

Submitted: 1/18/22

Received: 1/20/22

Public Hearing: _____

Adopted: _____

Effective date: _____

Deleted language is [~~struck out and in brackets~~]; New language is underlined.

§5 DEFINITIONS

5-2 Specific Terms

Except as otherwise stated, or as the context may otherwise require, the following words, for the purpose of these regulations, shall be defined as follows:

Public Art:

Publicly accessible installations of original works of art displayed primarily for public viewing and appreciation located on public or private property. They are to be tangible, two- and three dimensional objects created by an artist through the application of artistry, technical skills, and imagination and may take a variety of forms such as sculpture, murals, photography, an artifact, or be a memorial, monument, or fountain. They may be composed of such media as stone, metal, glass, plastic, ceramic, paint, and may feature hard or soft landscaping components.

An §8-24 municipal improvement review by the Planning and Zoning Commission is required prior to any outside Public Art installation on Town-owned property.

Structure:

Anything constructed or erected which requires location on the ground and or/ attachment to or placement on something having a location on the ground. Except as otherwise indicated, "Structures" as used in these regulations shall be deemed to include buildings, parapets, turrets, ground-mounted and roof top mechanical units, swimming pools, tennis courts, towers, paddle or platform tennis courts, balconies, open entries, porches, decks, signs, permanent awnings, ground mounted antennas, ground mounted solar panels, satellite dishes, flagpoles and fences or walls more than eight (8) feet in height and a gas or liquid storage tank that is principally above ground. (See §32-7.4 for rooftop dishes)

Any structure, such as a deck or porch, attached to a building shall be deemed to be part of the building, except for a Non-Residential Balcony. ([795](#), 07/01/2021; [800](#), 11/19/2021)

Ground-mounted mechanical units, such as air conditioning compressors, shall not be deemed structures for purposes of coverage, for permitted uses, (as distinct from special permit uses) in residence districts. Patios or terraces shall not be deemed structures for purposes of coverage but shall adhere to all required setbacks. If the patio/terrace is 3 feet or more above adjacent grade at any point, such as with a retaining wall, it will be included in total coverage. (See patio or terrace definition). Handicapped ramps, platform lifts necessary for ADA compliance and temporary signs as specified in §33-5 are not considered structures. Access stairs required by a public utility and no larger than 50 square feet are not considered structures. Bus Shelters are not considered structures for purposes of coverage and setbacks. A Non-Residential Balcony as defined in §5-2, shall not be considered a structure for purposes of Building Coverage. A Non-Residential Balcony as defined in §5-2 shall not be considered a structure when located in the Rear setback facing the Saugatuck River. For those properties that qualify for a Non-Residential Balcony, but have no Rear setback, a Non-Residential Balcony shall not be considered a structure when located in a Side setback facing the Saugatuck River. ([795](#), 07/01/2021; [800](#), 11/19/2021) **Public Art shall not be deemed a structure for purposes of coverage but shall adhere to all required setbacks.**

An arbor or pergola is considered a structure if it has any type of roof or covering or a deck or patio floor or is over 8 feet in height.