

Section III Definitions

Except where specifically defined herein all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

Abutting

Touching at some point or line or as otherwise defined by General Laws.

Accessory Structure

A structure devoted exclusively to a use accessory to a main use of the lot.

Accessory Use

A use customarily incident to, and on the same lot as, a main use.

Adult Bookstore

Establishment having thirty (30) percent or more of its stock in trade books, magazines, photographs videos, computer software, computer discs, laser discs and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in Chapter 272, Section 31 of the Massachusetts General Laws, (M.G.L.).

(Amended: Article IX, May 19, 1997 Special Town Meeting)

Adult Motion Picture Theatre

An enclosed building used for presenting material distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in Chapter 272, Section 31 of the Massachusetts General Laws.

(Amended: Article IX, May 19, 1997 Special Town Meeting)

Adult Paraphernalia Store

An establishment having thirty (30) percent or more of its stock in trade devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, conduct sexual or sexual excitement as defined in Chapter 272, Section 31 of the Massachusetts General Laws.

(Amended: Article IX, May 19, 1997 Special Town Meeting)

Adult Video Store

An establishment having thirty (30) percent or more of its stock in trade videos, movies, computer software computer disc, laser discs or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in Chapter 272, Section 31 of the Massachusetts General Laws.

(Amended: Article IX, May 19, 1997 Special Town Meeting)

Adjacent

Abutting or separated only by a street.

Agricultural Structure

Any building engaged in Agricultural Use as defined within.

(Amended: Article XXI, October 24, 2005 Special Town Meeting)

Agricultural Use

The use of land for agricultural purposes, including farming, dairying, the raising and boarding of no more than four horses, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities, but excluding the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

(Amended: Article XXVI, October 24, 2005 Special Town Meeting)

Buildable Area

That portion of a lot which is not located within the flood plain district or within any wetland governed by G.L. Chapter 131, Section 40 or the Rochester Wetlands Protection By-Laws, as these may be in effect from time to time.

(Amended: Article XXI, June 7, 2004 Annual Town Meeting)

(Amended: Article XXI,I June 4, 2001 Annual Town Meeting)

Building Area Ratio

A number expressed as a decimal; the relation of the total building area to the total land area.

Building Permit

A permit issued by the building inspector required for any construction, reconstruction, alteration, repair, removal or demolition of any structure which provides the town with a means of assuring that all plans for work are in accordance with the building codes and zoning regulations.

Certificate of Occupancy

The final permit required from the town before any use of structure may be occupied; issued by the Inspector of Buildings; a means of assuring that all work has been completed in accordance with plans approved for building permits, and that all work conforms to the requirements of all building, zoning and health regulations of the town.

Drive-in Restaurant, or Fast Food Establishment

Any place or premises used for sale, dispensing, or serving of food, refreshments where customers may serve themselves and may eat or drink food, refreshments or beverages in automobiles and including establishments intended for large volume of fast service with on-or-off premises consumption, which, because of the nature of sales, operation or market serviced, cause a large volume or frequent turnover of vehicular traffic.

Dwelling

A building designed or used as one or more dwelling units.

Dwelling, Multifamily

A building designed or used as a dwelling for two or more families.

Dwelling, Single Family

A detached building designed or used as a dwelling unit for one family.

Dwelling Unit

A room or group of rooms forming a habitable unit for one family with the facilities which are used or intended to be used for living, sleeping, cooking and eating.

Family

One or more persons occupying a dwelling unit and living as a nonprofit, single housekeeping unit.

Farm

Any track of land without a dwelling used for the production of crops or raising and/or keeping of livestock.

Farm Stand (also referred to as an Accessory Structure)

Any accessory structure more than 80 square feet in floor area used for the sale of produce, wine and dairy products provided that a minimum of 25% of such product(s) for sale, based on gross sales dollars, were produced on land within the Town of Rochester and at least an additional 50% of such product(s) for sale, based upon gross sales dollars, were produced in Massachusetts.

(Amended Article 4, Special Town Meeting, November 25, 2013)

Filling Station or Service Station

Building and premises where gasoline, oil, grease and automobile accessories are supplied and dispensed and where in addition minor or routine servicing and repair may be performed such as, replacement of fan belts, spark plugs, ignition parts, tire repairs, etc.

Floor Area

The sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior faces of the exterior walls.

Frontage

Is measured in one continuous line at the minimum building setback line parallel to or concentric with the street, as defined in this By-law, and excluding that portion on the Building setback line which is closer than 60 feet from adjacent parallel or concentric property lines provided that the measurement at the street line is at least 75% of the requirement for the applicable district.

*(Amended: Article XVII, October 24, 2005 Special Town Meeting)
(Amended: Article XXII, June 4, 2001 Annual Town Meeting)*

Garage

Where the word "garage" is used without a modifying adjective a building or portion thereof in which is housed or stored one or more motor vehicles.

Guest House

An accessory building for transient guests having no kitchen facilities.

Height

The building height is the vertical height at the highest point of the roof beams. The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, flagstaffs, railings, vent soil pipes and other accessory features usually erected above the roof.

Home Occupation

An occupation or profession which is customarily carried on in a dwelling or in a building or other structure accessory to a dwelling and is carried on by a member of the resident family and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Lot

An area of land in one ownership with definite boundaries recorded in the registry of deeds or in the land court, also referred to as a plot or parcel.

Major Farm Building

A building with a floor area of over six hundred seventy-five feet (675')

(Amended: Article XXI, June 5, 2000 Annual Town Meeting)

Major Residential Development

The creation of ten or more lots (excluding any restricted from residential use) by subdivision or otherwise or the development of ten or more dwelling units, in either case within a five year period on land in common ownership as of the effective date of this provision.

(Amended: Article VI, November 27, 2000 Special Town Meeting)

Manufacturing

Processing and converting of raw, unfinished or finished materials or products or any of these with an article or substance of a different character, or for use for a different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

Maximum Floor Area Ratio Percent

The ratio of Floor Area as defined herein to total area of the lot, stated as a percentage.

(Amended: Article XXI, May 18, 2009 Annual Town Meeting)

Maximun Impervious Surface

The area covered with buildings, paving of any kind and all ground covering material impervious to water.

(Amended: Article XXI, May 18, 2009 Annual Town Meeting)

Medical Marijuana Treatment Center

A not-for-profit entity, as defined by Massachusetts law only, registered under Massachusetts law [Chapter 369 of the Acts of 2012], that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

(Amended: Special Town Meeting November 25, 2013 Article 6)

Mixed Use Development

A development that combines residential with retail or service uses within the same building or on the same site.

(Amended: Article 20, June 8, 2015 Annual Town Meeting)

Mobile Home

The words "mobile home" shall mean a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities and to be installed on a permanent foundation for permanent living quarters. (Chapter 140, Section 32A, G.L.)

Nude Dancing Establishment

An establishment that features male or female nudity as defined in Section 31 of Chapter 272 of MGL

(Amended: Article IX, May 19, 1997 Special Town Meeting)

Open Space

Implies usable open space, and includes the part or parts of a lot or development intended and designed as functional or visual buffer areas or for outdoor use by the occupants of the lot or development for recreation; including but not limited to natural wooded or open areas, gardens, lawns, free from automotive traffic, parking except that which is incidental to the open space uses, and readily accessible.

Person

Includes a firm, association, organization, partnership trust, company or corporation as well as an individual.

Personal Wireless Service Facilities

Antennas used by wireless communication service carriers to broadcast or receive the radio frequency-waves which carry their services, the mounting structures (including towers) upon which such antennas are placed, the equipment shelters ancillary to those facilities, and the premises upon which those facilities are located in providing personal wireless services, as defined under the Federal Telecommunications Act of 1996 (47 USC 332 (c)).

(Amended: Article V, November 27, 2000 Special Town Meeting)

Plan

Any drawings, charts, descriptive text or other documents necessary for suitable description of a proposed use and required as part of the application process for various permits.

Private Pool

Any pool intended to be used primarily for swimming and designated for the use only of the occupants of one or two-family dwelling and/or their guest.

Public Pool

Any pool intended to be used primarily for swimming and not a private pool.

Roadside Stand

An accessory structure for the sale of articles grown or produced in the Town of Rochester.

(Amended Article 4, Special Town Meeting, November 25, 2013)

Setback

Required distance from street or property lines.

Shall

Is mandatory, and may is permissive.

Street

Any way accepted by vote of the town meeting and/or shown on plans approved by the planning board.

Street Line

The dividing line between a street and a lot; in the absence of a county layout or planning board approved street layout, the street line shall be a line twenty-five feet from the center line of accepted street.

Structure

A combination of materials assembled at a fixed location to give support or shelter and as defined in state building code.

Structure Placement Area

That portion of a lot, which remains after providing for required yard areas.

(Amended: Article XXI, June 7, 2004 Annual Town Meeting)

Temporary Occupancy

Dwelling during construction of a permanent dwelling.

Trailer

Any of the various types of vehicles which generally depend upon a motor vehicle for mobility and which are used for human habitation or for business purposes, and which are or can be mounted on wheels, but excluding vehicles used for the transportation of materials, products or animals.

Trailer Transportation

Any vehicle which is used for transportation or storage of goods, materials, machinery, boats or animals.

Yard Area

Any open space located on the same lot with a structure unoccupied and unobstructed from the ground up, except for accessory structures or such projections as are expressly permitted in these regulations.

Yard, Front

A yard extending across the full width of the lot between the front lot line and the nearest point of the front wall of the main structure.

Yard, Rear

An open space extending across the full width of the lot between the rear lot line and the nearest point of the rear wall of the main structure.

Yard, Side

A yard extending from the front yard to the rear yard between the side lot line and the side foundation wall of the main structure.

Zone

One of the districts into which the town is divided for the purpose of regulating various land uses.