

Chapter 255. Zoning

Article I. General Provisions

§ 255-1-20. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING OR STRUCTURE

A building or structure which is customarily incidental or subordinate to a main building or structure. This term shall not include a building which, in whole or part, is designed, equipped or used for cooking, living or sleeping purposes, unless said accessory building or structure complies with the standards set forth in § 255-11-63 as an affordable accessory apartment or accessory dwelling unit pursuant to § 255-7-60D. See "principal building or structure."

[Amended 3-16-1990 by L.L. No. 3-1990; 9-17-1993 by L.L. No. 28-1993; 11-15-1996 by L.L. No. 19-1996; 2-17-2005 by L.L. No. 7-2005; 12-1-2016 by L.L. No. 49-2016; 12-7-2017 by L.L. No. 44-2017]

ACCESSORY DWELLING UNIT

An accessory single-family residence containing cooking and/or sleeping accommodations which is incidental or subordinate to a special historic landmark and subject to the standards set forth in § 255-7-60D.

[Added 12-7-2017 by L.L. No. 44-2017]

ACCESSORY USE

A use which is customarily incidental or subordinate to a principal use. See "principal use."

[Amended 3-16-1990 by L.L. No. 3-1990; 9-17-1993 by L.L. No. 28-1993; 11-15-1996 by L.L. No. 19-1996; 2-17-2005 by L.L. No. 7-2005]

AFFORDABLE ACCESSORY APARTMENT

An apartment established as an affordable housing unit in conjunction with and as an accessory use to a detached single-family residence as part of the same structure or within a detached structure and that complies with the standards set forth in § 255-11-63.

[Added 5-4-2007 by L.L. No. 18-2007; amended 12-1-2016 by L.L. No. 49-2016]

AFFORDABLE HOUSING

Housing created within the Affordable Housing Overlay District established in Article III of this chapter, pursuant to a special permit granted in accordance with the provisions of Article V hereof.

AFFORDABLE HOUSING UNIT

An apartment, single-family residence or unimproved lot, the cost of which makes it available to a moderate-income family as defined herein, specifically, to be considered an "affordable housing unit," the following limits shall apply:

[Amended 1-20-1989 by L.L. No. 1-1989]

- A. Apartment or residence. An affordable apartment or single-family residence shall be one for which:

(1) The maximum monthly rental (excluding utilities) does not exceed 110% of the Fair Market Rent for Existing Housing^[1] promulgated for the Nassau-Suffolk, NY HUD Metro FMR Area and published annually in the Federal Register by the Secretary of the United States Department of Housing and Urban Development, pursuant to Section 8(c)(1) of the United States Housing Act of 1937 [42 U.S.C. § 1437f(c)(1)] and Part 888, Subpart A, Sections 111 — 115, of Title 24, Subtitle B, of the Code of Federal Regulations (24 CFR 888.111-115). Starting the second year, such an affordable apartment or residence is leased and, thereafter, the maximum monthly rental may be adjusted annually in accordance with the Annual Adjustment Factor^[2] published annually in the Federal Register by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 8(c)(2)(A) of the Housing Act [42 U.S.C. § 1437f(c)(2)(A)] and Part 888, Subpart B, Sections 201, 202 and 203(3), of Title 24 of the Code of Federal Regulations [24 CFR 888.201, 202 and 203(3)].

[Amended 10-7-2005 by L.L. No. 31-2005; 12-1-2016 by L.L. No. 49-2016]

(2) The maximum initial sales price does not exceed the following multiples of the maximum annual aggregate family income for a moderate-income family, based upon the family sizes and minimum required dwelling unit sizes set forth below:

- (a) For any multiple residence dwelling (as defined herein): 250%.
- (b) For any single-family residence (as defined herein): 300%.

Family Size	Dwelling Unit Size
1	Efficiency
2	1-bedroom
4	2-bedroom
6	3-bedroom
8	4-bedroom

B. Unimproved lots. The maximum sales price for an unimproved lot shall not exceed the following multiples of \$25,000, which base amount shall be revised every January 31 to conform to changes in the consumer price index for all items for the New York metropolitan area:

Size of Lot (square feet)	Multiple of \$25,000.00
Less than 40,000	1.0
40,000 or more	1.3

AGRICULTURAL BUILDING OR STRUCTURE

A building or other structure which is used wholly or primarily for agricultural or animal husbandry purposes and which is located on or adjacent to a lot used for agriculture or animal husbandry. The following shall be included within this definition if principally used in the course of an agricultural or animal husbandry business: barns or other structures used to shelter or store crops, produce, seed, horticultural or nursery stock, fertilizer, pesticides, herbicides, livestock, feed, or agricultural vehicles, equipment and machinery; buildings or structures used for the packaging or shipping of produce, horticultural or nursery stock (but not for food processing or winemaking); greenhouses (including temporary greenhouses); and farm stands.

[Added 9-17-1993 by L.L. No. 28-1993]

AGRICULTURE

The cultivation of the soil, as a commercial or business enterprise, for food products and other useful or valuable growths of the field, including field crops, fruits, vegetables, trees, shrubs, plants, and flowers. Agriculture shall be considered a principal use on any lot on which it is conducted, and

the on-premises sale of produce at no more than one temporary farm stand shall be considered accessory thereto, provided this activity does not constitute a separate and distinct business. "Agriculture" shall not include the regular slaughtering of animals or the operation of dairy or poultry farms. Compare "animal husbandry."

[Amended 9-17-1993 by L.L. No. 28-1993]

AIR TERMINAL

An airport or heliport and all related facilities, including hangars, offices and parking areas.

[Added 12-18-1997 by L.L. No. 40-1997]

ALTERATION

As applied to a building or structure, a change or rearrangement of the structural parts or in the exit facilities thereof; or an enlargement, whether by extending on a side or by increasing in height; or moving from one location to another. The term "alter" in its various modes and tenses and its participle form refers to the making of an "alteration." As used in this chapter, "remodel" is synonymous with this definition.

ANIMAL HUSBANDRY

The raising, slaughtering, dressing, packing and/or shipping of cattle, poultry or other fowl, fur- or wool-bearing animals, or other livestock, as a retail or wholesale business, as well as the processing, packaging, shipping and sale of the products of such animals, such as milk, eggs, wool and the like. The operation of a horse farm, as defined herein, shall also be included within this definition.

[Amended 9-17-1993 by L.L. No. 28-1993]

ANTENNA

A whip (omnidirectional antenna or "omni"), panel (directional antenna or "dish"), disc (parabolic antenna) or similar device used for transmission and/or reception of radio frequency signals.

[Added 11-1-2002 by L.L. No. 34-2002]

ANTENNA ARRAY

An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antennas (whips), directional antennas (panels), and parabolic antennas (discs).

[Added 11-1-2002 by L.L. No. 34-2002]

ANTIQUÉ SHOP

A use that involves as its primary purpose the sale of works of art, pieces of furniture or decorative objects originally made and sold at an earlier period of time.

[Added 10-6-2006 by L.L. No. 24-2006]

APARTMENT

A room or grouping of rooms arranged and designed with provisions for cooking, living, sanitary and sleeping facilities such that it is suitable for occupancy by a single family on a long-term basis as their principal residence during the period of such occupancy, or which, however arranged or designed, is in fact being used on such basis for such purpose. An entire single-family residence, as herein defined, regardless of its actual occupancy or use, shall not constitute an "apartment" unit. Any unit in a residential cooperative or a residential condominium shall be deemed an "apartment" and not a single-family residence. See "affordable accessory apartment." Compare "motel unit."

[Amended 5-4-2007 by L.L. No. 18-2007]

APPEAL

An application to the Zoning Board of Appeals for review of the Building Inspector's interpretation of any provision of this chapter or for review of any order, requirement, decision or determination made by him pursuant to this chapter. This term shall not be construed to encompass review of an order, requirement, decision, interpretation or determination made by the Building Inspector

pursuant to some other provision of law, e.g., Chapter **102** of this Code or the New York Uniform Fire Prevention and Building Code.^[3]

[Added 10-16-1987 by L.L. No. 15-1987; amended 11-15-1996 by L.L. No. 19-1996; 9-8-2009 by L.L. No. 23-2009]

APPROVAL

The granting by any local agency of a permission required by this chapter to do any act, whether such permission is granted in the form of a permit, an authorization, a license or in any other manner whatsoever.^[4]

AREA OF SHALLOW FLOODING

A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one foot to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

[Added 9-8-2009 by L.L. No. 23-2009]

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain." For purposes of this local law,^[5] the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

[Added 10-16-1987 by L.L. No. 15-1987; amended 5-15-1998 by L.L. No. 20-1998; 9-8-2009 by L.L. No. 23-2009]

ART GALLERY

A use that involves as its primary purpose the sale of visual art created by one or more artists, including but not limited to paintings, drawings, photographs and sculptures.

[Added 10-6-2006 by L.L. No. 24-2006]

ARTISTS AND CRAFTSMEN WORKSHOP

A place of work for people who produce visual art, including but not limited to painters, sculptors, etchers, carvers, weavers, photographers, potters, jewelers, etc.

[Added 10-6-2006 by L.L. No. 24-2006]

ARTIST'S STUDIO

An accessory use, building or structure detached from the residence on the lot on which it is located, which is used only by an individual working in the fine arts on a professional basis.

[Added 3-16-1990 by L.L. No. 3-1990; amended 10-6-2006 by L.L. No. 25-2006]

ATTIC

An unfinished, uninhabited space, used for storage purposes only, which is situated between the top floor and the roof of a single-family residence having a gabled roof.^[6]

[Added 3-15-1991 by L.L. No. 4-1991]

BAR or TAVERN

A business use or establishment which is primarily engaged in the sale and service of alcoholic beverages for on-premises consumption, subject to the regulatory authority of the New York State Liquor Authority. Musical entertainment may be permitted with a music entertainment permit issued pursuant to and subject to the regulations contained in Chapter **117** of the Town Code. Outdoor musical entertainment is only allowed from 1:00 p.m. through 9:00 p.m., unless such musical entertainment is part of a catered affair as herein defined or part of a mass gathering permit issued pursuant to Chapter **151** of the Town Code. The accessory or incidental sale of food or snacks shall not entitle such a use to be considered a restaurant under other provisions of this Code, but the permanent or temporary removal or relocation of tables and chairs from an establishment to permit

dancing or the establishment of an area for dancing shall constitute the creation of a nightclub use subject to the applicable provisions of this chapter. See "nightclub" and "restaurant."
[Added 11-15-1996 by L.L. No. 19-1996; amended 7-19-2007 by L.L. No. 26-2007]

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year. See "one-hundred-year flood."

[Added 9-8-2009 by L.L. No. 23-2009]

BASEMENT

See "cellar."

[Amended 11-15-1996 by L.L. No. 19-1996; 12-16-2004 by L.L. No. 36-2004; 9-8-2009 by L.L. No. 23-2009]

BEACH

All land lying between a body of fresh or salt water and the base of a bluff or dune. In cases where there is no bluff or dune present, then the "beach" shall be all land lying between such body of water and the naturally occurring beach grass, or the upland vegetation if no naturally occurring beach grass is present.

[Amended 8-16-1985 by L.L. No. 8-1985]

BEACH GRASS

See "beach vegetation."

[Added 4-13-2007 by L.L. No. 14-2007]

BEACH VEGETATION

Beach grass (*Ammophila breviligulata*), as well as the following plants or lichens: beach heather (*Hudsonia tomentosa*), beach plum (*Prunus maritima*), beach pea (*Lathyrus maritimus*), bearberry (*Arctostaphylos uva-ursi*), bayberry (*Myrica pensylvanica*), dusty miller (*Artemisia stellariana*), seaside goldenrod (*Solidago sempervirens*), pine barren sandwort (*Arenaria caroliniana*), and reindeer lichen (*Cladonia* species).

[Amended 11-15-1996 by L.L. No. 19-1996; 4-13-2007 by L.L. No. 14-2007]

BERM

A structure greater than one foot high made of earth, earthen or similar materials intended for defense, security, enclosure, screening or other similar purposes.

BLUFF

A bank or cliff with a precipitous or steeply sloped face lying landward of a beach or body of water, and having a bluff line at least two feet higher than its base or toe. A "bluff" may extend across all or part of a parcel. For the purposes of this chapter, a "bluff" shall not be considered to encompass barrier sand dunes.

[Amended 7-17-1997 by L.L. No. 23-1997; 4-13-2007 by L.L. No. 14-2007]

BLUFF, BASE OF

A line extending along the bottom edge of a bluff which to landward slopes sharply up and to seaward slopes gradually to the water.

BLUFF LINE

The natural land contour running along the top of a bluff beyond which to landward the natural land contours resume a gradual slope.

BOARD

The Town Board, the Planning Board, the Architectural Review Board and the Zoning Board of Appeals (also known as the "Zoning Board" or the "Board of Appeals") of the Town of East Hampton. A board shall also be considered a local agency as the same is defined herein.

[Amended 11-15-1996 by L.L. No. 19-1996; 12-18-1997 by L.L. No. 38-1997; 2-10-1998 by L.L. No. 6-1998]

BOATYARD

A facility for servicing any type of watercraft, as well as providing supplies, provisions, storage and/or fueling facilities, with or without facilities for the retail sale of boats, motors and marine equipment.

BREAKAWAY WALL

A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

[Added 10-16-1987 by L.L. No. 15-1987; amended 9-8-2009 by L.L. No. 23-2009]

BROADCAST FACILITY

One or more buildings or structures, including offices, studios, antennas, transmitters and related facilities designed and used for the origination or the capture and rebroadcast of radio or television signals intended for reception on receivers located within the Town, whether or not such signals are also intended to be received elsewhere. Overseas transmitters or other facilities designed, intended or used to originate or rebroadcast signals only to distant areas shall not be included in this definition.

BUILDING

A structure with a roof supported by columns, posts or walls. An aboveground tank for the storage of gas or liquid shall be deemed to be a "building." Every building is also a structure. See "structure."

[Amended 10-16-1987 by L.L. No. 15-1987; 11-15-1996 by L.L. No. 19-1996; 5-15-1998 by L.L. No. 20-1998; 9-8-2009 by L.L. No. 23-2009]

BUILDING, AREA OF

The area computed at the maximum horizontal cross section of the main and accessory buildings on the lot, including the area of all roofed porches, terraces and similar features.

BUILDING, ELEVATED (in Flood Hazard Zones A or AE)

A building without a basement or cellar, which is constructed as follows:

[Added 5-15-1998 by L.L. No. 20-1998]

- A. The top of the lowest floor of the building is elevated above the one-hundred-year flood elevation.
- B. The means of elevating the top of the lowest floor is either of the following:
 - (1) Supporting the building on pilings, columns (posts and piers) or shear walls built parallel to the anticipated flow of floodwaters; or
 - (2) Supporting the building on fill or on solid foundation perimeter walls which have openings large enough to allow the unimpeded movement of floodwaters.
- C. The supporting elements described above are built and anchored so that the structural integrity of the building will not be impaired during a one-hundred-year flood.

BUILDING, ELEVATED (in Flood Hazard Zone VE)

A building without a basement or cellar, which is constructed as follows:

[Added 5-15-1998 by L.L. No. 20-1998]

- A. The bottom of the lowest horizontal structural member of the building's lowest floor is elevated above the one-hundred-year flood elevation.
- B. The bottom of the lowest horizontal structural member of the lowest floor is elevated by supporting the building on pilings, columns or shear walls built parallel to the anticipated flow of floodwaters.

- C. The pilings, columns or shear walls described above are built and anchored so that the structural integrity of the building will not be affected during a one-hundred-year flood.
- D. Fill or solid foundation perimeter walls may not be used to elevate a building in the VE Flood Hazard Zone, although breakaway walls may be installed beneath the building.

BUILDING, HABITABLE

A building which contains one or more dwelling units, such as a single-family residence, multiple residence or motel.

[Added 11-15-1996 by L.L. No. 19-1996]

BUILDING INSPECTOR

Any Town employee appointed by the Town Board as a "Building Inspector" pursuant to Chapter **102** of the Town Code or any other person duly appointed or designated to act as such Inspector.

[Amended 8-6-1999 by L.L. No. 21-1999]

BUILDING LINE

The line which is parallel or concentric to the street line of the street on which a building fronts, or the edge of any natural body of water if a building is so designated as to front on said body of water, and which passes through the point at which the building is nearest to said street or natural body of water.

BUILDING PERMIT

The permission granted on behalf of the Town for a person to undertake certain activity, construction or work in relation to a lot, land, building or structure as more fully set forth in § 255-1-30 hereof.

BUS TERMINAL

A bus depot or similar facility for embarking or disembarking passengers of a bus line, limousine service, taxi service or other similar business engaged in transporting passengers on the public highways, including any ticket office and all related facilities, including parking areas. This term shall also apply to a storage yard for vehicles used in such business if the yard includes administrative offices and/or fueling facilities, but it shall not be construed to include a taxi company unless the site from which the taxi company operates is also used to embark or disembark passengers and/or includes fueling facilities.

[Added 12-18-1997 by L.L. No. 40-1997]^[7]

CAMPING GROUND

A privately owned facility designed or used for recreational camping on a daily, weekly or monthly basis in tents, automotive camper units or house trailers, but not mobile homes, and in which community sanitary facilities and other necessary services are provided. Compare "park."

CARRIER

A company licensed by the Federal Communications Commission (FCC) that provides wireless services. A tower builder or owner is not a carrier unless licensed to provide personal wireless services.

[Added 11-1-2002 by L.L. No. 34-2002]

CAR WASH, MAJOR

A use of land consisting of a building or other structure, with any appurtenant equipment, which is designed or used to wash, wax, polish and/or provide similar treatment to motor vehicles and which is not accessory to a filling station, repair garage or motor vehicle salesroom and lot. A use which is designed or operated to provide the aforementioned services to more than one motor vehicle simultaneously is deemed to be a "major car wash," regardless of whether it is located on a lot containing a filling station, repair garage or motor vehicle salesroom and lot.

[Added 12-2-1994 by L.L. No. 13-1994]

CAR WASH, MINOR

An accessory use to a filling station, repair garage or motor vehicle salesroom and lot, consisting of a building or other structure, with any appurtenant equipment, which is designed or used to wash, wax, polish or provide similar treatment to not more than one motor vehicle at any one time.

[Added 12-2-1994 by L.L. No. 13-1994]

CATCHMENT BASIN

A below-ground structure for the receipt and recharge of stormwater runoff.

[Added 10-6-1995 by L.L. No. 12-1995]

CATERED AFFAIR

A private gathering of people at a restaurant, with a list of invitees, who are coming together for an event for the benefit of an individual or group organization or to raise money for qualified not-for profit organization, that has no product sponsorship and is not for commercial gain.

[Added 7-19-2007 by L.L. No. 26-2007]

CELLAR

That space of a building which is partly or completely below natural grade. A cellar shall be considered a story if any pilings, pier or other foundation causes a building to be elevated more than four feet above adjacent natural grade.

[Amended 11-15-1996 by L.L. No. 19-1996; 12-16-2004 by L.L. No. 36-2004; 9-8-2009 by L.L. No. 23-2009]

CELLULAR

A mobile telephone service operating in the 800 MHz spectrum.

[Added 11-1-2002 by L.L. No. 34-2002]

CHEMICAL MANUFACTURING

The production of chemicals from other chemicals in a plant or factory designed or operated for the purpose, and the production, for wholesale or retail, of products such as plastic, neoprene or vinyl items or products such as tars, oils, varnish, creosote or fiberglass from crude oil or other organic substances.

CHIMNEY

A vertical structure incorporated into a building and enclosing a flue or flues that carry smoke and gases.

[Added 11-16-1990 by L.L. No. 17-1990]

CLEARING

[Amended 10-4-2002 by L.L. No. 31-2002]:

A. As applied to the act of clearing: the act of removing trees or any part thereof, brush, or other vegetation and/or groundcover from land, whether by any means, including but not limited to digging, scraping, cutting, brushhogging, bulldozing, burning, chemical removal or by any form of mechanical action. As used herein, the term "ground cover" shall include naturally occurring understory vegetation (e.g., lowbush blueberry or huckleberry), as well as leaf litter and other organic detritus.

[Amended 6-8-2004 by L.L. No. 15-2004]

B. As applied to an area of land: all land which has been altered from its natural state by the removal of trees, brush, or other vegetation and/or ground cover, including land which is in lawn or from which the ground cover has been removed. As used herein, the term "natural state" shall mean and refer to the natural condition of land without substantial alteration by human activity.

CLUB, BEACH

A club whose facilities are located contiguous to a water body and established for the principal purpose of bathing, but excluding any form of aviation, motorboat racing or waterskiing on inland waterways or similar hazardous sports.

CLUB, COUNTRY OR GOLF

A club established for the principal purpose of engaging in such outdoor sports as golf, fishing or hunting, and including tennis and swimming as subordinate uses, but not including any form of aviation, trap-, skeet or target shooting or boating.

[Amended 9-24-1991 by L.L. No. 20-1991]

CLUB, MEMBERSHIP

A land use owned and operated by a not-for-profit corporation, as defined in § 102 of the New York Not-For-Profit Corporation Law, established for the purpose of enabling its members to engage in certain recreational activities through use of its facilities. The activities shall be limited to club members and their guests and shall not be extended to the general public. The lease of land to a club by any person shall be deemed to constitute operation of a recreation facility on that lot for all purposes of this chapter.

CLUB, TENNIS

A club or privately run business established for the principal purpose of providing nonenclosed outdoor tennis courts for use by members or by the general public. Such structures as a clubhouse or bath house, pro shop no greater than 200 square feet in gross floor area and/or nonenclosed outdoor swimming pool shall be deemed structures accessory to this use, but restaurants, bars, stadia and arenas shall be prohibited.

[Added 9-24-1991 by L.L. No. 20-1991]

CLUB, YACHT

A club established for the principal purpose of engaging in recreational boating. The term "yacht club" shall be deemed to include the term "recreational marina" but shall not be deemed to include the term "boatyard," except for the out-of-water storage of member boats.^[8]

COASTAL EROSION CONTROL STRUCTURE

See "erosion control structure."

[Amended 4-13-2007 by L.L. No. 14-2007]

COASTAL EROSION HAZARD AREA MAP (or "CEHA" MAP)

The map issued by the Commissioner of the New York State Department of Environmental Conservation ("DEC") pursuant to Article 34 of the Environmental Conservation Law ("ECL"), as the same may be amended from time to time. Said map delineates the boundaries of erosion hazard areas subject to regulation under Article 34 of the ECL.

[Added 4-13-2007 by L.L. No. 14-2007]

COASTAL HIGH-HAZARD AREA

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V1-V30, VE, VO or V.

[Added 10-16-1987 by L.L. No. 15-1987; amended 5-15-1998 by L.L. No. 20-1998; 9-8-2009 by L.L. No. 23-2009]

COASTAL RESTORATION PROJECT

The deposit of sand or soil on a beach, dune, or the face of a bluff, in order to restore or replace similar material lost to erosion, and the stabilization of such material by planting beach vegetation. This definition shall include the installation of snow fencing or permeable mesh fencing, the placement of biodegradable fabric mesh or biodegradable gels, and the installation of drains and pipes for the control of water runoff, if these devices are designed and used to allow vegetation to grow upon and stabilize the deposited materials.

[Added 4-13-2007 by L.L. No. 14-2007]

COASTAL STRUCTURE

Every coastal erosion control structure plus all caissons, catwalks, docks, floating docks, floats, piers, pilings, wharves and other fabrications designed to give access to or through, permit work on

or in or facilitate the use of any wetland, barrier dune, bluff or water body. Moorings shall not be included in this definition. Compare "coastal erosion control structure."

CODE

Every local law, ordinance or authorized resolution duly adopted by the Town Board of the Town of East Hampton and assigned a chapter number and/or section number for inclusion within the published Code of the Town of East Hampton, regardless of whether or not such law, ordinance or resolution is actually included in the most recently published version of said Code.

COLLECTOR STREET

Any road now or hereafter designated as a state or county highway and any of the following Town highways: Abrams Path, Accabonac Highway (Old Accabonac Road), Alberts Landing Road, Alewife Brook Road, Atlantic Avenue, Barnes Hole Road, Bluff Road, Cedar Street, Copeces Lane, Cranberry Hole Road, Cross Highway (between Montauk Highway and Skimhampton Road), Cross Highway (between Alberts Landing Road and Fresh Pond Road), Cross Highway (between Fresh Pond Road and Abrams Landing Road), Cross Highway (between Abrams Landing Road and Cranberry Hole Road), Daniel's Hole Road, East Flamingo Avenue, Fireplace Road, Floyd Street, Fort Pond Boulevard, Fresh Pond Road, Further Lane, Hands Creek Road, Hog Creek Road, Indian Wells Plain Highway, Industrial Road (Montauk), Jennys Path, Kings Point Road, Napeague Meadow Road, Navy Road, Neck Path, Northwest Road, Northwest Landing Road, Old House Landing Road, Old Montauk Highway (the segment running through Hither Hills State Park to downtown Montauk), Old Northwest Road, Old West Lake Drive, Sayres Path, Second House Road, Skimhampton Road, Soak Hides Road, South Fairview Avenue, Spring Close Highway, Springs-Amagansett Road (Old Stone Highway), Springy Banks Road, Stephen Hands Path, Swamp Road, Town Lane, Town Line Road, Two Holes of Water Road, Wainscott Main Street, Wainscott Northwest Road and Wainscott Stone Road.

[Added 12-18-1997 by L.L. No. 40-1997]

CO-LOCATION

The use of a common mount by two or more wireless carriers.

[Added 11-1-2002 by L.L. No. 34-2002]

COMMERCIAL MOBILE RADIO SERVICES (CMRS)

Per Section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data and video. According to the FCC, these services are "functionally equivalent services." Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

[Added 11-1-2002 by L.L. No. 34-2002]

COMMERCIAL PROPERTY

Any lot containing a nonconforming business use and any vacant or improved lot in a commercial use district, unless the only principal use or uses on that lot are one or more single-family residences. See "residential property."

[Added 11-15-1996 by L.L. No. 19-1996]

COMMON DRIVEWAY

A mutual ingress and egress which is shared by two or more lots and which provides vehicular access to a public or private street or highway.

[Added 11-6-1998 by L.L. No. 36-1998]^[9]

CONVENTIONAL BEDROOM

A room having at least one closet and one window meeting the standards of the Uniform Fire Prevention and Building Code, which is otherwise designed to be used as a bedroom and which is identified on plans submitted to and approved by the Building Inspector as a bedroom.

CONVERSION

The changing of the use of all or any part of a building, structure or lot which is being used as a resort, transient motel or multiple residence to a different such use. The offering for sale to the public of title, proprietary tenancy or other similar interests in individual units in an existing motel of any description shall be deemed in all cases to be included in this definition. See "resort," "transient motel" and "multiple residence."

COVERAGE, BUILDING (or LOT COVERAGE)

That percentage of lot area covered by any roofed structure measured to the furthest extent of the roof as projected downward to the ground. Cornices, eaves, gutters, chimneys and fireplaces projecting not more than 24 inches from exterior walls shall be excluded from building coverage. Building coverage is computed by dividing the area of roofed structures into lot area. See area of building and lot area; also see "total coverage."

[Amended 9-24-1991 by L.L. No. 20-1991; 11-15-1996 by L.L. No. 19-1996; 1-5-2017 by L.L. No. 4-2017^[10]]

COVERAGE, TOTAL

That percentage of lot area covered by the ground floor area of all buildings sited thereon and by all other structures, including parking areas, driveways and all impermeable surfaces. See "building coverage (or lot coverage)"; also see "structure."

[Amended 11-15-1996 by L.L. No. 19-1996]

CRAWL SPACE

An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

[Added 9-8-2009 by L.L. No. 23-2009]

CUSTOM WORKSHOP

A business premises used for the making of clothing, millinery, shoes or other personal articles to individual order or measure, for sale at retail on the premises only, and not including the manufacture of machinery, vehicles, appliances and similar heavy goods and ready-to-wear or standardized products.^[11]

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.^[12]

[Added 10-16-1987 by L.L. No. 15-1987; amended 9-8-2009 by L.L. No. 23-2009]

DISH ANTENNA

A structure having as its main purpose the reception of radio signals from orbiting satellites or terrestrial sources. The term shall include all satellite earth stations of whatever configuration. Any base, pedestal, foundation, reflector, amplifier, lens, prism or other device located out of doors and connected to or used in conjunction with a "dish antenna" shall be deemed to be a part thereof.

[Added 8-16-1985 by L.L. No. 8-1985]

DRIVEWAY

A delineated, private off-street roadway connecting a house, garage, or other building with the street that contains an area specifically designated for parking. The surface of a driveway may be, but is not limited to dirt, gravel, stone or asphalt. A driveway is not required to meet setbacks.

[Amended 5-4-2007 by L.L. No. 18-2007]

DRIVEWAY, COMMON

See "common driveway."

[Added 11-6-1998 by L.L. No. 36-1998]

DUNE (or SAND DUNE)

A naturally occurring accumulation of sand in wind-formed ridges or mounds landward of the beach, often characterized by the natural growth of beach grass (*Ammophila breviligulata*). This definition shall, however, include man-made deposits of sand placed on or landward of a beach for the purpose of "dune" construction.

[Amended 4-13-2007 by L.L. No. 14-2007; 9-8-2009 by L.L. No. 23-2009]

DUNE, BARRIER

The dune or line or system of dunes which is located immediately landward of the beach and which forms the first line of defense against flooding caused by abnormally high tides and/or surf. Occasionally one or more relatively small dune forms exist on the seaward side of the barrier dune. For the purposes of this chapter, such dune forms shall be considered to be a subordinate part of the barrier dune. The seaward limit of a barrier dune is the landward limit of its fronting beach. For the purposes of implementing §§ 255-3-40 through 255-3-45, the inland limit of the primary frontal dune occurs at the point where there is distinct change from a relatively steep slope to a relatively mild slope.

[Amended 4-13-2007 by L.L. No. 14-2007; amended 9-8-2009 by L.L. No. 23-2009]

DUNE CREST

The highest line or ridge along the top of the barrier dune.

[Added 3-15-1991 by L.L. No. 4-1991; amended 4-13-2007 by L.L. No. 14-2007; 9-8-2009 by L.L. No. 23-2009]

DWELLING UNIT

Any apartment, motel unit, mobile home or single-family residence as defined herein. Any building or discrete space within a building which is used by a family for cooking, living or sleeping purposes or which is designed or equipped to be so used shall be considered a dwelling unit. A two-family residence, for example, is deemed to have two dwelling units.

[Amended 11-15-1996 by L.L. No. 19-1996; 5-15-1998 by L.L. No. 20-1998]

ELEVATED BUILDING

A nonbasement building i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or, in the case of a building in Zones V1-V30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

[Added 10-16-1987 by L.L. No. 15-1987; amended 9-8-2009 by L.L. No. 23-2009]

ELEVATION

The measurement of height above sea level; also AMSL, or above mean sea level.

[Added 11-1-2002 by L.L. No. 34-2002]

ENHANCED SPECIALIZED MOBILE RADIO (ESMA)

Land mobile radio with telephone and data services.

[Added 11-1-2002 by L.L. No. 34-2002]

ENLARGEMENT

As applied to a building or structure, any activity causing an increase in one or more exterior dimensions of the building or structure or any part thereof.

[Added 3-15-1991 by L.L. No. 4-1991]

EQUIPMENT CABINET/EQUIPMENT SHELTER

An enclosed structure at the base of the mount within which is housed the equipment for the personal wireless service facility such as batteries and electrical equipment.

[Added 11-1-2002 by L.L. No. 34-2002]

EROSION

As applied to coastal areas of the Town or to coastal processes, the loss or displacement of land along the coastline from the action of waves, currents, tides, wind-driven water, waterborne ice, or other effects of storms, as well as the loss or displacement of such land from the action of wind, rain, runoff of surface waters, or groundwater seepage.

[Added 4-13-2007 by L.L. No. 14-2007]

EROSION CONTROL STRUCTURE (or COASTAL EROSION CONTROL STRUCTURE)

Every structure sited in or under any body of water, or on or near any shoreline, wetland, beach, or bluff adjacent thereto, which is designed to reduce, retard or prevent erosion of the shoreline or the silting or filling in of a natural or dredged harbor or channel. This definition shall be deemed to include all groins, jetties, seawalls, revetments, bulkheads, breakwaters, gabions, and riprap, as well as any other man-made fabrication or device, including one made of geotextile tubes or sandbags, which is designed to reduce, retard or prevent erosion and which is not included in the definition of "coastal restoration project" found herein. An "erosion control structure" shall constitute a "coastal structure" as defined herein.

[Added 4-13-2007 by L.L. No. 14-2007]

EXCURSION BOAT

A vessel used on a commercial basis to take passengers to sea from any port or place within the Town of East Hampton and which returns those passengers to the point of origin without an intervening stop at any port or other land not located in the Town. As used herein, the term "to sea" shall mean into any harbor, bay or other waters within or adjoining the Town of East Hampton, including the Atlantic Ocean. This term shall include a vessel employed on a commercial basis for party-fishing trips (commonly called a "party boat"), a vessel used for sight-seeing trips or tours (e.g., a whale-watching boat), a dinner cruise vessel or a vessel employed on gambling trips outside the territorial waters of the State of New York. Compare "ferry."

[Added 12-18-1997 by L.L. No. 40-1997]

EXPANSION, SUBSTANTIAL

[Amended 10-16-1987 by L.L. No. 15-1987; 11-15-1996 by L.L. No. 19-1996]:

A. Structure. A substantial expansion of a structure shall be deemed to occur in the following circumstances:

[Amended 5-15-1998 by L.L. No. 20-1998]

- (1) Gross floor area: upon making an addition to the structure which increases its gross floor area by 50% or more over the gross floor area which the structure had on the date it first became subject to the provisions of this chapter regulating or limiting its substantial expansion.
- (2) Value: upon making an addition to the structure or undertaking a reconstruction, rehabilitation or other improvement of the structure, the cost of which equals or exceeds 50% of the market value of the structure prior to making or undertaking the addition, reconstruction, rehabilitation or other improvement. For the purposes of this provision, if the addition, reconstruction, rehabilitation or other improvement is made following damage to the structure, the market value of the structure shall be that which it had before the damage occurred. The term does not, however, include either:
 - (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety codes and which are solely necessary to assure safe living conditions; or
 - (b) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

- B. Use. A substantial expansion of a use shall be deemed to occur in either of the following circumstances:
- (1) Where the use has never previously been made subject to the provisions of this chapter regulating or limiting its "substantial expansion," when there is a "substantial expansion" under either Subsection **A(1)** or **(2)** above, of either the principal building or structures or of the aggregate of all buildings and structures on the lot.
 - (2) Where the use has previously undergone a "substantial expansion" subject to the provisions of this chapter and has been regulated accordingly, when either:
 - (a) There is an increase of 25% or more in the gross floor area of the principal building or structure or of the aggregate of all buildings and structures on the lot (based upon the gross floor area existing after the previously regulated "substantial expansion"); or
 - (b) There is an addition of any improvement having a value equal to or greater than 25% of the existing fair market value of either the principal building or structure or of the aggregate of all buildings and structures on the lot.
- C. Passenger ferry terminals. In addition to the other provisions of this subsection regarding substantial expansion of structures or uses, a substantial expansion of a passenger ferry terminal shall be deemed to result from any increase in ferry passenger capacity, as defined in this chapter. Such increase shall be regarded as a substantial expansion regardless of its magnitude and regardless of whether it is due to an increase in the number of ferries using the terminal, the replacement of one ferry with another having a larger capacity, an increase in the capacity of an existing ferry, an increase in the number of ferry trips daily or other cause.
[Added 12-18-1997 by L.L. No. 40-1997]
- D. Substantial improvement. The term "substantial expansion" shall be deemed also to include or to refer to the term "substantial improvement."

FALL ZONE

The area on the ground within a prescribed radius from the base of a personal wireless service facility. The fall zone is the area within which there might be a potential hazard from falling debris or collapsing material.

[Added 11-1-2002 by L.L. No. 34-2002]

FAMILY

[Amended 11-15-1996 by L.L. No. 19-1996]

- A. The following shall constitute a family hereunder:
- (1) Any number of persons occupying a dwelling unit, provided that all are related by blood, marriage or legal adoption and provided that they live and cook together as a single housekeeping unit; or
 - (2) Any number of persons not exceeding four occupying a dwelling unit and living and cooking together as a single housekeeping unit, where not all are related by blood, marriage or legal adoption.
- B. A group of persons whose association or relationship is transient or seasonal in nature, rather than of a permanent and domestic character, shall not be considered a family.
- C. A group of unrelated persons numbering more than four and occupying a dwelling unit shall be presumed not to constitute a family. This presumption can be overcome only by a showing that, under the standards enumerated in § 255-8-50 hereof, the group constitutes the functional equivalent of a family. A determination as to the status of such group may be made in the first instance by the Building Inspector or, on appeal from an order, requirement, decision or determination made by him, by the Zoning Board of Appeals.

- D. Persons occupying group quarters, such as a dormitory, fraternity or sorority house or a seminary, shall not be considered a family.

FAMILY, MODERATE-INCOME

A family whose aggregate annual income does not exceed the income limits for lower income families (i.e., families earning no more than 130% of the median family income for a family of that size) promulgated for the Nassau-Suffolk, NY HUD Metro FMR Area and published annually by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937 [42 U.S.C. § 1437a(b)(2)] and Part 813, Subpart A, Section 102, of Title 24, Subtitle B, of the Code of Federal Regulations (24 CFR 813.102).
[Amended 1-20-1989 by L.L. No. 1-1989; 12-1-2016 by L.L. No. 49-2016]

FAMILY, OWNER'S

Any number of persons related by blood, marriage or adoption to any owner of record of any dwelling unit.

FARM STAND

A temporary open-walled structure not exceeding 200 square feet in gross floor area which is located on a lot being used for agriculture and which is erected, maintained and operated by the owner or the lessee-farmer and from which produce grown or raised on that lot, with or without other produce, is sold to the general public.^[13]
[Amended 9-17-1993 by L.L. No. 28-1993]

FEDERAL COMMUNICATIONS COMMISSION (FCC)

An independent federal agency charged with licensing and regulating wireless communications at the national level.

[Added 11-1-2002 by L.L. No. 34-2002]

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The federal agency that administers the National Flood Insurance Program.

[Added 5-15-1998 by L.L. No. 20-1998; amended 9-8-2009 by L.L. No. 23-2009]

FENCE

A structure that is not opaque (as defined herein), designed to either define the boundary of, or limit access to, a lot or a portion thereof, but which does not substantially screen such area from view.

[Amended 6-14-2001 by L.L. No. 11-2001]

FERRY

A vessel used in the business of carrying passengers between any port or place in the Town of East Hampton and any other port or place without the Town. Compare "excursion boat."

[Added 12-18-1997 by L.L. No. 40-1997]

FERRY PASSENGER CAPACITY

The number of persons which a vessel used as a ferry may lawfully carry as passengers, under the rules and regulations of the United States Coast Guard or other regulating authority then in effect. As applied to a passenger ferry terminal, this term shall mean the maximum number of passengers which could have departed from the terminal on publicly scheduled trips under a "best-day" condition. Ferry passenger capacity for a ferry terminal under a "best-day" condition shall be calculated as follows: (1) determine the passenger capacity of any ferry departing from the terminal on a given calendar day (midnight to midnight); (2) multiply this passenger capacity by the number of departures made by that ferry from the terminal on that day; and (3) add to this number the products of (1) times (2) for every other ferry departing from the terminal on that same day. The use of this formula shall be subject to the following provisos:

[Added 12-18-1997 by L.L. No. 40-1997; amended 2-9-1999 by L.L. No. 6-1999]

- A. The day used in making this calculation shall be that which yields the highest number for the terminal's ferry passenger capacity (i.e., the "best day" in terms of the potential number of ferry passengers departing the terminal on publicly scheduled trips).

- B. Each ferry whose departure is used in making this calculation shall be a ferry which regularly docks at or uses the ferry terminal.
- C. Each departure used in making this calculation shall be a bona fide ferry departure open to the public and shown on the ferry terminal's published sailing schedule.

FERRY TERMINAL, PASSENGER

Any dock, wharf, pier or other place at which a ferry embarks or disembarks passengers, including ticket offices, parking areas and all other related facilities. This term shall not include a facility for embarking or disembarking motor vehicles to or from a ferry.

[Added 12-18-1997 by L.L. No. 40-1997]

FERRY TERMINAL, VEHICLE

Any dock, wharf, pier or other place at which a ferry embarks or disembarks passengers and motor vehicles (i.e., trucks, buses, cars and/or motorcycles), including ticket offices, parking areas, queuing aisles and all other related facilities.

[Added 12-18-1997 by L.L. No. 40-1997]

FERTILIZED VEGETATION

Any area of vegetation, including but not limited to areas of turf grass, farms, vineyards, gardens or landscaped areas, which requires planting, mowing, cultivation, weeding, fertilization, pest control or other kinds of regular care and management in order to come into existence or to survive.

FILLING STATION

A use of land consisting of a building or lot, or part thereof, supplying and selling gasoline or equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A "filling station" may include accessory facilities, such as for lubrication and minor repairs and adjustments, and may include a "minor car wash" as an accessory use. No supermarket, delicatessen, convenience establishment or other retail store shall be located on the same lot.

[Amended 12-2-1994 by L.L. No. 13-1994]

FINE ARTS

The study and creation of visual works of art requiring highly developed techniques and skills. Such art forms include, but are not limited to, painting, sculpture, printmaking, ceramics and photography.

[Added 10-6-2006 by L.L. No. 25-2006]

FIRM

An official Flood Insurance Rate Map for all or any part of the Town of East Hampton prepared by the United States Department of Housing and Urban Development and the United States Army Corps of Engineers, as the same may be amended or updated by the same from time to time.

FISHING STATION

A shorefront business renting or selling bait, tackle, boats or other supplies and equipment to anglers for use on the site or at nearby locations; or any private property on which members of the public are charged a fee to fish from a dock, a pier or the shore.

FISH PROCESSING

The readying of fish or shellfish for shipping to market, including icing, cleaning, filleting, shucking and the cooking of crabs or lobster, but not including other cooking, canning, freezing, smoking or other fish factory operations.

FLAG LOT

A type of lot (commonly flag-shaped in configuration) in which street frontage is provided by a strip of land which is narrow in relation to the remainder of the lot and which extends from the main body of the lot to the street. A lot which does not physically front on or abut a street, but which has access to a street by means of an easement over other property, shall be deemed to be included in this definition.

[Added 10-6-1995 by L.L. No. 12-1995]

FLAG STRIP, FLAG ACCESS STRIP or PANHANDLE

The part of a flag lot which provides physical access from the lot to a street and which is narrow in relation to the rest of the lot.

[Added 10-6-1995 by L.L. No. 12-1995]

FLOOD, BASE

See "flood, one-hundred-year."

[Added 5-15-1998 by L.L. No. 20-1998]

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

[Added 9-8-2009 by L.L. No. 23-2009]

FLOOD ELEVATION STUDY

An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

[Added 5-15-1998 by L.L. No. 20-1998; amended 9-8-2009 by L.L. No. 23-2009]

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

[Added 9-8-2009 by L.L. No. 23-2009]

FLOOD HAZARD STRUCTURE

A walled and roofed building, a mobile or manufactured home or a gas or liquid storage tank that is located principally above ground.

[Added 10-16-1987 by L.L. No. 15-1987]

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

[Added 10-16-1987 by L.L. No. 15-1987; amended 5-15-1998 by L.L. No. 20-1998; 9-8-2009 by L.L. No. 23-2009]

FLOOD INSURANCE STUDY

See "flood elevation study."

[Added 10-16-1987 by L.L. No. 15-1987; amended 5-15-1998 by L.L. No. 20-1998; 9-8-2009 by L.L. No. 23-2009]

FLOOD, ONE-HUNDRED-YEAR

That flood having a 1% chance of being equaled or exceeded in any given year. This term shall have the same meaning as "base flood."

[Added 5-15-1998 by L.L. No. 20-1998]

FLOOD or FLOODING

[Added 10-16-1987 by L.L. No. 15-1987; amended 5-15-1998 by L.L. No. 20-1998; 9-8-2009 by L.L. No. 23-2009]

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

- B. "Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection **A(1)** above.

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source (see "flooding").
[Amended 5-15-1998 by L.L. No. 20-1998; 9-8-2009 by L.L. No. 23-2009]

FLOODPLAIN, ONE-HUNDRED-YEAR

The land within the Town which is subject to a one-percent or greater chance of flooding in any given year, as determined by the Federal Emergency Management Agency. This area is designated as Zone A, AE or VE on the Flood Insurance Rate Map and includes Zones A, AE and VE in the Flood Hazard Overlay District. This term shall have the same meaning as "base floodplain" or "area of special flood hazard."

[Added 5-15-1998 by L.L. No. 20-1998]

FLOODPLAIN, VELOCITY

The portion of the one-hundred-year floodplain which extends from offshore to the inland limit of a barrier dune, as well as any other area subject to high-velocity wave action from storms or seismic sources, as determined by the Federal Emergency Management Agency. This area is designated as Zone VE on the Flood Insurance Rate Map and is Zone VE in the Flood Hazard Overlay District. This term shall have the same meaning as "coastal high hazard area."

[Added 5-15-1998 by L.L. No. 20-1998]

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

[Added 10-16-1987 by L.L. No. 15-1987; amended 9-8-2009 by L.L. No. 23-2009]

FLOODWAY

Has the same meaning as "regulatory floodway."

[Added 9-8-2009 by L.L. No. 23-2009]

FLOOR

The top surface of the continuous, weight-bearing construction within a structure or building upon which persons or objects stand, e.g., the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction. A "floor" may be found at each level or story of a building or structure including the basement or cellar.

[Added 10-16-1987 by L.L. No. 15-1987]

FLOOR AREA, GROSS

[Amended 3-15-1991 by L.L. No. 4-1991; 11-15-1996 by L.L. No. 19-1996]

- A. For a habitable building, the cumulative area, in square feet, of every story of the building, measured to the exterior face of the frame or masonry wall, but excluding cellars, attics, or spaces with ceilings of less than five feet. Stairwells and interior spaces with a floor-to-ceiling height in excess of 15 feet shall be counted twice. The gross floor area of open air appendages such as porches and screened patios shall be calculated separately, in the manner set forth in Subsection **C** hereof, and shall not be included in the gross floor area of the habitable building.

[Amended 1-5-2017 by L.L. No. 2-2017^[14]]

- B. For buildings which are not habitable, the cumulative area, in square feet, of:

- (1) Every story of the building, measured to the outside of the exterior walls; plus
 - (2) The area of any cellar which is used for a purpose other than mechanical space, storage or as a passageway.
- C. For all other structures, including porches and roofed patios attached to a habitable building, the horizontal area of the structure, in square feet, measured to its outermost extent.

FLOOR AREA, HABITABLE OR LIVABLE

The area, in square feet, of all floor levels of any dwelling unit, measured from the inside of all walls. In calculating this figure, all porches, patios, garages, breezeways, terraces and other attached and detached accessory buildings or structures shall be excluded.

FLOOR, LOWEST

The floor found at the lowest elevation or level within a building (including a basement or cellar). An unfinished space beneath the first story of a building, with or without a flood-resistant enclosure, usable solely for parking of vehicles, building access or unprotected storage, shall not be deemed to be the building's "lowest floor," provided that any flood-resistant enclosure of such space is built in accordance with the requirements of the Flood Hazard Overlay District (other than the requirements pertaining to floor elevation).

[Added 10-16-1987 by L.L. No. 15-1987; amended 5-15-1998 by L.L. No. 20-1998]

FLORIST or FLOWER SHOP

A business use primarily conducted indoors, which provides prepackaged and custom flower and plant arrangements by special order at retail along with accompanying goods such as vases, decorative pottery and similar container items. Items are not grown on site and are not sold wholesale. Usually includes indoor refrigeration units to keep flowers fresh, and delivery vans. Compare "garden center."

[Added 5-21-2015 by L.L. No. 11-2015]

FORMULA BUSINESS

A type of retail store, restaurant, tavern, bar, or fast-food or drive-in restaurant which is under common ownership or control or is a franchise, and is one of 15 or more other businesses or establishments within the United States maintaining two or more of the following features:

[Added 9-18-2014 by L.L. No. 32-2014]

- A. Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.
- B. Trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of store design, such as cups, napkins, bags, boxes, wrappers, straws, store signs or advertising devices.
- C. Standardized color scheme used throughout the interior or exterior of the establishment, including, but not limited to, graphics, awnings, signage, and the like visible from the exterior of the structure.
- D. Standardized interior decor, including, but not limited to, style of furniture, wall coverings, permanent fixtures, displays, and window treatments.
- E. Standardized uniform, including but not limited to aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags).

FRONTAGE

The width of lot which directly abuts a street. A lot is deemed to front on a street if it directly abuts (i.e., touches) the street. Pursuant to § 255-11-76 hereof, the Planning Board can in certain subdivisions deem a lot to have frontage on a street if it has access to the street by means of a common driveway easement or access easement. Compare Town Law § 280-a, Subdivision 5.

[Added 11-15-1996 by L.L. No. 19-1996]

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

[Added 9-8-2009 by L.L. No. 23-2009]

FUNCTIONALLY EQUIVALENT SERVICES

Cellular, PCS, enhanced specialized mobile radio, specialized mobile radio and paging. Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

[Added 11-1-2002 by L.L. No. 34-2002]

GABLED ROOF

A sloping or pitched roof of a building having a pitch of at least six inches for every foot of run. The peak of such a roof may be either a point or a line.

GARAGE, PRIVATE

An accessory building used for the storage of motor vehicles and all types of farm machinery and conveyances owned and regularly used by or on behalf of the owner or tenant of the lot on which it is erected and only for a purpose accessory to the permitted use of the lot.

GARAGE, REPAIR

A use of land consisting of a building and any accessory structures, which is used for adjustment, painting, replacement of parts or other repair or restoration of motor vehicles or parts thereof. A "repair garage" may include a minor car wash as an accessory use. A home garage employed for personal use shall not be deemed to be included in this definition.

[Amended 12-2-1994 by L.L. No. 13-1994]

GARAGE, STORAGE

A commercial use of land consisting of the rental of space within a building for the storage and sheltering of motor vehicles and other conveyances, machinery or equipment. A storage garage shall be considered a passive indoor use and shall not encompass any form of outdoor storage nor any repair work or other trade or business carried on within the building. The storage of boats at a marina or boatyard shall not also be considered a storage garage.

[Amended 12-18-1997 by L.L. No. 39-1997]

GARDEN CENTER

A business use consisting principally of the sale or marketing of horticultural commodities (i.e., plants, trees, shrubs or live or cut flowers), whether at retail or wholesale and whether raised on the premises or not. A garden center must include a building in which the business of the garden center is transacted. A garden center may also consist of one or more parcels of land on which no building is situated but on which horticultural products are grown or displayed, provided that any such parcels are located within 500 feet of the lot containing the building.

[Added 11-15-1996 by L.L. No. 19-1996]

GEOTEXTILE TUBE OR SANDBAG SYSTEM

An erosion control structure consisting of one or more synthetic textile tubes or cylinders, or sandbag systems which are filled with sand of grain size and composition compatible with surrounding area beaches, sealed, and placed in or on the beach or shore. This term shall specifically refer to such a structure consisting of not more than two tiers of such tubes or bags, layered one atop the other and placed parallel to the shoreline, and having a finished height of no more than six feet above natural grade.

[Added 4-13-2007 by L.L. No. 14-2007]

GRADE, HIGHEST ADJACENT

The natural grade, prior to construction, next to the proposed walls of a structure. See "grade, natural."

[Added 5-15-1998 by L.L. No. 20-1998]

GRADE, NATURAL

The surface elevation of land at a given point or place before any alteration of the land is undertaken. This term shall have the same meaning as "natural ground level" or "natural ground elevation." See also "grade, highest adjacent."

[Added 5-15-1998 by L.L. No. 20-1998]

GRADING

The removal of some or all of the topsoil or ground cover of a site by hand or machine, whether or not resulting in changes to existing topographical contours. The importation of soil, fill or other materials to a site and/or the redistribution of soil or fill from one part of a site to another shall be deemed to constitute "grading" and shall be included in this definition.

GREENHOUSE, TEMPORARY

A removable structure or device for the culture and propagation of plants and flowers, consisting of a framework covered with demountable transparent or translucent materials (such as polyurethane sheets or panels) and placed on or in the ground upon supporting poles embedded in a noncontinuous foundation of concrete or similar material. A "temporary greenhouse" shall not be deemed to be an agricultural building but shall constitute an agricultural structure for all purposes of this chapter.

[Added 9-17-1993 by L.L. No. 28-1993]

GUEST ROOM

A conventional bedroom with or without bathroom facilities being rented to paying guests located in a single-family residence. Such bedroom shall be at least 80 square feet in area and shall not contain a kitchen or plug-in kitchen appliances. Occupancy of guest rooms shall not exceed a total of two persons, regardless of age, per single-family residence and shall also meet the minimum area requirements set forth in § 255-11-67A(9).

[Amended 8-2-2002 by L.L. No. 23-2002; 3-7-2008 by L.L. No. 4-2008]

GUYED TOWER

A type of mount that is anchored to the ground or to another surface by diagonal cables.

[Added 11-1-2002 by L.L. No. 34-2002]

HEIGHT OF PERSONAL WIRELESS SERVICE FACILITY or HEIGHT AGL (ABOVE GROUND LEVEL)

The distance measured from ground level to the highest point of a personal wireless service facility, including the antenna array. For purposes of measuring height, all antennas, lightning rods, or other attachments mounted on a structure shall be included in the measurements to determine overall (i.e., combined) height.

[Added 11-1-2002 by L.L. No. 34-2002]

HEIGHT OF STRUCTURE OR BUILDING

The vertical distance measured from natural ground elevation to the highest point of the highest finished roof thereof or, in the case of a structure, to the highest point.^[15]

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

[Added 9-8-2009 by L.L. No. 23-2009]

HISTORIC LANDMARK (or LANDMARK)

Any building, structure or lot designated by the Town Board as an historic landmark pursuant to § 255-7-25 hereof.

[Added 10-19-1999 by L.L. No. 26-1999]

HISTORIC STRUCTURE

Any structure which is:

[Added 5-15-1998 by L.L. No. 20-1998; amended 9-8-2009 by L.L. No. 23-2009]

- A. Individually listed in the National Register of Historic Places (a listing maintained by the United States Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed in the New York State Register of Historic Places; or
- D. Individually listed in a Town inventory of historic places, provided that the Town historic preservation program has been certified by the New York State Office of Parks, Recreation, and Historic Preservation.

HOME OCCUPATION

Any gainful activity customarily conducted within a dwelling unit by the residents thereof which is clearly secondary to the residential use and which does not otherwise change the character of the building as a residence. Such activity shall be deemed a "home occupation" only if the following requisites are met:

[Amended 5-5-1998 by L.L. No. 19-1998; 12-20-2001 by L.L. No. 33-2001]

- A. The area devoted to the activity shall not exceed 25% of the gross floor area of the dwelling unit, or 500 square feet, whichever is less.
- B. The activity shall be conducted solely by resident members of the family occupying the dwelling unit, except that up to one additional person may be employed who is not a member of the resident family.
- C. There shall be no external evidence of the activity, including audible noise, other than one announcement sign of a type authorized by this chapter.

Notwithstanding the above, no clinic, hospital, restaurant, breeding kennel, or antique dealer shall be considered a "home occupation." In addition, no retail shop shall be considered a "home occupation"; provided, however, that the business of a private consultant shall be considered a "home occupation," even if it involves the incidental sale of goods or merchandise to clients (e.g., as by a fashion or computer consultant), if (a) the consultant is available to clients only on an individual basis and by prior appointment; (b) the business is neither open to the general public on a walk-in basis nor holds itself to be so; (c) the home is located within a Limited Business Overlay District; and (d) the Town Board shall have accepted a duly executed and acknowledged document in form acceptable to the Town Attorney, which includes a floor plan of the entire premises and identifies the portion used for the private consulting business, and pursuant to which the consultant (i) represents and agrees to operate the consulting business in accordance with the floor plan and this definition of "home occupation," and (ii) grants the Town Building Inspector and Code Enforcement Officer permission to enter and inspect the premises during regular business hours for the purpose of ascertaining the consultant's compliance with this definition of "home occupation." Activities carried on by a resident which are connected with produce of the seas, bays or harbors caught or dug by him, including storage of boats and gear, spreading and mending of nets and other gear, and sale of such produce so gathered, shall constitute a "home occupation."

HOME PROFESSIONAL OFFICE

The office or studio of a resident physician, surgeon, dentist or other person licensed by the State of New York to practice a healing art, as well as the office or studio of a lawyer, architect, artist, real estate broker or salesperson, boat captain, insurance broker or agent, or tutor, provided that not more than two persons are employed by or associated with said office use who are not members of

the resident family. Such office shall be entirely contained within the residence structure, and the area devoted to the office use shall not exceed 25% of the gross floor area of the dwelling unit, or 500 square feet, whichever is less. Such office may contain a sink and toilet but shall not have any kitchen, portable cooking facilities, bathing facilities or shower. There shall be no external evidence of the office and associated activity, including audible noise, other than one announcement sign of a type authorized by this chapter. A "tutor" shall mean a teacher offering individual academic, musical, dance or voice instruction. No barber or barbershop, beautician or beauty parlor, biological or other medical testing laboratory, convalescent home, hairdressing or manicuring establishment, mortuary, restaurant, tearoom, tourist home or other business, shop, store, trade or the office of any person professionally engaged in the purchase or sale of goods shall be considered a "home professional office." An artist's studio shall constitute a home professional office for the purpose of this definition, but such studio shall not be limited to any particular percentage of the ground floor or total floor area of the residence of which it is a part, or it may be located in a detached structure on the same lot as the residence, provided that the conditions set forth in § 255-11-88 of this chapter for such oversized or detached artist studios are at all times strictly adhered to.

[Amended 5-5-1998 by L.L. No. 19-1998]

HORIZONTAL PLANE

See Appendix L1, Figure A.^[16]

[Added 10-6-2006 by L.L. No. 27-2006]

HORSE FARM

A business use of a lot for any of the following purposes: boarding, breeding, raising or training of horses. The use shall not include letting horses for hire to individuals or groups, the giving of horseback riding instructions, or any other activity defined herein as a riding academy. The operation of a horse farm shall constitute "animal husbandry" as defined herein.

[Added 8-16-1985 by L.L. No. 8-1985; amended 9-17-1993 by L.L. No. 28-1993]

HOTEL

See "motel."

HOUSE LIGHT

An unshielded light bulb or fixture mounted on a residence within five feet of a doorway, or on any residential building within five feet of a doorway, which produces a maximum of 900 initial lumens (approximately 60 watts incandescent or 13 watts fluorescent) or a light mounted on a residence within five feet of any doorway or on any residential building within five feet of a doorway which is fully shielded. A "PAR" bulb light, spotlight or floodlight shall not be considered a house light.

[Added 10-6-2006 by L.L. No. 27-2006]

HOUSE TRAILER

A towable dwelling on a vehicular chassis, provided with some or all of the following mechanical systems and equipment: plumbing, heating, air conditioning, electrical, cooking and refrigeration; but which is neither connected to an external sewage disposal system nor connected to an external electrical source. Any house trailer which is not in a readily movable condition, or which is connected to an external sewage disposal system or to an external electrical source, or which, however equipped, is used for living purposes while located on the same parcel of land for more than 14 consecutive days, shall be deemed to be a mobile home for all purposes of this chapter. A house trailer is 400 square feet or less when measured at the largest horizontal projections.

[Amended 5-15-1998 by L.L. No. 20-1998; 9-8-2009 by L.L. No. 23-2009]

ICE RINK

Area surface with smooth ice for skating, hockey or curling. An ice rink may be either:

[Added 12-16-2004 by L.L. No. 37-2004; amended 7-1-2005 by L.L. No. 20-2005; 8-18-2005 by L.L. No. 25-2005]

A. Tier one ice rink. An ice rink that:

(1) Is a legally existing playing court;

- (2) Is less than or equal to 7,200 square feet in iced area;
 - (3) Has a barrier surrounding the iced area that is less than 36 inches in height;
 - (4) Has a refrigeration unit or auxiliary power generation source that emits 50 dBA or less as per the manufacturer's specifications;
 - (5) The refrigeration unit or auxiliary power generation source requires no additional fuel source to support the ice rink;
 - (6) Is not illuminated at night; and
 - (7) Has no accessory structures associated with the ice rink.
- B. Tier two ice rink. An ice rink that:
- (1) Exceeds 7,200 square feet in iced area;
 - (2) Has a barrier surrounding the iced area that exceeds 36 inches in height;
 - (3) Is illuminated at night;
 - (4) Has music;
 - (5) Has a refrigeration unit or auxiliary power generation source that emits more than 50 dBA as per manufacturer's specifications;
 - (6) Requires an additional fuel source to support the ice rink (e.g., fuel tank, natural gas line);
 - (7) Has additional accessory structures (e.g., storage or Zamboni shed, additional fencing); or
 - (8) Creates a new access to the property.

IMPROVEMENT, SUBSTANTIAL

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

[Added 9-8-2009 by L.L. No. 23-2009]

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

KELVIN (K)

A unit of measurement of the redness or blueness of white light. The lower the Kelvin number, the more yellow and red will be seen; the higher the Kelvin number, the bluer the light will look.

[Added 10-6-2006 by L.L. No. 27-2006]

LABORATORY, RESEARCH, PROCESSING OR TESTING

A building or buildings, and the structures and uses accessory thereto, for experimentation in pure or applied research, design, development, sampling and testing of air, water or substances or for testing and production of prototype machines, devices, substances or products.

LANDMARK

See "historic landmark."

[Added 10-19-1999 by L.L. No. 26-1999]

LANDSCAPE LIGHTING

Standard and low-voltage lighting that is designed to illuminate foliage, pathways and landscape features that do not exceed 550 initial lumens (approximately 40 watts incandescent) per fixture on a residential lot. Driveway stanchions located within five feet of the property line must not exceed 200 lumens (approximately 25 watts incandescent) each.

[Added 10-6-2006 by L.L. No. 27-2006]

LATTICE TOWER

A type of mount that consists of multiple legs and cross-bracing of structural steel.

[Added 11-1-2002 by L.L. No. 34-2002]

LIGHT

Radiant energy in the visible spectrum, artificially generated by electricity or gas flame.

[Added 10-6-2006 by L.L. No. 27-2006]

LIGHT BULB

The origin of light and its housing, such as an electric filament in a glass bulb.

[Added 10-6-2006 by L.L. No. 27-2006]

LIGHT FIXTURE

A complete lighting unit consisting of one or more light bulbs together with the parts designed to distribute light, position and protect the lamp, and connect the lamp to the power supply. A light fixture may include a ballast, the mounting apparatus, and photocells or sensors, if any. Also known as a "luminaire."^[17]

[Added 10-6-2006 by L.L. No. 27-2006]

LIGHT FIXTURE, FULLY SHIELDED

A light fixture with an opaque shield above the light source so that, as designed and installed, the light fixture projects all its light below the horizontal plane. Full cutoff fixtures are considered fully shielded. See Appendix L1, Figure B.^[18]

[Added 10-6-2006 by L.L. No. 27-2006]

LIGHT FIXTURE, UNSHIELDED (or UNSHIELDED LIGHT)

A light fixture which is not fully shielded and, as installed, emits at least some light above the horizontal plane. Also classified as a cutoff, semi-cutoff or non-cutoff light fixture. See Appendix L2.

^[19]

[Added 10-6-2006 by L.L. No. 27-2006]

LIGHTING

As used in this chapter, and unless otherwise specified, shall mean exterior lighting produced by artificial means.

[Added 10-6-2006 by L.L. No. 27-2006]

LIGHT SOURCE

The light-emitting parts of a light fixture, consisting of the bulb, filament and any transparent, translucent or frosted elements (covering over the light bulb) as well as any refractors, reflectors, prismatic lenses, mirrors, or diffusers which emit or transmit light.

[Added 10-6-2006 by L.L. No. 27-2006]

LOADING BERTH

A dust-free space at least 12 feet wide and 40 feet long, having a minimum fourteen-foot vertical clearance for loading and unloading vehicles. No such space required by this Code or depicted on any site plan shall constitute a parking space for the purposes hereof.

LOCAL ADMINISTRATOR

The person appointed by the community to administer and implement this local law^[20] by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

[Added 9-8-2009 by L.L. No. 23-2009]

LOCAL AGENCY

Any agency, authority, department, bureau, board, body, employee, officer or office of the government of the Town of East Hampton, exclusive of any incorporated village therein.

[Amended 12-18-1997 by L.L. No. 38-1997; 2-10-1998 by L.L. No. 6-1998]^[21]

LOT

A parcel of land of any size whatsoever physically capable of being occupied by one or more principal buildings and accessory buildings or uses, regardless of whether any particular use, building or structure is permitted thereon under the provisions of this chapter.

LOT AREA

The total horizontal area contained within and enclosed by the outer boundary lines of any lot; provided, however, that, for any purpose for which it must be calculated under the provisions of this chapter, "lot area" shall not include the following:

[Amended 4-4-1986 by L.L. No. 2-1986; 6-5-1992 by L.L. No. 15-1992; 11-15-1996 by L.L. No. 19-1996; 11-6-1998 by L.L. No. 36-1998; 4-7-2011 by L.L. No. 4-2011]

- A. That portion of a lot which is underwater land.
- B. That portion of a lot which lies in, on or under any street, right-of-way, common driveway easement or access easement.
- C. That portion of a lot which is burdened by a private easement prohibiting the erection of buildings.
- D. That portion of a lot which lies seaward of the bluff line or primary dune crest, except in those areas designated in § 255-4-40C where lot area shall exclude that portion of the lot that is seaward from the base of bluff.
- E. That portion of a lot which is beach, wetland or watercourse, as defined herein.

Except for the exclusion of underwater land, the above limitations on calculated lot area shall not be applied in determining the applicable bluff setback for any lot.

LOT, CORNER

A lot at the junction of and fronting on two or more intersecting streets having an interior angle of less than 135° at their intersection, or a lot abutting a curved street where the tangents to the curve at the points of intersection of the side lot lines intersect at any interior angle of less than 135°, or any lot formed in part by a waterfront lot line and a street right-of-way line which intersect.

LOT, FLAG

See "flag lot."

[Added 11-15-1996 by L.L. No. 19-1996]

LOT LINE

A line forming the boundary between one lot or parcel of land and a lawfully separate lot or parcel, including the right-of-way of any public or private street; a property boundary. See "front lot line," "rear lot line" and "side lot line."

[Added 11-15-1996 by L.L. No. 19-1996]

LOT LINE, FRONT

A street right-of-way line at the front of a lot, except that in the case of a waterfront lot other than an oceanfront lot, any waterfront lot line shall be considered a front lot line. A lot which fronts on more than one street, such as a corner lot, may have more than one front lot line.

[Amended 11-15-1996 by L.L. No. 19-1996]

LOT LINE, REAR

A lot line opposite a front lot line.
[Amended 11-15-1996 by L.L. No. 19-1996]

LOT LINE, SIDE

Any lot line other than a front or rear lot line.

LOT, THROUGH

A lot extending from one street frontage to another street frontage or to a municipal off-street parking lot frontage.

LOT WIDTH

The length of the shortest line which can be drawn from side lot line to side lot line of a lot which touches the building line at any point.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this local law.^[22]

[Added 9-8-2009 by L.L. No. 23-2009]

LUMEN

A measure of light energy generated by a light source. The initial lumen rating of a lamp or light bulb is provided by the lamp manufacturer.

[Added 10-6-2006 by L.L. No. 27-2006]

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "recreational vehicle."

[Added 9-8-2009 by L.L. No. 23-2009]

MANUFACTURED HOME PARK OR SUBDIVISION

Has the same meaning as "mobile home park."

[Added 9-8-2009 by L.L. No. 23-2009]

MARINA

A facility for the berthing and fueling of any type of watercraft not prohibited by Chapter 246, Waterways and Boats, of this Code. The term "marina" shall not include the term "boatyard," nor include out-of-water boat storage, restaurant or repair facilities, motels, apartments or similar activities or uses. One single-family residence or apartment for the owner or manager as an accessory use shall be permitted if the subject lot area is at least 84,000 square feet. One on-site tackle shop and/or marine supplies store shall also be permitted.

MARINA POWER PEDESTALS

A unit that is mounted to a dock to provide multiple services such as electrical power, television, water, telephone services, and lighting to a docked boat at a marina or recreational marina as defined in § 255-1-20. Any new marina power pedestal light fixture must be louvered or have a low-brightness option and may not exceed 900 initial lumens (approximately two seven watts or one 13 watts florescent).

[Added 10-6-2006 by L.L. No. 27-2006]

MARINA, RECREATIONAL

A marina whose use is limited to recreational boats. Licensed charter fishing boats and commercial fishing boats up to 60 feet in length may be accommodated, but other vessels of any description which require a license from the United States Coast Guard to operate shall be prohibited.

[Amended 6-14-2001 by L.L. No. 11-2001]

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

[Added 10-16-1987 by L.L. No. 15-1987; amended 5-15-1998 by L.L. No. 20-1998; 9-8-2009 by L.L. No. 23-2009]

MICROCELL

Any personal wireless service facility that is designed to provide service for a radius of 0.5 mile or less.

[Added 11-1-2002 by L.L. No. 34-2002]^[23]

MOBILE HOME

A transportable single-family dwelling originally equipped with or having a vehicular chassis and provided with some or all of the following mechanical systems and equipment: plumbing, heating, air conditioning, electrical, cooking and refrigeration. A mobile home shall constitute a building for the purposes of this chapter. A modular or prefabricated home meeting all applicable federal, state and local codes shall not be construed to be included in this definition. Compare "house trailer."

[Amended 5-15-1998 by L.L. No. 20-1998; 9-8-2009 by L.L. No. 23-2009]

MOBILE HOME PARK

A residential land use designed for the location of two or more mobile homes in designated spaces and including appurtenant facilities and accessory services for residents only. The subdivision of the land so that individual spaces constitute lots shall not be permitted.^[24]

[Amended 9-8-2009 by L.L. No. 23-2009]

MONOPOLE

One type of self-supporting mount consisting of a single shaft of wood, steel or concrete and antennas at the top and/or along the shaft.

[Added 11-1-2002 by L.L. No. 34-2002]

MOTEL

A business or commercial use of a lot consisting of a building or group of buildings, whether detached or connected, which contains one or more individual motel units arranged or designed to be made available as sleeping or living quarters for paying customers on a daily or weekly or two-week rental basis, or which, however arranged or designed, is in fact being made available for such purposes on such basis; provided, however, that nothing herein shall prohibit occupancies in any "motel" for periods of longer than two weeks. A building or buildings arranged or designed for use as a hotel, a rooming house, an inn or another similar business shall be deemed to be a "motel" and included in this definition. A single-family residence which is rented to, or occupied by, a tenant or tenants for a term of not more than two weeks, on three or more occasions during any six-month period, shall be deemed to be unlawfully operating as a "motel" for all purposes under this chapter, and no such use, however long maintained, shall be deemed to give rise to a nonconforming "motel" use or to any vested right to use the residence for any purpose not specifically authorized in § 255-11-63 of this chapter.

MOTEL, TRANSIENT

A motel, no unit of which has a kitchen or plug-in cooking facilities, and which has no other individual or centralized kitchen or laundry appliances located or maintained anywhere on the premises. Further, the habitable area of any individual unit in any such "transient motel" shall not exceed 450 square feet, exclusive of porches, patios, garages, breezeways, public hallways, terraces and other accessory structures. A restaurant shall be permitted on the same lot as a "transient motel" only if both uses are permitted in the district and the area of the subject lot is large enough to accommodate two or more uses under the provisions of this chapter. No residential cooperative or residential condominium as defined herein, regardless of its physical description or the manner in which its units are being managed or rented, shall be deemed to constitute a "transient motel" for the purposes of this chapter. Compare "resort" and "multiple residence."

MOTEL UNIT

A room or rooms in a motel arranged or designed to be available as a sleeping or living quarter for paying customers on a daily, weekly or two-week basis, or which, however arranged or designed, is in fact being made available for such purposes on such basis. Any "motel unit" constructed, reconstructed or remodeled after the effective date hereof shall have a livable floor area of not less than 325 square feet nor more than 450 square feet. Compare "apartment."

MOUNT

The structure or surface to which antennas are attached.
[Added 11-1-2002 by L.L. No. 34-2002]

MULTIPLE-BUSINESS COMPLEX

A grouping of three or more permitted or special permit business uses on a single lot (or on two or more adjacent lots which when combined make a single site) carried out in accordance with an approved master site plan for unified parking, pedestrian circulation, drainage, waste disposal, landscaping and the like.
[Amended 8-16-1985 by L.L. No. 8-1985]

MULTIPLE-INDUSTRIAL COMPLEX

A grouping of three or more permitted or special permit industrial uses on a single lot (or on two or more adjacent lots which when combined make a single site) carried out in accordance with an approved master site plan for unified parking, pedestrian circulation, drainage, waste disposal, landscaping and the like.
[Amended 8-16-1985 by L.L. No. 8-1985]

MULTIPLE RESIDENCE

A residential use of land consisting of a building or group of buildings, whether detached or connected, containing two or more individual apartments. Any two-family residence, as well as any apartment building, project or complex, shall be deemed included in this definition. A single-family residence with an affordable accessory apartment established in accordance with § 255-11-63 shall not be deemed included in this definition. See "resort" and "motel."
[Amended 5-4-2007 by L.L. No. 18-2007]

NATIONAL GEODETIC VERTICAL DATUM (NGVD)

As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.
[Added 10-16-1987 by L.L. No. 15-1987]

NATIVE REMNANT

A tract of uncleared land surrounded by cleared land or connected to a larger uncleared area by an uncleared strip.
[Added 6-8-2004 by L.L. No. 15-2004]

NATURAL GRADE

[Added 11-15-1996 by L.L. No. 19-1996; repealed 5-15-1998 by L.L. No. 20-1998]

NATURAL RESOURCES DEPARTMENT

The Town of East Hampton Office of Natural Resources established pursuant to Chapter **180** of this Code, or such other term by which this bureau or agency of Town government shall be known. References herein to the "Natural Resources Director" shall, where the context requires, refer also to the Natural Resources Department and vice versa.
[Added 12-18-1997 by L.L. No. 38-1997]

NATURAL RESOURCES DIRECTOR

The duly appointed Director of the Department of Natural Resources, any other Town employee duly appointed or designated to act as such Director or, unless the context clearly indicates to the contrary, the nominee or agent of such Director.
[Added 3-15-1991 by L.L. No. 4-1991]

NEARSHORE AREAS

All lands under salt water which extend seaward from the mean low water line, in a direction perpendicular to the shoreline, for a horizontal distance of 1,000 feet or to a point where mean low water depth is 15 feet, whichever is greater.

[Added 4-13-2007 by L.L. No. 14-2007]

NEW CONSTRUCTION

For the purpose of applying the regulations applicable in the Flood Hazard Overlay District, any structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

[Added 5-15-1998 by L.L. No. 20-1998; amended 9-8-2009 by L.L. No. 23-2009]

NIGHTCLUB

An establishment primarily engaged in providing entertainment (e.g., music, dancing, comedians, etc.). The accessory or incidental sale of alcohol, drinks, food or snacks shall not entitle such a use to be considered a restaurant under other provisions of this Code. See "restaurant."

[Added 11-15-1996 by L.L. No. 19-1996; amended 7-19-2007 by L.L. No. 26-2007]

NONCONFORMING BUILDING OR STRUCTURE

A building or structure lawfully existing on the effective date of this chapter, or any amendment thereto affecting such building or structure, which does not conform to one or more current dimensional regulations hereof for the district in which it is situated, irrespective of the use to which such building or structure is put.

NONCONFORMING LOT

Any lot lawfully existing in single and separate ownership on the effective date of this chapter, or any amendment thereto affecting such lot which does not conform to one or more current dimensional regulations hereof for the district in which it is situated. If at any time after the arising of such nonconformity, such lot shall be held in the same ownership as one or more adjoining parcels, it shall lose its status as a nonconforming lot, except to the extent that the lot created by the merger of the adjoining parcels shall remain nonconforming in the same respect and unless exempted from merger by the provisions of § 255-1-43 hereof. A lot created by subdivision approval of the Planning Board pursuant to Chapter **193**, Open Space Preservation of this Code shall not be deemed a nonconforming lot, since the dimensional regulations pertaining thereto have been modified by the Planning Board pursuant to Chapter **193**.

[Amended 11-15-1996 by L.L. No. 19-1996]

NONCONFORMING USE

Any use of a building, structure, lot, land or part thereof lawfully existing on the effective date of this chapter, or any amendment thereto affecting such use, which does not conform to one or more current use regulations hereof for the district in which it is situated. Permission to temporarily conduct or continue a prohibited use granted by the Zoning Board of Appeals prior to the effective date of this chapter, or any amendment thereto, shall not be construed to establish a "nonconforming use" as herein defined, and, therefore, any such permission and the use which it authorized shall terminate upon the expiration thereof.

NONNUISANCE INDUSTRY

Any industrial use which is not specifically listed on a Use Table in Article **XI** as prohibited in the Commercial Industrial District, and which, if established, will at all times be able to comply with all requirements of Chapters **180** and **185** of this Code, as well as all requirements of federal, state and local law which are applicable to it.

NURSERY SCHOOL

A building or buildings, together with any accessory uses, buildings or structures, used as an organized instructional facility for five or more enrolled children other than the children of the resident family and not furnishing sleeping facilities except to the resident family. For the purposes

of this chapter, a day-care center or similar facility for young children shall be considered a "nursery school" and included in this definition.

ONE-HUNDRED-YEAR FLOOD

Has the same meaning as "base flood."
[Added 9-8-2009 by L.L. No. 23-2009]

OPAQUE

A structure is defined as "opaque" for purposes of this chapter when more than 30% of the surface area of the structure is impervious to the passage of light, air or water.
[Added 6-14-2001 by L.L. No. 11-2001]

OPEN SPACE SUBDIVISION

A private subdivision of land reviewed and approved by the Planning Board in accordance with the provisions of Chapter **193** of this Code.

ORDINANCE ENFORCEMENT OFFICER

A Town employee, designated by the Town Board to be a member of the Ordinance Enforcement Department, who shall be selected in accordance with the civil service laws of the State of New York. "Ordinance Enforcement Officer" is to be considered a local title encompassing all relevant titles and hiring lists utilized by the Town of East Hampton and published by the Suffolk County Department of Civil Service, including but not limited to: Ordinance Enforcement Officer, Ordinance Inspector, and Code Enforcement Officer. Such an employee must also be a New York State Certified Code Enforcement Official in accordance with current state law.
[Added 5-17-2001 by L.L. No. 7-2001; amended 9-6-2012 by L.L. No. 13-2012]

OVERNIGHT

Any time between the hours of 1:00 a.m. and 6:00 a.m.
[Added 4-7-2016 by L.L. No. 14-2016]

PAGERS

A small radio receiver designed to be carried by a person and to give an indication when activated by the reception of its specific code. Some pagers also transmit a signal acknowledging that a message has been received.
[Added 11-1-2002 by L.L. No. 34-2002]

PAGING

Transmission of coded radio signals for the purpose of activating specific pagers.
[Added 11-1-2002 by L.L. No. 34-2002]

"PAR" BULB LIGHT

Parabolic aluminized reflector. Commonly referred to as a "spotlight" or "floodlight." See Appendix L2. ^[25]
[Added 10-6-2006 by L.L. No. 27-2006]

PARK

A property which is either publicly owned or which is owned and managed by a not-for-profit entity for the public benefit, and which is maintained in a substantially undeveloped state for the use, enjoyment, or appreciation of citizens. A park may have installed thereon recreational, interpretive, or historic buildings and structures, and other improvements designed to facilitate active or passive recreation, historic, or environmental interpretation, picnicking, festivals, concerts, or other outdoor activities, provided that the property remains substantially undeveloped. A camping area may or may not be included. Compare "camping ground."
[Amended 10-4-2002 by L.L. No. 32-2002]

PARKING SPACE

A dust-free off-street space sufficient in size to accommodate one parked motor vehicle and having an area of not less than 180 square feet.

PEAK LUNAR TIDES

Those excessively high tides or spring tides caused by lunar gravitation and related physical phenomena.

PERMITTED USE

A specific main use of a building, structure, lot, land or part thereof which this chapter sets forth as being a permitted, specially permitted or accessory use in one or more land use districts. Any other use shall be a prohibited use in that district.

PERSONAL COMMUNICATION SERVICES (PCS)

Mobile telephone service operating in the 1900 MHz spectrum.
[Added 11-1-2002 by L.L. No. 34-2002]

PERSONAL WIRELESS SERVICE FACILITY

Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A personal wireless service facility is any facility for the transmission and/or reception of personal wireless services, which may consist of an antenna array, transmission cables, equipment shelter or building, access road, mount, and a guy system.
[Added 11-1-2002 by L.L. No. 34-2002]

PERSONAL WIRELESS SERVICES

Any personal wireless service defined in the Federal Telecommunications Act which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging as well as unlicensed wireless services, and common carrier wireless exchange access services.
[Added 11-1-2002 by L.L. No. 34-2002]

PERSON IN CONTROL

Any owner, builder, architect, lessee, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction, maintenance or use of any structure, building or property, so long as such person or entity has the apparent power and authority to control the manner in which the structure, building or property is constructed, maintained or used.
[Added 7-21-2016 by L.L. No. 32-2016]

PERVIOUS DRIVEWAY OR WALKWAY

A driveway or walkway composed of cinders, gravel, stone, shells, chips or similar material, with or without a marl base, which is at least partially permeable to rainwater and snowmelt.
[Added 3-15-1991 by L.L. No. 4-1991]

PLANNED INDUSTRIAL PARK

A development of industrial land involving the subdivision of a large lot into five or more lots, each of which is at least 20,000 square feet in area.

PLANNING DEPARTMENT

The Town of East Hampton Department of Planning established pursuant to Chapter **50** of this Code or such other term by which this bureau or agency of Town government shall be known. References herein to the "Planning Director" shall, where the context requires, refer also to the Planning Department and vice versa.
[Added 12-18-1997 by L.L. No. 38-1997]

PLAYING COURT

A structure, or part thereof, which is designed or used for playing sports and consists of a playing surface of 375 square feet or more. All associated netting, fencing, backstops and other improvements shall be considered part of the playing court. Tennis courts, handball courts, racquetball courts, volleyball courts, ice rinks and other similar facilities shall be deemed included in this definition.

[Added 7-7-2000 by L.L. No. 14-2000; amended 12-16-2004 by L.L. No. 37-2004; 7-1-2005 by L.L. No. 20-2005]

PRIMARY FRONTAL DUNE

See "dune, barrier."

[Added 9-8-2009 by L.L. No. 23-2009]

PRINCIPAL BUILDING OR STRUCTURE

A main building or structure devoted to a principal use on a lot. A single-family residence shall always be deemed a principal building. See "single-family residence."

[Added 9-17-1993 by L.L. No. 28-1993]

PRINCIPALLY ABOVE GROUND

At least 51% of the actual cash value of the structure, excluding land value, is above the ground.

[Added 9-8-2009 by L.L. No. 23-2009]

PRINCIPAL USE

A main or primary use to which a lot is put. Each and every single-family residence, wherever located, shall be deemed to constitute a separate principal use. See "single-family residence" and "principal building or structure."

[Added 9-17-1993 by L.L. No. 28-1993]

PROHIBITED USE

A use of a building, structure, lot or land or part thereof which is not a permitted, special permit or accessory use and is, therefore, unlawful. Any use which is either not listed in a district or which is listed there as prohibited shall constitute a "prohibited use" therein.

PUBLIC UTILITY

A governmental or privately owned nonnuclear power plant; electrical substation; water well site or pump house; water tank; water or sewage treatment plant, utility company headquarters, branch office, garage or storage barn; telephone exchange; communications center; antenna farm; broadcast facility as herein defined; or any other similar land use providing for the distribution or supply to East Hampton residents of utility-type or communications services, except for personal wireless services and the personal wireless service facilities deployed in those services, as defined in this section. Fuel storage in tanks as a main use shall not be included in this definition.

[Amended 11-1-2002 by L.L. No. 34-2002]

RADIO FREQUENCY RADIATION

The electromagnetic energy radiated from an antenna or antenna array. This radiation is part of the radio waves that are the means by which information is transported without wires by personal wireless service facilities.

[Added 11-1-2002 by L.L. No. 34-2002]

RADIO FREQUENCY (AR) ENGINEER

Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies.

[Added 11-1-2002 by L.L. No. 34-2002]

RAIL TERMINAL

A railroad train station, including rail yards and rail freight facilities whether or not associated with passenger rail service, and all parking areas and related facilities.

[Added 12-18-1997 by L.L. No. 40-1997]

RECONSTRUCTION

The removal and replacement, in place and in kind, of all or a substantial part of a preexisting building or structure. The rebuilding in place and in kind of all or a substantial part of a building or structure which has been damaged or destroyed shall be included in this definition. If the cost of the work in question exceeds 50% of the full replacement cost of the structure as estimated by the

Building Inspector, it shall be deemed to involve a "substantial part" of the building or structure. Appeals of the Building Inspector's percentage determination of replacement cost may be made to an emergency appellate panel created pursuant to Town Board resolution. Appeals from that panel may be made to the Zoning Board of Appeals. The word "reconstruct" in its various modes and tenses and its participle form refers to the undertaking of a "reconstruction."

[Added 4-13-2007 by L.L. No. 14-2007]

RECREATIONAL VEHICLE

Has the same meaning as "house trailer."

[Added 9-8-2009 by L.L. No. 23-2009]

RECREATION FACILITY, MAJOR

An indoor or outdoor privately run business, which may involve large amusements areas, rides, playing fields, courts, arenas, stadia or halls, designed to accommodate sports and recreational activities and including, by way of example but not by way of limitation, bowling, dancing, ice-skating and roller-skating and outdoor sports, recreational pursuits and athletic competitions generally. This definition shall include gymnasiums, health spas, shooting ranges, the lease of land by any person to a club and tennis facilities not conforming to the definition of a "tennis club."

[Amended 9-24-1991 by L.L. No. 20-1991]

RECREATION FACILITY, MINOR

An indoor privately run business offering billiards, games or amusements.

RECYCLING AND SCRAP YARD

Any land or structure, or part thereof, exceeding 300 square feet in area and used for the collecting, storage or sale of wastepaper, rags, scrap metal or other scrap or discarded material or for the collecting, dismantling, storage or salvage of inoperative machinery or vehicles which are unregistered or not in running condition or for the sale of the parts thereof. The existence on any residential lot of three or more unregistered automobiles not housed within a building shall be deemed to be an unlawful "recycling and scrap yard" use of such lot. Public sanitary landfills and the structures located thereon shall not be included in this definition.

REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 255-3-43D(2) of this chapter.

[Added 9-8-2009 by L.L. No. 23-2009]

RESIDENTIAL CONDOMINIUM

A type of resort or multiple residence in which persons have exclusive ownership of particular apartments (units) and, in addition, an interest in the common elements associated with the building or buildings in which the apartments are located, regardless of whether and in what manner the apartments are managed, leased or otherwise made available for use by persons other than the owners thereof. Interval, timesharing or other similar forms of ownership and use shall be deemed included in this definition.

RESIDENTIAL COOPERATIVE

A type of resort or multiple residence in which persons have an ownership interest in the entity which owns the building or buildings and, in addition, a lease or occupancy agreement which entitles them to occupy a particular apartment therein, regardless of whether and in what manner the apartments are managed, leased or otherwise made available for use by persons other than the owners thereof. Interval, time-sharing or other similar forms of ownership and use shall be deemed included in this definition.

RESIDENTIAL MUSEUM

An accessory use to a single-family residence which is devoted to the acquisition, conservation, study, exhibition and educational interpretation of objects, but not the sale of such objects, having

scientific, historical or artistic value or where works of art, scientific specimens or other objects of permanent value are kept and displayed, which is open to the public on a limited basis. In order to qualify as a residential museum, the museum must be approved under IRC Section 501(c)(3).

[Added 7-1-2010 by L.L. No. 6-2010]

RESIDENTIAL PROPERTY

Any lot in any district on which there are located one or more single-family residences as the only principal use or uses on the lot, and any vacant lot in any single-family residential district.

[Amended 9-17-1993 by L.L. No. 28-1993]

RESORT

A land use consisting of:

- A. A motel which, because of the size of any dwelling unit, the existence in any unit or elsewhere on the site of any feature or improvement or any other reason, is not a transient motel as the same is defined herein;
- B. A multiple residence (other than a multiple residence created pursuant to Chapter **193** of the Code in an open space subdivision) which, in whole or in part, is a residential cooperative or residential condominium as the same are defined herein; or
- C. A building or group of buildings which, together with its accessory structures and uses on the site, is any combination, mixture or hybrid of Subsection **A** or **B** above.

RESTAURANT

A use in a building having as its sole purpose the preparation and serving of food for consumption on the premises within furnished dining areas, and including as a possible accessory the serving of alcoholic beverages with meals. Musical entertainment may be permitted with a music entertainment permit issued pursuant to and subject to the regulations contained in Chapter **117** of the Town Code. Outdoor musical entertainment is only allowed from 1:00 p.m. through 9:00 p.m., unless such musical entertainment is part of a "catered affair" as herein defined or part of a mass gathering permit issued pursuant to Chapter **151** of the Town Code. The permanent or temporary removal or relocation of tables and chairs from an establishment to permit dancing or the establishment of an area for dancing shall constitute a nightclub use subject to the applicable provisions of this chapter, unless the event held at the restaurant is approved as a "mass gathering" pursuant to Chapter **151** ("Mass Gatherings") of this Code or is a "catered affair" as defined herein. A "restaurant" shall not be construed to include any form of drive-in, open-front or curbside eating establishment or any form of nightclub or similar entertainment establishment.

[Amended 7-19-2007 by L.L. No. 26-2007; 6-15-2017 by L.L. No. 17-2017]

RESTAURANT, FAST-FOOD, OR RESTAURANT, DRIVE-IN

A use in a building in which food is preprepared and sold over a counter in disposable containers and wrappers, selected from a limited menu for immediate consumption on or off the premises, without table service by waiters or waitresses. A fast-food restaurant may have a drive-in or drive-through service window at which a customer can place an order from a motor vehicle or can receive her purchase at the vehicle. This term shall not include a take-out food store.

[Added 6-15-2017 by L.L. No. 15-2017; amended 5-8-2018 by L.L. No. 4-2018]

RETAIL STORE

A use of land, within a building, in which goods are offered for sale to the general public as takeout items. Goods sold at a "retail store" may include hardware, drugs, food and beverages, furniture and furnishings, apparel, appliances, sporting goods, office products, books or other media, and similar products or merchandise. Minor repair service within the establishment may be undertaken in connection with product sales. See "superstore" and "take-out food store."

[Amended 10-18-1996 by L.L. No. 17-1996; 6-15-2017 by L.L. No. 15-2017; 5-8-2018 by L.L. No. 4-2018]

REVEGETATION

The restoration/reestablishment of the floral component of an ecological community in areas within the Town of East Hampton where some or all of the natural vegetation has been removed. Typically, this process consists of planting indigenous trees and shrubs at a sufficient size and density to mimic an adjoining or nearby plant community in appearance and/or function. Most ecological communities are characterized by woody vegetation but some (i.e., grasslands, tidal marshes, etc.) may be characterized by herbaceous vegetation. Revegetation is distinct from landscaping which frequently utilizes ornamental species in a manner that emphasizes aesthetics over habitat value, natural distribution or ecological function.

[Added 6-8-2004 by L.L. No. 15-2004]

RIDING ACADEMY

A business use of a lot for any of the following purposes: the letting of horses for hire to individuals or groups whether supervised or unsupervised, horseback riding instruction or the holding of horse shows and other equine events on other than a one-time basis. Uses listed under the definition of "horse farm" in this section may also be included, provided that all conditions for the establishment and maintenance of such horse farm use found in this chapter are met.

[Added 8-16-1985 by L.L. No. 8-1985]^[26]

SAND DUNE

See "dune."

[Added 4-13-2007 by L.L. No. 14-2007; amended 9-8-2009 by L.L. No. 23-2009]

SEMIPUBLIC FACILITY

A church, community center, day-care center, geriatric home, hospital, library, museum, cemetery, clinic or medical arts building, fraternal brotherhood hall or lodge, college, university, school, nursery school or any similar nongovernmental building or use impressed with a predominantly public character, and all accessory structures and uses associated therewith.^[27]

SERVICE COMMERCIAL

A place of work for building trade shops or contractors, including but not limited to electrician, plumbing, landscaping, building and construction contractors' shops.

[Added 10-16-1987 by L.L. No. 16-1987]

SETBACK

The distance which this chapter requires be maintained between a property line, natural feature or other described place or thing and the nearest point thereto of any building, structure or other named improvement.

SETBACK LINE

A line parallel to, or concentric with, a property line, natural feature or other place or thing from which this chapter requires a setback, lying always at a distance therefrom equal to such required setback.

SHOOTING

Any kind of repetitive shooting at targets, including trap and skeet, using legally authorized firearms. "Shooting" shall not include the hunting of game birds and animals.

SHORT MOUNTS

Alternatives to monopoles or guyed and lattice towers, such as masts or poles. For example, two poles or three masts might be an alternative to one lattice tower.

[Added 11-1-2002 by L.L. No. 34-2002]

SIGN

That portion of any building or structure or any billboard, signboard, sandwich board, banner, pennant or other temporary or permanent object, shape, device, image or merchandise display used as advertisement, announcement or direction and all text, symbols, shapes, lights, marks, letters or figures affixed thereto, painted thereon or incorporated therein. "Signs" inside of windows

which advertise temporary prices, sales and the like and which are not permanently affixed shall be deemed not to be included in this definition. Any motor vehicle habitually parked so that markings, signboards, merchandise, images, etc., positioned thereon or located therein as business advertising may be viewed from an adjacent street or highway shall be deemed to constitute a "sign." Any vending machine located on premises occupied by a business shall not be deemed a "sign," provided that the same is not illuminated. Illuminated machines shall be deemed "signs" and shall be subject to all provisions set forth in the Town Code regulating signs.
[Amended 6-7-1991 by L.L. No. 11-1991]

SIGN, BILLBOARD

An outdoor sign located elsewhere than upon the same lot upon which the business advertised is located which is not a directional or temporary sign permitted pursuant to this chapter.
[Amended 12-5-2008 by L.L. No. 22-2008]

SIGN, BUSINESS

A sign which directs attention to a business, a public or semipublic facility, a special permit use in a residential district or a realty subdivision and which is located on the property on which the use which it identifies is located.

SIGN, DIRECTIONAL

An off-premises sign displaying the direction and/or distance to a business or realty project.

SIGN, EXTERIOR INTERNALLY ILLUMINATED

An exterior sign illuminated by a light source or light sources enclosed within the sign cabinet.
[Added 10-6-2006 by L.L. No. 27-2006]

SIGN, INFORMATIONAL

A sign displaying the location of, or the direction to, features on the business lot on which the sign is located or marking on-site parking areas, traffic circulation patterns or the like. No sign containing a directory of on-site business, nor any other business sign, shall be considered an "informational sign."

SIGN PERMIT

A type of building permit issued by the Building Inspector and authorizing the erection, construction, reconstruction, alteration or moving of a sign.

SIGN, PROFESSIONAL OR ANNOUNCEMENT

A sign which directs attention to a resident's home, a home occupation or a home professional office.

SIGN, REAL ESTATE OR CONSTRUCTION

A type of temporary sign advertising the availability for sale or rental of a realty subdivision, a parcel of land or a lot or improvements thereto during the period of such availability or describing construction activity or naming a firm doing work related to construction on the premises on which the sign is located during the pendency of such work or construction.
[Amended 12-5-2008 by L.L. No. 22-2008]

SIGN, TEMPORARY

A sign which is erected for a specified duration of time and which is removed immediately upon the conclusion of same.
[Amended 12-5-2008 by L.L. No. 22-2008]

SINGLE-FAMILY RESIDENCE

A residential use of land consisting of a detached and freestanding building, commonly called a "house," designed or arranged for occupancy by one family as defined herein. Modular or prefabricated houses meeting all applicable federal, state and local codes shall be included in this definition. After the effective date hereof, no "single-family residence" shall be erected, constructed,

reconstructed or altered, moved or used except in accordance with §§ 255-11-60 through 255-11-68 of this chapter.^[28]

SITING

The method and form of placement of personal wireless service facilities on a specific area of a subject property.

[Added 11-1-2002 by L.L. No. 34-2002]

SPECIAL EVENT TOURS AND TASTINGS

Preplanned gatherings at a winery, whether or not advertised to the general public, where more than 50 persons are reasonably expected to attend. Such gatherings shall have some substantial economic or educational relationship to the winemaking or agricultural industry. Compare "tours and tastings."

[Added 3-15-1996 by L.L. No. 2-1996]

SPECIAL HISTORIC LANDMARK

An individual property that has been designated as one of the group of special historic landmarks, designated by the East Hampton Town Board pursuant to § 255-7-25A and eligible to have one accessory dwelling unit.

[Added 12-7-2017 by L.L. No. 44-2017]

SPECIALIZED MOBILE RADIO (SMR)

A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier; used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.

[Added 11-1-2002 by L.L. No. 34-2002]

SPECIAL PERMIT USE

Any use of land for which a special permit is required pursuant to Article **V** of this chapter or which is permitted in a particular use district only if a special permit shall have been issued therefor pursuant to Article **V**. An existing land use shall be deemed a special permit use if it would today require a special permit to come into existence in the district in which it is located, notwithstanding that it did not receive or obtain a special permit at its inception. See the use tables^[29] found at § 255-11-10 hereof.^[30]

[Amended 11-15-1996 by L.L. No. 19-1996]

START OF CONSTRUCTION

[Added 9-8-2009 by L.L. No. 23-2009]

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

STORY

That portion of a building which is between one floor level and the next higher floor level or roof. For the purpose of measuring height by stories under the provisions of this chapter, one additional story shall be added for any pilings, piers or other foundation which causes a building to be elevated more than four feet above adjacent natural grade. In the case of a property located in a FEMA flood zone, the area between adjacent natural grade and the minimum required first-floor elevation shall not be considered a story.

[Added 10-16-1987 by L.L. No. 15-1987; amended 3-15-1991 by L.L. No. 4-1991; 12-16-2004 by L.L. No. 36-2004; 11-7-2008 by L.L. No. 21-2008]

STORY, HALF

An attic.

[Amended 3-15-1991 by L.L. No. 4-1991]

STREET

Any federal, state, county, Town or Town Trustee highway or road or any street shown on a subdivision plat filed in the office of the County Clerk or any private road actually providing access to subdivided land; provided, however, that any mapped street or right-of-way, or portion thereof, the abandonment and nonuse of which is called for in a town-approved urban renewal plan, shall not constitute a "street" for the purposes of this chapter.

STREET LINE

The dividing line between a lot and a street right-of-way.

STRUCTURE

Anything, including any building, which is constructed or erected on or under the ground or the water or upon another structure or building, including driveways, walkways, decks, patios (whether or not constructed of brick and sand), parking areas (whether or not surfaced or improved), fences, walls, berms, tennis courts, swimming pools, sewage disposal and drainage devices, bulkheads, jetties, docks, piers and any other improvement, fabrication, impervious surface or other construction, whether or not intended to be temporary, seasonal or permanent. See "building." For the purposes of implementing the regulations of the Flood Hazard Overlay District, a "structure" shall mean a walled and roofed building, including a gas or liquid storage tank, that is principally above the ground, as well as a manufactured home.

[Amended 3-15-1991 by L.L. No. 4-1991; 11-15-1996 by L.L. No. 19-1996; 9-8-2009 by L.L. No. 23-2009]

STUDIO, EXERCISE

A building or that portion thereof intended to provide members of the public with facilities for exercises, aerobics, fitness training, dance, martial arts, self-defense or instruction thereof.^[31]

[Added 2-4-1994 by L.L. No. 1-1994]

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

[Added 9-8-2009 by L.L. No. 23-2009]

SUBSTANTIAL EXPANSION

See "expansion, substantial."

[Added 5-15-1998 by L.L. No. 20-1998]

SUBSTANTIAL IMPROVEMENT

See "expansion, substantial."

[Added 10-16-1987 by L.L. No. 15-1987]

SUPERMARKET

Any retail store, operation or enterprise in which food, beverages and household goods constitute the predominant goods offered for sale, and which retail store, operation or enterprise occupies a combined gross floor area of 10,000 square feet or more, whether housed in all or part of a single building or in all or parts of multiple buildings. For the purposes of this definition, a retail business housed in multiple buildings on the same lot or on adjacent lots shall be considered a single retail store, operation or enterprise, if the business or businesses within the individual buildings are owned, operated or controlled by a single entity, either directly or through affiliates. Compare "superstore."

[Added 10-18-1996 by L.L. No. 17-1996; amended 10-19-1999 by L.L. No. 27-1999]

SUPERSTORE

Any retail store, operation or enterprise, which retail store, operation or enterprise has a combined gross floor area of 10,000 square feet or more, whether housed in all or part of a single building or in all or parts of multiple buildings. For the purposes of this definition, a retail business housed in multiple buildings on the same lot or on adjacent lots shall be considered a single retail store, operation or enterprise, if the business or businesses within the individual buildings are owned, operated or controlled by a single entity, either directly or through affiliates. In addition, any building whose gross floor area equals or exceeds 10,000 square feet shall be considered a "superstore" if it contains one or more retail stores, including supermarkets, even if the building also contains a use or uses not classified as retail stores. See "retail store" and "supermarket."

[Added 10-18-1996 by L.L. No. 17-1996; amended 10-19-1999 by L.L. No. 27-1999]

SWIMMING POOL

A structure containing an artificial body of water, which is greater than six feet long or wide and greater than 18 inches in depth at any point. Natural or man-made ponds all banks of which have a slope of less than 45° shall not be included in this definition.

SWIMMING POOL, PORTABLE

A type of prefabricated aboveground swimming pool which is not installed on a foundation and which is readily capable of being moved from one place to another.

[Added 6-19-1997 by L.L. No. 21-1997]

TAKE-OUT FOOD STORE

A retail store wherein food and/or beverages are prepared, served and sold over a counter for immediate consumption primarily off premises and which may have a customer sitting area. A customer sitting area shall be limited to no more than 16 seats to eat within or outside of the establishment at one time. A retail take-out food store includes, but is not limited to, delicatessens, ice cream parlors, bakeries, tea/coffee houses and specialty gourmet shops. A retail take-out food store excludes restaurants, fast-food restaurants, drive-in or drive-through restaurants, bars and taverns.

[Added 6-15-2017 by L.L. No. 15-2017; amended 5-8-2018 by L.L. No. 4-2018]

TASTING ROOM

A building or portion thereof which is accessory to a winery and in which tours and tastings, as defined herein, are conducted. The building containing the "tasting room" may be attached to or detached from the building or buildings in which wine is processed.

[Added 3-15-1996 by L.L. No. 2-1996]

TAVERN

See "bar or tavern."^[32]

[Added 11-15-1996 by L.L. No. 19-1996]

TEMPORARY LIGHTING

Lighting which is used for a specified purpose and for a limited time and is removed thereafter. The length of time that temporary lighting is to be used is not longer than 90 consecutive days in any calendar year. "PAR" bulbs, spotlights and floodlights are not considered temporary lighting.

[Added 10-6-2006 by L.L. No. 27-2006]

THIRTY-DAY INSURANCE COMPANY LETTER

A letter from the landowner's insurance company which requires certain lighting be maintained on a property or insurance coverage will be denied or discontinued.

[Added 7-3-2014 by L.L. No. 21-2014]

TIDAL WATERS

The Atlantic Ocean and any sound, bay, harbor, creek, or other body of salt or brackish water lying within the bounds of the Town, including all waters within the Town which are regularly or periodically subject to fluctuations in depth due to normal tidal action or peak lunar tides, and all lands beneath the same.

[Amended 4-13-2007 by L.L. No. 14-2007]

TIERING

A way of placing personal wireless service facility applications in one of three categories:

[Added 11-1-2002 by L.L. No. 34-2002]

- A. Tier One: Personal wireless service facilities on new or existing utility poles or existing primary support structures.
- B. Tier Two: Personal wireless service facilities on preexisting structures that were legally permitted previously by the Town of East Hampton.
- C. Tier Three: Personal wireless service facilities on new monopoles, lattice towers or guyed towers, regardless of height or design for co-location.

TOURS AND TASTINGS

Tours of a winery and/or tastings of wine made on the premises of such winery. "Tours and tastings" shall also include the wholesale and retail sale from the winery of wine made on premises, consistent with state and federal regulations, and the retail sale of wine associated products such as decanters, wineglasses, corkscrews, items for the storage and display of wine, books on winemaking and the region and other items which are reasonably related to the winery and which bear the insignia of the vineyard. Compare "special event tours and tastings."^[33]

[Added 3-15-1996 by L.L. No. 2-1996]

TOWN CHIEF INVESTIGATOR

Any Town employee appointed as "Town Chief Investigator" pursuant to the provisions of Chapter 45 of the Town Code.

[Added 5-17-2001 by L.L. No. 7-2001]

TOWN TRUSTEES (or TRUSTEES)

The Trustees of the Freeholders and Commonalty of the Town of East Hampton, the independent public body established pursuant to a patent granted by Governor Thomas Dongan in 1686.

[Added 12-18-1997 by L.L. No. 38-1997; amended 4-13-2007 by L.L. No. 14-2007]

TREE UPLIGHTING

Lighting which is used specifically to illuminate trees on a residential lot. The total amount of light from the fixture(s) illuminating each tree should not exceed 1,000 initial lumens (roughly one incandescent seventy-five-watt bulb) and shall be as close to the tree as possible. The light fixture as designed and installed must project all its light above the horizontal plane and be aimed directly at the tree. The light source must not be visible across the property line and must be extinguished by 12:00 a.m.

[Added 10-6-2006 by L.L. No. 27-2006; amended 7-3-2014 by L.L. No. 21-2014]

TRUCK TERMINAL

A truck depot or similar commercial road freight facility at which goods carried for hire for third parties are loaded or off-loaded, together with all related facilities including parking areas. This term shall also include a storage yard for trucks used in such business if the yard includes administrative offices and/or fueling facilities.^[34]

[Added 12-18-1997 by L.L. No. 39-1997]

TWO-FAMILY RESIDENCE

A form of multiple residence in which two families may lawfully occupy and reside in the residence. An affordable accessory apartment established in accordance with § 255-11-63 shall not be deemed included in this definition.

[Amended 11-15-1996 by L.L. No. 19-1996; 5-4-2007 by L.L. No. 18-2007]

UNDERWATER LAND

Land which is ordinarily submerged beneath the waters of a brook, run, creek, or pond, or other watercourse or body of freshwater, and all land lying seaward of the mean high-water line of any tidal waters.

[Amended 4-13-2007 by L.L. No. 14-2007]

UNLICENSED WIRELESS SERVICES

Commercial mobile services that operate on frequencies that require no FCC license.

[Added 11-1-2002 by L.L. No. 34-2002]

UPLAND

All land which is neither wetlands nor underwater land as defined herein.

UPLIGHTING

Lighting which is directed above the horizontal plane.

[Added 10-6-2006 by L.L. No. 27-2006]

URBAN RENEWAL PLAN

Any plan duly adopted and amended by the Town Board pursuant to Article 15 of the General Municipal Law wherein proposed lot line configurations, easements, road abandonments or other elements are depicted, which configurations and/or elements must be conformed to by property owners in order to qualify for building permits on the lots involved. This definition shall include, but shall not be limited to, those "urban renewal plans" superimposed on certain old filed subdivision maps pursuant to Local Law No. 2 of 1976.^[35]

UTILITY-POLE-MOUNTED LIGHT

A lighting fixture which is installed on a pole owned or maintained by a public utility, but which is designed or intended to illuminate private property.

[Added 10-6-2006 by L.L. No. 27-2006]

VARIANCE, AREA

A modification of the requirements of this chapter by the Zoning Board of Appeals (i.e., the grant of relief from those requirements), so as to authorize the use of land in a manner which is not allowed by the dimensional or physical requirements of this chapter. See New York Town Law § 267, Subdivision 1(b).

[Added 11-15-1996 by L.L. No. 19-1996; amended 9-8-2009 by L.L. No. 23-2009]

VARIANCE, USE

A modification of the requirements of this chapter by the Zoning Board of Appeals (i.e., the grant of relief from those requirements), so as to authorize the use of land for a purpose which is otherwise not allowed or is prohibited by the use regulations of this chapter. See New York Town Law § 267, Subdivision 1(a).

[Added 11-15-1996 by L.L. No. 19-1996]

VEHICLE

Any motor vehicle as defined by § 125 of the Vehicle and Traffic Law.

WALL

A solid, opaque (as defined herein) structure, made of wood, stone or other materials, or combination thereof, intended for defense, security, screening, limitation of access, enclosure, or

for the retention of earth, stone, water, fill or other materials, including all manner of retaining walls and bulkheads.

[Amended 6-14-2001 by L.L. No. 11-2001]

WATERCOURSE

Any natural or man-made water body other than tidal waters and any ordinary surface water drainage channel, whether wet or dry on any particular occasion, including any freshwater brook, run, spring, dreen, creek, rain runoff course or channel, and any permanent or seasonal pond, whether natural or man-made. The underwater land beneath the foregoing water bodies shall be deemed included in this definition. Artificial lined ponds of less than one acre in size which are not situate in the groundwater table shall be deemed excluded from this definition.

[Amended 4-13-2007 by L.L. No. 14-2007]

WATER-DEPENDENT USE

A use which cannot be conducted or perform its intended purpose unless it is located or carried out in close proximity to water, such as docking or servicing of boats, unloading of fish, shipbuilding or the like.

[Added 10-16-1987 by L.L. No. 15-1987]

WETLANDS

All natural and man-made tidal wetlands, freshwater wetlands, and underwater lands as defined herein, including all swamps, bogs, kettlehole bogs and the like, regardless of the particular types or amounts of vegetation growing thereon or therein or the absence of same. Artificial lined ponds of less than one acre in size which are not situate in the groundwater table shall be deemed excluded from this definition.

[Amended 4-13-2007 by L.L. No. 14-2007]

WETLANDS, FRESHWATER

All lands lying within the boundaries of any watercourse; all fresh marshes, swamps, bogs, kettlehole bogs and the like, regardless of the particular types or amounts of vegetation growing thereon or therein or the absence of same; and all lands upon which grow one or more of the following plant species or associations: red maple, tupelo, black willow, shining willow, Atlantic white cedar, swamp cottonwood, swamp azalea, sweet pepperbush, winterberry holly, leatherleaf, swamp sweetbells, sheep laurel, cranberries, skunk cabbage, jack-in-the-pulpit, cinnamon fern, royal fern, marsh fern, chain ferns, sensitive fern, wetland sedges (*Carex* species), wetland bulrushes (*Scirpus* species), wetland spike rushes (*Eleocharis* species), wetland soft rushes (*Juncus* species), wetland beak rushes (*Rhynchospora* species), wetland grasses (e.g., *Phragmites*), wetland and aquatic herbs, cattails and sphagnum moss. This term shall also be deemed to include all freshwater wetlands lying within the Town of East Hampton, exclusive of the incorporated villages therein, which are shown or designated on the Freshwater Wetlands Map for Suffolk County, promulgated by the New York State Department of Environmental Conservation, effective May 26, 1993, as the same may be from time to time amended.

[Amended 7-2-1993 by L.L. No. 18-1993]

WETLANDS, TIDAL

All lands lying in the area inundated by tidal action and/or peak lunar tides; all lands exhibiting salt marsh peat and saline or brackish soils at their undisturbed surface; all estuaries, salt meadows, tidal flats, and littoral zones; and all lands upon which grow one or more of the following plant species or associations: salt marsh hay (*Spartina patens*), spike-grass (*Distichlis spicata*), black grass (*Juncus gerardi*), saltwater cordgrass (*Spartina alterniflora*), saltwort, glasswort (*Salicornia* species), sea lavender (*Limonium carolinianus*), salt marsh bulrush or chairmaker's rush (*Scirpus* species), sand spurry (*Spergularia marina*), groundsel bush (*Baccaris halimifolia*), high tide bush or marsh elder (*Iva frutescens*), cattail (*Typha* species), spikerush (*Eleocharis* species), bent grass (*Agrostis* species), rockweed (*Fucus* species), reed (*Phragmites* species), marsh pink (*Sabatia* species), sea blite (*Suaeda* species), umbrella sedges (*Fimbristylis* species), marsh mallow (*Hibiscus* species), and *Triglochin* species. Lands lying within or beneath tidal waters shall also be

deemed to be "tidal wetlands," regardless of the type or amount of vegetation growing thereon or the absence of the same.

[Amended 4-13-2007 by L.L. No. 14-2007]

WIND ENERGY SYSTEM

An accessory structure designed, constructed or erected in accordance with the provisions of Chapter **249** of this Code to convert wind energy to mechanical or electrical power.

WINERY

An agricultural processing facility which ferments and processes grape juice, made primarily from grapes grown in Suffolk County, New York, into wine or which referments still wine, made primarily from grapes grown in Suffolk County, New York, into sparkling wine, and which at all times holds a valid farm winery license from the State of New York. A "winery" may also include a tasting room as defined herein.

[Added 3-15-1996 by L.L. No. 2-1996]

WORK ENVELOPE

The only area on a lot or parcel of land on which a specified activity, construction, work or use is permitted by a natural resources special permit to take place.

[Added 3-15-1991 by L.L. No. 4-1991]

YARD, FRONT

An area within a lot, adjoining a front lot line and extending into the lot therefrom, within which certain principal or accessory structures are prohibited by the dimensional tables^[36] found at Article **XI** of this chapter. A front yard extends from side lot line to side lot line in the case of an interior lot. Lots which have more than one front lot line (e.g., corner lots) shall have a front yard for each front lot line.

[Amended 11-15-1996 by L.L. No. 19-1996]

YARD, REAR

An area within a lot, adjoining a rear lot line and extending into the lot therefrom, within which certain principal or accessory structures are prohibited by the dimensional tables found at Article **XI** of this chapter. A rear yard extends from side lot line to side lot line in the case of an interior lot.

[Amended 11-15-1996 by L.L. No. 19-1996]

YARD, REQUIRED

The area within a lot, adjoining any lot line and extending into the lot therefrom, within which principal or accessory buildings and structures are prohibited by the minimum yard or yard setback requirements listed in the tables of dimensional regulations found at Article **XI** of this chapter. A required yard is all of the area between a given lot line and the setback from that lot line which is specified in the dimensional regulations. See "setback line," "front yard," "rear yard" and "side yard."

[Amended 11-15-1996 by L.L. No. 19-1996]

YARD, SIDE

An area within a lot, adjoining a side lot line and extending into the lot therefrom, within which certain principal or accessory structures are prohibited by the dimensional tables found at Article **XI** of this chapter. A side yard extends through the lot from the front yard, if one exists, to the rear yard. Flag lots have side yards abutting each lot line.

[Amended 11-15-1996 by L.L. No. 19-1996]

[1] *Editor's Note: These figures are kept on file in the Town Housing Office.*

[2] *Editor's Note: These figures are kept on file in the Town Housing Office.*

[3] *Editor's Note: The former definition of "applicant," added 11-1-2002 by L.L. No. 34-2002, which immediately followed this definition, was repealed 12-5-2003 by L.L. No. 40-2003.*

[4] *Editor's Note: The definition of "area of shallow flooding," added 10-16-1987 by L.L. No. 15-1987, which immediately followed this definition, was repealed 5-15-1998 by L.L. No. 20-1998.*

[5] *"This local law" refers to L.L. No. 23-2009, adopted 9-8-2009.*

- [6] *Editor's Note: The definition of "automobile laundry, which immediately followed this definition, was repealed 12-2-1994 by L.L. No. 13-1994.*
- [7] *Editor's Note: The former definition of "camouflage," as added 11-1-2002 by L.L. No. 34-2002, which immediately followed was repealed 12-5-2003 by L.L. No. 40-2003.*
- [8] *Editor's Note: The former definition of "co-applicant," as added 11-1-2002 by L.L. No. 34-2002, which immediately followed was repealed 12-5-2003 by L.L. No. 40-2003.*
- [9] *Editor's Note: The former definition of "conceal," as added 11-1-2002 by L.L. No. 34-2002, which immediately followed, was repealed 12-5-2003 by L.L. No. 40-2003.*
- [10] *Editor's Note: This local law also provided for temporary exemptions as follows:*
- "Notwithstanding any other provision of this Local Law, parcels of land that have met one of the following requirements by December 15, 2016 shall be exempt from meeting the provisions of this local law:*
- 1) An application submitted to the Building Department for a Building Permit requiring no other Town Approvals.*
 - 2) A valid building permit.*
 - 3) An application submitted to the Zoning Board of Appeals, Planning Board or Architectural Review Board.*
 - 4) An approval from the Zoning Board of Appeals, Planning Board or Architectural Review Board."*
- [11] *Editor's Note: The former definition of "design," as added 11-1-2002 by L.L. No. 34-2002, which immediately followed this definition, was repealed 12-5-2003 by L.L. No. 40-2003.*
- [12] *Editor's Note: The former definition of "disguise," as added 11-1-2002 by L.L. No. 34-2002, which immediately followed this definition, was repealed 12-5-2003 by L.L. No. 40-2003.*
- [13] *Editor's Note: The former definition of "fast-food restaurant or drive-in restaurant," as amended, which immediately followed this definition, was repealed 6-15-2017 by L.L. No. 15-2017.*
- [14] *Editor's Note: This local law also provided for temporary exemptions as follows:*
- "Notwithstanding any other provision of this Local Law, parcels of land that have met one of the following requirements by the Town Board adoption of this Local Law shall be exempt from meeting the provisions of this local law:*
- 1) An application submitted to the Building Department for a Building Permit requiring no other Town Approvals.*
 - 2) A valid building permit.*
 - 3) An application submitted to the Zoning Board of Appeals, Planning Board or Architectural Review Board.*
 - 4) An approval from the Zoning Board of Appeals, Planning Board or Architectural Review Board."*
- [15] *Editor's Note: The definition of "highest adjacent grade," added 10-16-1987 by L.L. No. 15-1987, which immediately followed this definition, was repealed 5-15-1998 by L.L. No. 20-1998.*
- [16] *Editor's Note: Appendix L1 appears at the end of this chapter.*
- [17] *Editor's Note: The former definition of "light fixture, full cutoff," added 10-6-2006 by L.L. No. 27-2006, which immediately followed this definition, was repealed 7-3-2014 by L.L. No. 21-2014.*
- [18] *Editor's Note: Appendix L1 appears at the end of this chapter.*
- [19] *Editor's Note: Appendix L2 appears at the end of this chapter.*
- [20] *Editor's Note: "This local law" refers to L.L. No. 23-2009, adopted 9-8-2009.*
- [21] *Editor's Note: The former definition of "location," as added 11-1-2002 by L.L. No. 34-2002, which immediately followed was repealed 12-5-2003 by L.L. No. 40-2003.*
- [22] *Editor's Note: "This local law" refers to L.L. No. 23-2009, adopted 9-8-2009.*
- [23] *Editor's Note: The former definition of "mitigation," as added 11-1-2002 by L.L. No. 34-2002, which immediately followed was repealed 12-5-2003 by L.L. No. 40-2003.*
- [24] *Editor's Note: The former definition of "modification," as added 11-1-2002 by L.L. No. 34-2002, which immediately followed this definition, was repealed 12-5-2003 by L.L. No. 40-2003.*
- [25] *Editor's Note: Appendix L2 appears at the end of this chapter.*
- [26] *Editor's Note: The former definition of "security barrier," as added 11-1-2002 by L.L. No. 34-2002, which immediately followed was repealed 12-5-2003 by L.L. No. 40-2003.*

- [27] *Editor's Note: The former definition of "separation," as added 11-1-2002 by L.L. No. 34-2002, which immediately followed was repealed 12-5-2003 by L.L. No. 40-2003.*
- [28] *Editor's Note: The former definition of "site," added 11-1-2002 by L.L. No. 34-2002, which immediately followed this definition, was repealed 12-5-2003 by L.L. No. 40-2003.*
- [29] *Editor's Note: The use tables are included as an attachment to this chapter.*
- [30] *Editor's Note: The former definition of "standards," added 11-1-2002 by L.L. No. 34-2002, which immediately followed this definition, was repealed 12-5-2003 by L.L. No. 40-2003.*
- [31] *Editor's Note: The former definition of "subject property," as added 11-1-2002 by L.L. No. 34-2002, which immediately followed, was repealed 12-5-2003 by L.L. No. 40-2003.*
- [32] *Editor's Note: The former definition of "technology," added 11-1-2002 by L.L. No. 34-2002, was repealed 12-5-2003 by L.L. No. 40-2003. The former definition of "tennis court" was repealed 7-7-2000 by L.L. No. 14-2000. See now the definition of "playing court." These definitions immediately followed this definition of "tavern."*
- [33] *Editor's Note: The former definition of "transportation terminal," added 10-16-1997 by L.L. No. 15-1987, which immediately followed this definition, was repealed 12-18-1997 by L.L. No. 40-1997.*
- [34] *Editor's Note: The former definition of "trustee waters and/or trustee beaches," added 12-18-1997 by L.L. No. 38-1997, was repealed 2-10-1998 by L.L. No. 6-1998.*
- [35] *Editor's Note: See Ch. 232, Art. I, Urban Renewal Treatment of Old Filed Maps. The definition of "variance," which immediately followed this definition, was repealed 11-15-1996 by L.L. No. 19-1996.*
- [36] *Editor's Note: The tables of dimensional regulations are in at the end of this chapter.*