOT, FLAG.

FLOOD, 100 YEAR OR BASE. The highest level of flood that, on the average has a one percent (1%) chance of occurring each year.

FLOOD HAZARD BOUNDARY MAP (FHBM). The official map of the Town of Rhinebeck on which the Federal Emergency Management Agency has delineated the boundaries of the special flood hazard area. The FHBM is replaced by the Flood Insurance Rate Map (FIRM) when the letter becomes effective.

FLOOD INSURANCE RATE MAP (FIRM). The official map of the Town of Rhinebeck on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones.

FLOOD INSURANCE STUDY. The official report of the Federal Emergency Management Agency for the Town of Rhinebeck showing flood profiles, water surface elevations of the base flood, and includes a Flood Boundary/Floodway Map (FBFM) or Flood Insurance Rate Map depicting any regulatory floodway, as may be applicable.

FLOODING, AREA OF SHALLOW. A designated AO or VO Zone shown on the Town's Flood Insurance Rate Map (FIRM) with base flood depths from (1) to three (3) feet where a

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clearly-defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

FLOOD PLAIN OR FLOOD-PRONE AREAS. A land area adjoining a river, stream, watercourse, or lake, which is likely to be flooded.

FLOOD PLAIN AREA WITH SPECIAL FLOOD HAZARDS. Maximum area of the flood plain that, on the average, is likely to be flooded once every 100 years (i.e. that has a 1% chance of being flooded in any given year). The flood plain area with special flood hazards includes the area shown on the FHBM as Zone A and on the FIRM as Zone A, AO, AH, A1 to A30, A99, V and V1 to V30.

FLOOD PLAIN MANAGEMENT. The operation of an overall program corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness measures, flood control works, and land use and development control measures.

FLOODPROOFING. Any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents to buildings.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude without cumulatively increasing the water surface elevation more than the designated height shown in the Town of Rhinebeck's Flood Insurance Study.

FLOOD PROTECTION ELEVATION. The one hundred (100) year flood elevation plus two (2) additional feet of elevation.

FLOOR AREA, GROSS. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include:

1. Shafts with no openings or interior courts.
2. Vehicular parking and loading areas within the structure.
3. Floor area occupied by HVAC (heating, ventilating and air conditioning), mechanical, electrical, communications and security equipment or apparatus.

FLOOR AREA RATIO (FAR). The sum of the gross floor area of all structures on a lot divided by the gross area of the lot.

FLORIST SHOP. Any structure or building whose primary design and function is for the production and raising of flowers and other horticultural products for sale but which may include the retail sale of horticultural products from off-site businesses.

FORESTRY. Sustainable forest management for the production of goods to meet the needs and desires of landowners and that serves the public good, both for present and future generations. Forestry is further defined as the maintenance of property in an undeveloped state that currently contains trees of any size, or is suitable for the growing of trees. Forest uses

Definitions

may include conservation of wildlife habitat, provision of outdoor recreation, production of timber and forest crops, protection of water quality, regulation of water flows, conservation of soil, carbon sequestration and protection of aesthetic qualities.

FRONTAGE, LOT. See definition of LOT FRONTAGE.

GARAGE, PRIVATE. An enclosed space, whether an accessory building or part of a principal building, for the storage of one or more vehicles, provided that no business occupation or service, other than a home occupation authorized by Special Use Permit, is conducted for profit therein nor space therein for more than one car leased to a non-resident of the premises.

GAS STATION. Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline, oil or other motor vehicle fuels and which may include facilities for lubricating, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment. The term "gas station" shall not include a "Fast Food Establishment" as defined herein. A gas station may include as an accessory use, a convenience store, not exceeding 2,000 square feet, for the sale of a limited number of food and household products.

GOLF COURSE. A type of "outdoor recreation use", as defined by this Zoning Law, developed in accordance with the standards of the United States Golf Association (USGA) for the play over either nine (9) or eighteen (18) Regulation, Executive or Par 3 holes of the game of golf. The golf course facility may include a clubhouse with a restaurant and other appurtenances integral to the overall facility, practice putting greens, and a practice range but shall exclude the use of netting for the constraint of golf balls on such practice range. A private golf course may be a component of a "country club" as defined herein.

GRADE, FINISHED. The elevation at which the finished surface of the surrounding lot, either naturally occurring or upon completion of any change in contour, intersects the walls and supports of a structure.

GRADING. Excavation or fill of material, including the resulting conditions thereof.

GROUNDWATER. Water in the subsurface zone beneath the water table in which all pore spaces are completely saturated.

GUEST COTTAGE. An accessory building on the same lot as a principal residential dwelling used for occupancy by either short-term guests of the owners or tenants of the principal dwelling provided that such building shall contain no kitchen facilities and shall meet all applicable setback and lot coverage requirements of this Zoning Law and those requirements related to the provision of suitable water supply and sanitary sewage disposal facilities.

HABITABLE SPACE. Space occupied by one (1) or more persons for living, sleeping, eating or cooking.

HAZARDOUS MATERIAL. Material that may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed, including without exception hazardous waste identified and listed in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976 (P.L.94-580) and related implementing regulations.

HEIGHT, BUILDING. The vertical distance measured from the average elevation of the finished grade along the side of the building having the lowest finished grade to the highest

Definitions

point on the coping of a flat roof, to the deck line of mansard roofs or to the average height between eaves and ridge for gable, hip and gambrel roofs, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections, except where such features occupy an aggregate area of more than eighty (80) square feet or ten percent (10%) of the roof area, whichever shall be less.

HOME OCCUPATION. Any limited personal service, professional service or business use customarily conducted within a dwelling or customary accessory building and carried on by the residents thereof, which is clearly incidental and secondary to use of the premises for residential purposes and does not alter the residential character thereof, and which use shall be fully consistent with the use limitations stated in Article V, Section H of this Zoning Law.

HOSPITAL. An institution providing health service, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and medical offices. For purposes of this Zoning Law, the term "hospital" shall not include the term "alternate care facility".

HOTEL. A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests for no more than 30 days and where a kitchen and dining room are generally provided within the building or in an accessory building but excluding "Fast Food Establishments" as defined herein. Small service kitchens may be provided in individual rooms.

HOUSE OF WORSHIP. A building designed or adapted for use by a religious organization for conducting formal religious services or assembly on a regular basis.

IMPERVIOUS SURFACE. Any artificial structure that cannot effectively infiltrate rainfall, snowmelt and water, which replaces naturally pervious soil with impervious construction materials such as roofed or other solid structures or materials covering the ground, including but not limited to concrete, oil and stone, tar or asphalt pavement, or compacted soil or gravel. Regardless of the construction materials used, any area which is used for driveway or parking purposes, including disturbed grass, ground cover, or dirt, shall be considered an impervious surface.

INDUSTRIAL STORMWATER PERMIT. A State Pollutant Discharge Elimination System (SPDES) permit issued by the New York State Department of Environmental Conservation to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges, or specifies on-site pollution control strategies.

INFILTRATION. The process of percolating stormwater into the subsoil.

JUNK YARD, MOTOR VEHICLE. An area of land, with or without buildings, used for or occupied by a deposit, collection, or storage outside a completely enclosed building of used or discarded motor vehicles or parts thereof, with or without the dismantling, wrecking, salvage, sale, or other use or disposition of the same. A deposit, collection, or storage on a lot of two (2) or more vehicles no longer in condition for legal use on the public highways, i.e. registered and inspected, or parts thereof for one month or more in a residential district or three months or more in any non-residential district, shall constitute a "motor vehicle junk yard."

KENNEL. Any premises on which are kept four (4) or more dogs more than six (6) months of age or any number of dogs that are kept for the primary purpose of sale or for the purpose of

Definitions

boarding, care or breeding and for which a fee is charged or paid. The term, “kennel” shall be construed to include the term “cattery”.

LAUNDRY, SELF-SERVICE. A business premises equipped with individual clothes washing or dry cleaning machines intended for principal use by retail customers.

LIBRARY. A building used by a public or nonprofit institution for the purpose of housing books, manuscripts, exhibits or other educational materials available for reference and, as may be applicable, circulation by the public. A library may include offices for library management as well as community meeting rooms.

LIGHT MANUFACTURING. A use involving the manufacture of a product, but not requiring heavy, noisy or otherwise objectionable machinery or transporting equipment in contravention of the performance standards stated within Article V, Section A of this Zoning Law. Light manufacturing uses shall be construed to include, subject to compliance with the cited performance standards, the following categories.

1. Food and beverage production including but not limited to such uses as dairy processing plant, bakery, and bottling plant.
2. Apparel and other textile products.
3. Furniture and fixtures.
4. Printing and publishing.
5. Electrical and electronic machinery and equipment.
6. Metal fabrication.
7. Mail order distribution center.
8. Warehousing ancillary to the authorized use.

LOT. A parcel of land having defined boundaries and considered as a unit, devoted to or intended to be devoted to a specific use or occupied by a structure or group of structures that are united by a common interest, use or ownership, and including customary accessory structures, uses, open spaces and yards, which parcel shall have frontage on a street, or on such other means of access as may be deemed sufficient in accordance with the applicable provision of Section 280-a of the Town Law to provide suitable access as a condition precedent to the issuance of a Building Permit.

LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street right-of-way lines is the “corner”.

LOT, FLAG. A lot with less than the minimum required lot frontage which generally consists of a narrow accessway or the “flag pole,” leading to the buildable rear portion of the lot or the “flag.”

LOT, INTERIOR. Any lot other than a “corner lot.”

LOT, THROUGH. An interior lot having frontage on two parallel, or approximately parallel, streets.

Definitions

LOT AREA. The total land area of a lot within the property lines excluding any area devoted to external streets, e.g. in the case of a “user highway”.

LOT COVERAGE. The entire unvegetated area of the lot, including but not limited to the area covered by all buildings, structures, paved areas, driveways, walkways, patios and terraces.

LOT DEPTH. The horizontal distance from the street line of a lot to the rear lot line of such lot, measured along the median between the two side lines.

LOT FRONTAGE. That side of a lot measured along the right-of-way of any dedicated Town, County or New York State highway, along a line 24.75 feet from the centerline of any user highway or along any private road created pursuant to § 280-a of the New York State Town Law. For purposes of this Zoning Law, the width of any lot shall not be less than its frontage throughout its entire depth leading to the buildable portion of the lot, i.e. that portion of the lot with at least the minimum prescribed lot width. A corner lot shall be considered to have two (2) such frontages.

LOT LINE. The line dividing one lot from another, or from a street or other public space.

LOT OF RECORD. A legally-existing lot at the time of adoption of this Zoning Law duly filed and recorded in the Dutchess County Clerk’s Office as either an individual parcel of land or part of an approved subdivision, in accordance with the Town’s Land Subdivision Regulations and applicable provisions of Town Law.

LOT WIDTH. The minimum horizontal distance between the side lot lines measured at right angles to the lot depth along the rear line of the required front yard (i.e. at the minimum front setback) as established within the District Schedule of Area and Bulk Regulations.

MAINTENANCE AGREEMENT. As this term is used in Article V, Section Z of this Zoning Law, a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MEMBERSHIP CLUB. See “Club, Membership.”

MIXED-USE. A building containing both residential and commercial floor space conceived and designed as a single environment in which both commercial and residential amenities are provided.

MANUFACTURED HOME. A structure, transportable in one (1) or two (2) sections (also known as single-wide and double-wide), which in the traveling mode, is eight body feet or more in width and forty body feet or more in length, and when erected on site, is 700 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. A recreational vehicle is not included in this definition. Manufactured homes differ from modular or industrialized housing. Manufactured homes, and modular and industrialized homes are all factory-built housing, but modular and industrialized housing are certified as meeting the State or local building code. For purposes of building code approval, modular housing is equivalent to stick-built housing and manufactured homes are not. A manufactured house is a house built in conformity with the provisions of the federal HUD Code. Mobile homes are those built prior to adoption of the HUD Code.

Definitions

MODULAR HOME. A factory-built dwelling transported to the site and permanently attached to a foundation but not including a “manufactured home” as defined herein.

MOTEL. A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space, and is offered for rental and use principally by motor vehicle travelers. The term “motel” includes but is not limited to every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabins, roadside hotel.

MUSEUM. A non-profit, non-commercial establishment operated as a repository for a collection of literary, natural or scientific curiosities, objects of interest or works of art, not including the regular sale or distribution, of the objects collected.

NATURAL RESOURCE INVENTORY (NRI). A compilation of information about the Town’s natural resources, including open space preservation and protection priorities, in mapped form within the Town *Comprehensive Plan*, available at Town Hall and in electronic form on the Town of Rhinebeck’s web site, accessible to residents, businesses visitors and interested observers. The NRI provides general reference information that is useful for planning and conservation of such resources in accordance with Article 12-F, Sections 239-x and 239-y of the New York State General Municipal Law. The NRI is subject to periodic updating and refining as new information becomes available.

NET USABLE AREA. The term "net usable area" (NUA) as used herein shall mean the gross floor area minus the following floor area deductions.

1. Elevator shafts and stairways
2. Public restrooms
3. Public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior, and/or for aesthetic enhancement or natural lighting purposes.
4. Permanently designated corridors (i.e. not subject to relocation by the requirements of a specific lease).

NONPOINT SOURCE POLLUTION. Pollution from any source other than from any discernible, confined, and discrete conveyances, and which shall include, but not be limited to, pollutants from agricultural, silvicultural, horticultural, mining, construction, subsurface disposal and other runoff sources.

NOT-FOR-PROFIT. For purposes of this Zoning Law, restricted to a “person,” as defined herein, so designated as “not for profit” or “non- profit” by virtue of charter or incorporation and certification by the Internal Revenue Service. Such person or facility may also be cited within this Zoning Law as “non-commercial.”

NOXIOUS USE. Any use which is dangerous, offensive or injurious by reason of the emission of dust, smoke, refuse matter, odor, gas fumes, noise or vibration in contravention of the standards and criteria established by this Zoning Law and other applicable laws, rules, codes and regulations; also referred to as a “nuisance.”

Definitions

NURSERY. An establishment separate from a farm where herbaceous plants and related lawn care, landscaping and gardening products are sold to retail and/or wholesale customers. A “Nursery” by its nature includes outdoor storage of some or most of its stock in trade.

NURSERY SCHOOL. Any premises, however designated which operates on a regular basis to provide care or instruction for seven (7) or more enrolled children under six (6) years of age other than the children of the resident family. The term “nursery school” shall include a day nursery and day care center and family day care facility as defined and regulated by Section 390 of the New York State Social Services Law.

OCCUPANCY. Use of a building, structure or premises.

OCCUPIED SPACE. An area enclosed or covered providing a ceiling height of 7' 0" or more, intended for normal use by people on an occasional or more frequent basis. Occupied space may include basements, cellars, penthouses, attic space and interior balconies or mezzanines if the space is intended for use or habitation.

OFFICE OR OFFICE ESTABLISHMENT. A building or structure or part thereof used for the purpose of conducting a business or providing professional services. The term “office or office establishment” does not include businesses that sell goods, such as a retail store.

OFFICIAL MAP. A map, adopted by the Town Board, showing streets, highways and parks heretofore laid out, adopted and established in accordance with Section 270 of the Town Law.

OFF-STREET PARKING FACILITY. Parking spaces located in an area other than on a street or public right-of-way and limited in use to vehicles not exceeding a gross vehicle weight of three (3) tons or not parked continuously for periods of more than forty-eight (48) hours, except in facilities designated for special uses. Parking facilities include the following subclasses.

1. **SURFACE PARKING LOT.** A parking facility constructed on prepared grade and without a covering roof or structure.
2. **PARKING STRUCTURE.** A parking area or facility, comprising one or more floors as a part or whole of a building, that meets the requirements of the New York State Building Code.

OPEN SPACE. That lot area of a lot which shall, in accordance with the requirements of this Zoning Law, be properly maintained with a combination of natural, not artificial, lawn, shrubs, trees and other plant material and related ground covers and which may be protected by conservation easement or other means.

OUTDOOR RECREATION USE, NOT-FOR-PROFIT/NON-COMMERCIAL. Land developed with facilities for passive recreation, e.g. trails and picnic areas, and/or with facilities for active outdoor individual or organized recreation, e.g. ball fields, tennis courts, swimming pools, ski trails, ice-skating areas and golf courses, but not including. [1] related arenas or stadia or other facilities for the accommodation of more than two hundred (200) spectators; [2] activities involving the discharge of firearms; [3] the development of substantial enclosed or semi-enclosed structures that compositely occupy more than one-half of one percent (0.5%) of the gross land area devoted to the outdoor recreation use; or [4] any activity or use, whether principal or accessory, falling within the definition of “commercial recreation facility” as set forth within this Zoning Law. An outdoor recreation use or facility may also be referred to as a “recreation area.”

Definitions

OWNER. Owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building, structure or premises. The term “owner” may in a specific situation refer to more than one of the above.

PARISH HOUSE. An accessory structure used or intended to be used for the lay activities of an religious organization including a dwelling unit or units used by the officials of a house of worship.

PARK. Any land and/or associated structures created and maintained by a municipality or not-for-profit organization for the express use and enjoyment by the general public for recreational purposes.

PARKING AREA, OFF-STREET. For purposes of this Zoning Law, an off-street parking area containing parking spaces as required by this Zoning Law.

PARKING SPACE, OFF-STREET. An area of land, not less than nine (9) feet by nineteen (19) feet excluding driveways or access drives thereto, which is out of the public right-of-way and is available and adequately-improved for the parking of one (1) motor vehicle.

PASSIVE ADULT USE ~ The use of a building, a portion of a building, or land for the sale or rental for use off-site of films, videotapes or other materials displayed in an area that is not open to the public generally and/or from which area the owner or operator of the use excludes, or is required by law to exclude, any minor by reason of age.

PERFORMING ARTS CENTER. An indoor or outdoor facility operated and maintained by a not-for-profit entity and devoted to presenting cultural entertainment through live performances in music, theater and dance, but not including Adult Uses as defined herein.

PERMITTED USE. A specific use noted in Article III, - “District Schedule of Use Regulations”, of this Zoning Law to which land, lots, buildings or structures may be used, occupied or maintained under this Zoning Law as a matter of right and which may be subject to Site Plan approval.

PERSON. Shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

PERSONAL SERVICE BUSINESS OR USE. An establishment primarily engaged in providing services involving the specialized care of a person or a person’s apparel, including but not limited to barber and beauty shops, tailor shops and exercise or dance studios, but not including “Passive Adult Uses” as defined herein.

PHASING. As this term is used in Article V, Section Z of this Zoning Law, clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN. As this term is used in Article V, Section Z of this Zoning Law, sediment or a water quality measurement which addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant which has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Definitions

PRINCIPAL USE. The main or primary purpose or purposes for which land and/or structure(s) is designed, arranged, or intended or for which such land or structure(s) may be occupied or maintained under this Zoning Law.

PRIVATE STABLE. A building designed and used for the feeding, housing, breeding and exercising of horses that are owned by the owner of the premises or a residential tenant thereof and/or not maintained for remuneration, hire or sale.

PROFESSIONAL OFFICE. A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations.

PROHIBITED USE. Any use which is not listed as a permitted use, Special Permit Use, or accessory use in the “District Schedule of Use Regulations” in Article II of this Zoning Law shall be considered a prohibited use hereunder. Any use listed in the “District Schedule of Use Regulations” that is not permitted or specially permitted in one or more districts within the Town of Rhinebeck is prohibited.

PROTECTED OPEN SPACE. That portion of a tract that is set aside in perpetuity for the protection of sensitive natural features, farmland, forests, historic or other cultural features, scenic views, and other unique environmental resources. Protected open space may be accessible to the residents of the subdivision and/or the town, or it may contain areas of large farm, forestry or conservancy lots which are not accessible to the public and includes open space that is set aside in accordance with Article V, Section I.

PUBLIC OR FRANCHISE UTILITY STATION. An essential appurtenant facility or structure within an overall utility network or system, such as an electric unit substation, municipal water pumping station or water tower, telephone relay station or sewage pumping station.

PUBLIC STABLE/RIDING ACADEMY. A stable or arena used for the riding, training and performing of horses by other than the occupants of the premises or their nonpaying guests, but excluding private stables or a horse boarding or breeding facility as defined in New York State Agricultural and Markets Law.

PUBLIC TERMINAL. Facilities accommodating travelers, limited for purposes of this Zoning Law to bus stations, rail passenger stations and ferry terminals.

PUMP STATION, GAS. An area where motor fuels are dispensed to the motoring public, with each pump station designed to serve no more than two vehicles at a time.

RELIGIOUS INSTITUTION. A House of Worship with related facilities including an Educational Institution(s).

RESEARCH LABORATORY. Use of a building or part thereof and/or land where scientific research, development and/or experiments are conducted and which both meets and is routinely monitored for compliance with all applicable Federal, State, County and Town rules, regulations and requirements for protection of public health, safety and welfare.

RESTAURANT. An establishment licensed by the Dutchess County Health Department where food and drink is prepared, served, consumed and sold primarily within the principal building or its outdoor terrace or patio area. The term “Restaurant” shall not include a “Fast

Definitions

Food Establishment” as defined herein. A bar or pub that also serves food shall be considered a “restaurant.”

RETAIL BUSINESS. An establishment engaged in selling or renting goods or merchandise to the general public in small quantities for personal or household consumption or business use and rendering services incidental to the sale of such goods. A “gas station” or “automobile service station” shall not be considered a “retail business” nor shall a “restaurant” or other eating and/or drinking establishment of any type.

ROADSIDE STAND. A temporary structure or farm vehicle whose principal use is the seasonal display and sale of agricultural products grown predominantly on the premises or elsewhere by the operator of the “roadside stand” and which uses its proximity to a roadway to attract potential customers, where agricultural products grown may be sold and purchased seasonally.

ROD AND GUN CLUB. A group or association of people organized for the purpose of engaging in recreational activities, such as hunting, fishing, target shooting, trapshooting, and skeet shooting on a wholly enclosed parcel of land, conducted exclusively by and for club members and their guests, characterized by membership qualifications, payment of fees or dues and a constitution and bylaws. A “rod and gun club” shall not include operation of a shooting preserve or game or wildlife preserve.

SATELLITE DISH ANTENNA. Any parabolic dish, antenna, or other devices or equipment of whatever nature or kind, the primary purpose of which is to receive television, radio, microwave or other electronic signals from space satellites.

SETBACK. The minimum horizontal distance from the property line to any structure, roadway, parking area, accessory building or other such improvement on a lot, except necessary driveways.

SITE PLAN. That map or drawing and all related information which together constitute a complete application, submitted for review by the Planning Board in accordance with the requirements and procedures specified in Section VII of this Zoning Law and which shows, among other things, the arrangement, layout and design of the proposed use of a single parcel of land.

SOIL MINING. The use of any land for the excavation, extraction or removal of more than 800 cubic yards or one thousand (1,000) tons of sand, gravel, clay, stone, loam, humus, topsoil or other earth materials within a period of twelve (12) calendar months for sale or exchange or for use other than on the property from which the material is extracted, such use being a regulated activity under both this Zoning Law and the New York State Mined Land Reclamation Law (see Extractive Operation) or which otherwise requires a permit in accordance with the New York State Mined Land Reclamation Law.

SOLID WASTE - Unwanted or discarded material including solid, liquid, semisolid or contained gaseous material.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01. As this term is used in Article V, Section Z, a permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

Definitions

STORAGE, OPEN. Land used for the keeping of goods, wares or supplies on land outside of any building or structure. This, however, shall not be construed as including the activities of “junk yards” as defined herein.

STRATIFIED DRIFT-Unconsolidated, sorted sediment, composed of layers of sand, gravel, silt or clay, deposited by meltwater from glaciers.

STREET. A public or private right-of-way which provides vehicular access to abutting properties, which may not contain less than fifteen (15) feet of frontage on a private right-of-way, which meets the requirements of Section 280-a of the Town Law.

STREET LINE. The dividing line between a lot and a street right-of-way, as indicated by dedication or deed or record or use in the case of a user road.

STRUCTURE. A static construction, or assembly, or materials, the use or occupancy of which requires a fixed location on the ground or attachment to an object having such a fixed location. “Structures” shall include, among others, buildings, stadiums, sheds, storage bins, reviewing and display stands, platforms, towers, walls, fences, swimming pools, tennis courts, gasoline pumps, billboards, signs, artwork, and mobile dwellings. “Structures” shall not include utility poles, wire and related equipment.

SUBDIVISION. The division of any parcel of land into two (2) or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, of lot line alteration, transfer of ownership, lease for other than recreation, conservation or agricultural purposes, or building development. Such division shall include lot line adjustments or resubdivision of any parcel of land for which an approved plat has already been filed in the Office of the Dutchess County Clerk.

SUBSTANTIAL ALTERATION OR IMPROVEMENT. For the purposes of Article VI, Section D(53) of this Zoning Law, “substantial alteration or improvement” shall mean any repair, reconstruction or improvement of a structure, the cost of which exceeds fifty percent (50%) of the full assessed valuation of the structure either.

1. Before the improvement or repairs started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

“Substantial alteration or improvement” is considered to occur when the first alteration to any wall, ceiling, floor or other non-structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term “substantial improvement” does not, however, include either.

1. Any project for improvement of a structure to comply with existing County or State health, sanitary or safety code specifications which are solely necessary to assure safe and healthful living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places, which is subject to the Town of Rhinebeck Historic Buildings Protection Law.

SURFACE PARKING LOT. A parking facility constructed on prepared grade and without a covering roof or structure.

Definitions

SURFACE WATERS OF THE STATE OF NEW YORK. Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TEMPORARY. For the purposes of this Zoning Law, defined as a period of not more than thirty (30) calendar days, unless specified otherwise in this Zoning Law.

TRAILER, CAMPING. A folding structure, mounted on wheels and designed for limited travel recreation and vacation use only.

TRAILER, TRAVEL. A vehicular, portable structure built on a chassis, designed as a temporary one-family dwelling for travel, recreation, and vacation purposes, having a body length not exceeding thirty-two (32) feet and a body width not exceeding eight (8) feet. Travel trailers include a recreational vehicle and a motor home.

TREE CLEARING. See “clear-cutting.”

USE. The specific purpose for which land, a building or a building group, is designed, arranged, intended, or for which it is or may be occupied or maintained. See related definitions of Accessory Use; Non-conforming Use; Principal Use and Prohibited Use.

USE, CHANGE OF. A “change of use” shall include changes from one use group to another under the Table of Use Regulations as well as any change within such land use groups, changes to any other use within the same group such as in the “Business and Professional Office” group, a change from a real estate office to an insurance office is a change of use, from a law office to an engineer’s office is a change of use, and in the “retail business” group a change from a drug store to a grocery store is a change of use.

USE, CIVIC. A building or use related to municipal offices and services and which may include not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking owned and/or operated by a government agency or not-for-profit corporation.

USE REGULATIONS. The controls which enumerate the permitted principal, permitted accessory and special permit uses within each of the zoning districts established by this Zoning Law.

VETERINARIAN’S OFFICE. An establishment for the medical and/or surgical care of sick or injured animals, including facilities for their temporary housing and confinement, and, when operated as an accessory use by the licensed veterinarian, facilities for short-term boarding of animals, sales of animal supplies, and food and equipment; also known as “animal hospital.”

WHOLESALE BUSINESS. An establishment or other place of business engaged in selling and/or distributing merchandise to retailers, to other wholesalers or to industrial or

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professional businesses or acting as agents or brokers and buying merchandise for or selling merchandise to such businesses.

YARD. An open space on the same lot, plot or parcel of land, with a building or building group lying between the closest point of the front, rear or side wall of a building and the nearest lot line, unoccupied and fully open to the sky, except as otherwise provided by the specific provisions of this Zoning Law.

YARD, FRONT. A yard extending across the principal Street side (i.e.. front lot line) of a lot measured between the side yard lines, the depth of which yard is the minimum horizontal distance between the street line and the main or principal building on the lot.

YARD, REAR. A yard extending across the full width of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building.

YARD, SIDE. A yard between any lot line other than the street line or rear lot line, and a line drawn parallel thereto, and between the front and rear yards.

ZONING DISTRICT MAP. The map delineating the boundaries of the various districts established under this Zoning Law which, along with the text, comprises this Zoning Law.

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B. Terms Used Principally, if not exclusively, within Article VI, Section D(54), Communication Facilities and Towers.

ADEQUATE COVERAGE. Coverage is considered to be 'adequate' within that area surrounding a Base Station where the predicted or measured median field strength of the transmitted signal is greater than -95 dbm. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -95 dbm, as long as the signal regains its strength to greater than -95 dbm further away from the Base Station. For the limited purpose of determining whether the use of a Repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain a strength of greater than -95 dbm.

ADEQUATE CAPACITY. Capacity is considered to be 'adequate' if the Grade of Service is p.05 or better for at least fifty percent (50%) of the days in a preceding month, prior to the date of Application, as measured using direct traffic measurement of the Communications Facility in question, where the cell blocking is due to frequency contention at the antenna(s).

ANTENNA. A device which is attached to a Communication Facility or Tower and/or other structure for transmitting and receiving electromagnetic waves.

AVAILABLE SPACE. The space on a Communication Facility or Tower or other structure to which Antennas of a Communications Provider are both Structurally Able and Electronically Able to be attached.

BASE STATION. The primary sending and receiving site in a wireless communications network. More than one Base Station and/or more than one variety of Communications Provider can be located on a single Tower or other structure.

Definitions

CAMOUFLAGED. A communications facility, including Tower, that is disguised, hidden, part of an existing or proposed structure, placed within an existing or proposed structure or completely hidden by surrounding vegetation is considered camouflaged.

COMMUNICATIONS EQUIPMENT SHELTER. A structure located at a Base Station designed principally to enclose equipment used in connection with a Communication Provider's transmissions.

COMMUNICATIONS FACILITY. All equipment (including any Repeaters) with which a Communications Provider broadcasts and receives the radio frequency waves or other signals which carry their services and all locations of said equipment or any part thereof. This facility may be sited on one or more Towers or other structures owned and permitted by another owner or entity.

COMMUNICATIONS PROVIDER. An entity providing Communications Services to individuals, businesses, institutions or persons, whether such entity is licensed by the FCC or unlicensed.

DBM. Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to 1 milliwatt.

ELECTROMAGNETICALLY CAPABLE. The determination that the new signal from and to the proposed new Antennas will not significantly interfere with the existing signals from and to other Facilities located on the same Communication Facility or Tower or other structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

EMF. Electromagnetic Frequency Radiation.

FAA. Federal Aviation Administration.

FACILITY SITE. A property, or any part thereof which is owned or leased by one or more Communications Providers and upon which one or more Communications Facility(ies) and required landscaping are located. Also known as "Project Site."

FCC. Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

FCC 96-326. A Report and Order which sets national standards for levels of Radio-frequency emissions from FCC-regulated transmitters.

GHZ. Gigahertz. One billion hertz.

GRADE OF SERVICE. A measure of the percentage of calls which are able to connect to the Base Station during the busiest hour of the day. Grade of Service is expressed as a number, such as p.05 - which means that ninety-five (95%) of callers will connect on their first attempt. A lower number, e.g. p.04, indicates a better Grade of Service.

HERTZ. One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

MAJOR MODIFICATION OF AN EXISTING FACILITY. Any change, or proposed change, in power output, number of Antennas, change in Antenna type or model, repositioning of

Definitions

Antenna(s), change in number of Channels per Antenna above the maximum number approved under an existing Special Use Permit.

MAJOR MODIFICATION OF EXISTING TOWER. Any increase, or proposed increase, in dimensions of an existing and permitted Tower or other structure designed to support a Communication Provider's transmission, receiving or relaying Antennas and/or equipment.

MHZ. Megahertz. One million hertz.

MONITORING The measurement, by the use of instruments, in the field, of the radiation from a Site as a whole, or from individual Communications Facilities or Towers, Antennas or Repeaters.

MONITORING PROTOCOL. The testing protocol, initially the Cobbs Protocol but subject to state-of-the-art advance as technology changes, which is to be used to monitor the emissions from existing and new Communications Facilities.

MONOPOLE. A single self-supporting vertical pole with no guy wire anchors, with below grade foundations.

RADIATION PROPAGATION STUDIES. Computer generated estimates of the radiation emanating from Antenna or Repeaters sited on a specific Communications Tower or other structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, and the topography of the site and its surroundings are all taken into account to create such simulations. These simulations are the primary tool for determining whether a site will provide Adequate Coverage for the Communication Facility proposed for that site. Also known as "Radial Plots."

REPEATER. A small receiver/relay transmitter designed to provide service to areas which are not able to receive Adequate Coverage directly from a Base Station. Also known as "Rerad."

STRUCTURALLY CAPABLE. The determination that a Tower or other structure is capable of carrying the load imposed by the proposed new Antenna(s) under all reasonably predictable conditions as determined by professional structural engineering analysis. This condition may also be referred to as "Structurally Able."

TELEPORT. A facility utilizing satellite dishes of greater than 2.0 meters in diameter designed to uplink to communications satellites for transmitting in the microwave band.

TOWER. A structure that is designed to support a Communication Provider's transmission, receiving and/or relaying antennas and/or equipment. [\[Back\]](#)

C. Reserved. [\[Back\]](#)

D. Terms Used Principally, if not exclusively, within Article X, Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code:

BUILDING. Shall mean any building, structure, or portion thereof used for residential business or

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industrial purpose.

BUILDING PERMIT. Shall mean a permit issued pursuant to Article X, Section D of this Zoning Law. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this Zoning Law.

CERTIFICATE OF OCCUPANCY. Shall mean a certificate issued pursuant to Article X, Section G of this Zoning Law.

CODE ENFORCEMENT OFFICER. Shall mean the Code Enforcement Officer appointed pursuant to Article X, Section C of this Zoning Law.

CODE ENFORCEMENT PERSONNEL. Shall include the Code Enforcement Officer and all Inspectors.

COMPLIANCE ORDER. Shall mean an order issued by the Code Enforcement Officer pursuant to Article X, Section O(1) of this Zoning Law.

ENERGY CODE. Shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR. Shall mean an inspector appointed pursuant to Article X, Section C of this Zoning Law.

OPERATING PERMIT. Shall mean a permit issued pursuant to Article X, Section J of this Zoning Law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this Zoning Law.

PERMIT HOLDER. Shall mean the Person to whom a Building Permit has been issued.

STOP WORK ORDER. Shall mean an order issued pursuant to Article X, Section F of this Zoning Law.

TEMPORARY CERTIFICATE. Shall mean a certificate issued pursuant to Article X, Section G(4) of this Zoning Law.

TOWN. Shall mean the Town of Rhinebeck.

UNIFORM CODE. Shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time. [\[Back\]](#)

E. Terms Used Principally, if not exclusively, within Article V, Section CC, Historic Buildings:

APPURTENANCES. Any structures and/or features, such as entrance gates, fences, gazebos, gardens, landscapes, stone walls, hitching posts and signs, which are accessory to the historic building, or the historic buildings, on the property.

CERTIFICATE OF ECONOMIC HARDSHIP. A certificate issued by the Planning Board authorizing removal or demolition of an historic building, or portion thereof, even though a Certificate of Removal or Demolition has previously been denied.

CERTIFICATE OF REMOVAL OR DEMOLITION. A certificate issued by the Planning Board indicating its approval of plans for removal or demolition of an historic building, or portion thereof.

CONTRIBUTING BUILDING. Any building, including residential, commercial, public, institutional

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and agricultural structures, having one or more of the following characteristics:

1. Designated as a “contributing building” within the National Register Hudson River National Historic Landmark District and its predecessor Sixteen Mile District.
2. Included within the Evangelical Lutheran Church of St. Peter, Grasmere and Rock Ledge National Register Historic Districts.
3. Listed as individual buildings, or building complexes, on the National Register of Historic Places.
4. Designated as a “local landmark” by the Town of Rhinebeck.

All of which are referred to in Article V, Section CC as “an historic building” or “historic buildings.” The term “contributing building” shall also apply to any building, or any other structure, that in the future is designated and included as an individual building, or building complex, or a contributing building within a district on the National and/or State Register of Historic Places and/or designated as a local landmark by the Town of Rhinebeck.

DEMOLITION. Any act or process that destroys an historic building or portion thereof.

DEMOLITION PERMIT. A type of “building permit” issued by the Town Zoning Enforcement Officer pursuant to Section X (B) of the Town of Rhinebeck Zoning Law, Town Code Chapter A136, which is required before an historic building is removed or demolished.

HISTORIC BUILDING. Any building having one or more of the following characteristics:

1. Designated as a “contributing building” within the National Register Hudson River National Historic Landmark District and its predecessor Sixteen Mile District.
2. Included within the Evangelical Lutheran Church of St. Peter, Grasmere and Rock Ledge National Register Historic Districts.
3. Listed as individual buildings, or building complexes, on the National Register of Historic Places.
4. Designated as a “local landmark” by the Town of Rhinebeck.

The term “historic building” shall also apply to any building that in the future may be included on the National and/or State Register of Historic Places and/or designated as a local landmark by the Town of Rhinebeck.

LOCAL LANDMARK. Any building designated as a "local landmark" by the Town Board and referred to in this law as an historic building.

NON-CONTRIBUTING BUILDING. Any building neither identified as a “contributing building” within the National Register Hudson River National Historic Landmark District and its predecessor Sixteen Mile District, included within the Evangelical Lutheran Church of St. Peter, Grasmere and Rock Ledge National Historic Districts, nor either listed as an individual building, or part of a building complex, on the National Register of Historic Places, and/or designated as a local landmark by the Town of Rhinebeck.

PARTIAL OR PORTION THEREOF. As applied to either of the terms “Demolition” or “Removal”, a change in exterior building mass involving any modification in either roofline or any reduction in building footprint.

Definitions

REMOVAL. Any relocation of an historic building or portion thereof within its site or to another site.
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F. Terms Used Principally, if not exclusively, within Article V, Section V, Lighting Regulations:

ANGLE OF CUT-OFF. The angle, measured from the lowest point, between the vertical axis and the first line of sight at which the bare source of light is not visible.

CANDELA. Unit of luminous intensity. One candela is one lumen per steradian. Formerly called the candle.

DIRECT ILLUMINATION. Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

FLUX (radiant flux). Unit is erg/sec or watts.

FOOTCANDLE (fc). A unit of illuminance amounting to one lumen per square foot.

FULLY SHIELDED FIXTURE. An outdoor lighting fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above the horizontal plane from the base of the fixture. Fully shielded fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated, and direct glare will result.

GLARE. Line-of-sight contact with a direct light source that causes annoyance, discomfort, or loss in visual performance and ability.

HEIGHT OF THE LUMINAIRE. The height of the luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

ILLUMINANCE. The emitted or reflected light on a surface. The unit of measurement for illuminance is footcandle or lux.

LIGHT TRESPASS. Light from an artificial light source that intrudes into an area where it is not wanted or does not belong. Light trespass includes glare from direct light, as well as unwanted spill light.

LUMEN. The basic unit of measurement for light. A dinner candle, for example, puts out about 12 lumens while a 60-watt soft white incandescent bulb puts out 855 lumens. In technical terms, a unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. A footcandle is one lumen per square foot. One lumen per square meter is one lux.

LUMINAIRE. A complete lighting unit consisting of one or more lamps (light sources), together with the parts designed to control the light disturbance and other mechanical and electrical components.

LUX. A unit of illuminance equal to one lumen per square meter.

OUTDOOR LIGHTING. The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Definitions

OUTDOOR LIGHTING FIXTURE. An electrically powered illuminating device or other outdoor lighting fixture including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot, flood, and area lighting for buildings and structures; recreational areas; parking areas, landscaping, signs (advertising and other); streets; product display areas; building overhangs, and open canopies.

RECESSED CANOPY FIXTURE. An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

SPILL LIGHT. Light shining beyond a facility that is unwanted which, because of quantitative, directional, or spectral attributes in a given context, gives rise to annoyance, discomfort, distraction, or a reduction in the ability to see essential information.

UPLIGHTING. Any light source that distributes illumination above a 90-degree horizontal plane.

WALLPACK FIXTURES. A lighting unit designed for direct mounting on building walls whose primary function is to light building exteriors. [\[Back\]](#)

G. Terms Used Principally, if not exclusively, within Article V, Section C, Sign Regulations:

AWNING. Any non-rigid material such as fabric or flexible plastic that is supported by a frame that is attached to an exterior wall.

AWNING SIGN. Any visual message on an awning.

BACKLIT SIGN. A wall sign or monument sign that is externally lighted by use of a low level of light shining out from behind solid lettering, creating a soft glow around the outside of the letters.

BILLBOARD. An off-premise sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, or service rendered, or commodity sold at a location other than where the sign is located.

CHANGEABLE SIGN. A sign with the capability of content change by means of manual or remote input.

FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, or other entity.

FREESTANDING SIGN. Any sign independent of any building but permanently affixed, by any other means, to the ground. Included are monument and post & arm signs.

HEIGHT. The height of a freestanding sign shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including support structures. Elevation added by artificial beams, mounds or similar forms shall be excluded from the calculation of average grade.

INTERNALLY ILLUMINATED SIGN. A sign lighted by or exposed to artificial lighting that shines through a plastic or other translucent or transparent covering. Neon signs and other similar signs are considered internally illuminated. Internally illuminated signs shall not include backlit signs, as defined herein.

Definitions

LIGHTING. External light used to illuminate a sign.

MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN. Any sign attached to, in any manner, or made a part of a marquee.

MONUMENT SIGN. A freestanding sign either with a base affixed to the ground or mounted on short poles no greater than two feet high.

NON-COMMERCIAL SIGN. A sign containing copy which does not promote a business, commodity, service, or entertainment.

OFF-PREMISE SIGN. A sign which promotes products, services or activities conducted, sold or offered somewhere other than upon the same premises where the sign is located.

PENNANT. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PORTABLE SIGN. A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not permanently affixed to the ground, a building, structure or another sign. Included are signs displayed on a parked or moving vehicle or trailer or other vehicle and functioning primarily as a sign. This definition does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

POST & ARM SIGN. A freestanding sign comprised of a vertical post to which a perpendicular arm is attached and from which the sign hangs.

POSTER. A sign affixed to trees, other natural vegetation, rocks, or utility poles.

PRIMARY SIGN. An establishment's principal sign, i.e., the sign which identifies the business to passersby.

PRINCIPAL FAÇADE. The face of a building which contains the primary entrance to the establishment.

PROJECTING SIGN. A sign attached to a building wall or structure that projects horizontally or at a right angle more than nine (9) inches from the face of the building. Such signs shall be securely anchored and shall not swing or move in any manner.

PYLON OR POLE SIGN. A freestanding sign with the base of the actual sign area at least five (5) feet above the ground supported by a vertical pole.

REAL ESTATE SIGN. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

ROOF SIGN. A sign erected on a roof or extending in height above the main roofline of the building on which the sign is erected.

SECONDARY SIGN. A sign which communicates accessory information, e.g., hours of operation, different products sold.

SETBACK. The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly from the property line.

Definitions

SIGN. Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out of doors, or on the exterior of any building, including window signs over two (2) square feet in area located within three (3) feet of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement notice or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs, and shall include any declaration demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public.

SIGN AREA. Includes all faces of a sign measured as follows. a) When any sign is framed or outlined, all of the area of the frame or outline shall be included; b) Sign measurement shall be based upon the entire area of the sign with a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including structural supports if they are not used for advertising purposes; c) the area of a sign consisting of an insignia or other device, but without background, shall be calculated as the smallest polygon or circle possible enclosing the insignia; d) the area of a window sign consisting only of letters and symbols affixed or painted on glass shall be calculated as the smallest polygon or circle possible enclosing all of the letters and symbols.

TEMPORARY SIGN. Any sign that is displayed only for a specified period of time and is not permanently mounted.

WALL SIGN. A sign that is painted on or attached directly to the outside wall of a building, with the face of the sign parallel to the wall and having a visible edge or border extending not more than nine (9) inches from the face of the wall.

WINDOW SIGN. A sign visible from the exterior of the window but affixed or painted on glass or other window material in the interior of the building or structure. [\[Back\]](#)

H. Terms Used Principally, if not exclusively, within Article V, Section X, Noise Regulations:

AMBIENT NOISE ~ The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources.

A-WEIGHTED SOUND LEVEL ~ The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated "dBA" .

"dBA" ~ The abbreviation designating the unit of sound level as measured by a sound level meter using the A-weighting, also known as "dBA." All references to "decibel" or "db" shall be presumed to mean "dBA" unless otherwise specified.

DECIBEL ~ The practical unit of measurement for sound pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals), abbreviated "dB."

EMERGENCY ~ Any occurrence or circumstances involving actual or imminent physical trauma or property damage threatened or caused by an emergency that demands immediate action.

MUFFLER ~ A device or system for abating the sound of escaping gases of an internal combustion engine.

Definitions

NOISE ~ Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans in the Town.

SOUND ~ An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL ~ The weighted sound pressure level obtained by the use of a sound level meter and dBA frequency weighting network

SOUND LEVEL METER ~ An instrument, including a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner and which complies with standards established by the American National Standards Institute (ANSI) specifications for sound level meters. [\[Back\]](#)