

**Chapter 250: Zoning**  
**Article IV Area and Bulk Regulations**

**§ 250-18 Existing lots of record.**

- A. Nothing contained herein shall prevent or prohibit the use of a nonconforming lot or [1]existing lot of record, as those terms are defined in Article VIII of this chapter, of less than the prescribed lot area, lot width or lot frontage for the district in which it is located, provided that:
- (1) Such lot may not be used for more than one dwelling unit and its associated accessory structures.
  - (2) Such use shall satisfy all applicable requirements of the Town of Clinton Town Code and the Dutchess County Department of Behavioral and Community Health.
  - (3) Such use shall satisfy the New York State Departments of Health and Environmental Conservation for potable water supply and sewage disposal facilities.
  - (4) All other area and bulk regulations for that district shall be met.
  - (5) If created after June 12, 1962, the lot is part of subdivision plat approved by the Town of Clinton Planning Board in accordance with Chapter 206, Subdivision of Land, and filed in the office of the Dutchess County Clerk in a timely manner pursuant to Town Law.
- B. Any lands that may be described separately, but are part of a single deed or which have not been duly approved as separate building lots by the Planning Board and filed as separate lots in the office of the Dutchess County Clerk, whether or not they are separate lots for property tax purposes, require subdivision under the provisions of this chapter.

**§250-19. Minimum lot area per dwelling unit or establishment.**

- A. In all districts where residences are permitted, a lot may only be improved for residential use in accordance with the minimum lot area and related bulk regulations for the district as set forth in the District Schedule of Area and Bulk Regulations, except as provided in §250-18 above regarding existing lots of record, or as provided in §250-42 of this chapter regarding residential cluster development in accordance with Chapter 206, Subdivision of Land, and §281 of the Town Law. Further, each new lot shall be a Buildable Lot as that term is defined in this chapter. If two or more principal residential structures or if a single structure containing two or more dwelling units is located or proposed to be located on the same lot, except for residential conversion authorized under this chapter by special use permit, the minimum lot area per dwelling unit requirement must be

complied with, and all other requirements of the law and other applicable laws, rules and regulations must be strictly met. Further, a residential lot of required or greater than required area as set forth in this chapter shall not be reduced in area for transfer of ownership if such lot so divided will form any lot which shall be less than the minimum lot area required in that district or for the existing use.

- B. In all districts, except Hamlet or Residential Hamlet Districts, the minimum acreage required for each principal use other than for a dwelling unit shall be the same as the minimum acreage for a single dwelling unit in that district, as set forth in the District Schedule of Area and Bulk Regulations, except as otherwise provided in Articles III, IV and V for that principal use. In H and RH Districts, the provisions of §250-11(C)(4) apply.
- C. In consideration of Buildable Lot requirements, the following restrictions shall apply:
  - (1) Individual septic tank systems shall be permitted on existing lots of record of not less than 20,000 square feet in area.
  - (2) All septic system installations or sewage disposal systems shall otherwise conform to the requirements of the Dutchess County Department of Health.

- (3) No such septic system shall be permitted in low, swampy areas with a high water table (permanent, fluctuating, or seasonal), areas with ledge rock, or areas that are subject to flooding.
- (4) The installation of a septic system utilizing pumping shall be permitted where approved by the Department of Health.
- (5) The pumping of cesspools, holding tanks and septic systems shall be permitted; however, the disposal of the contents thereof shall not be permitted within the Town of Clinton, except as approved by the Town Board.

Chapter 250: Zoning  
Article IV Area and Bulk Regulations

§ 250-21 **Corner lots.**

- A. On a corner lot, each street frontage shall be deemed to be a front street line, and the required yard along each such lot line shall be a required front yard. However, the above notwithstanding, no lot shall be interpreted to have more than two front yards regardless of how such lot is located or configured. The owner, in consultation with the Zoning Administrator, shall establish which of the remaining yards shall be the required side yard and the required rear yard.
- B. On a corner lot, no fence, wall, hedge or other structure or planting, more than three feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right-of-way lines at points which are 30 feet distant from the point of intersection, measured along said right-of-way lines. The height of three feet shall be measured above the road surface at the nearest edge of the road traveled. This subsection shall not apply to existing or planting of trees, provided that no branches are closer than six feet to the ground, and that proper visibility is provided.

Chapter 250: Zoning  
Article IV Area and Bulk Regulations

**§250-21.1 Through Lots**

- A. On a Through Lot, each street frontage shall be deemed to be a front street line, and the required yard along each such lot line shall be a required Front Yard.
- B. Street frontages on a Through Lot do not intersect in any way.
- C. A Through Lot shall have two Front Yards, two Side Yards, and no Rear Yard

**§ 250-22 Accessory structures.**

- A. Accessory structures, as defined in this chapter, may not be located in any yard of a residential lot except as permitted in § 250-23, Measurement and use of yards, and are subject to the following limitations. In no event shall these limitations apply to ground-mounted solar energy systems or to ground-mounted wind energy systems, which shall be governed by § 250-49.1.
- (1) No such structure shall exceed 25 feet in height in any residential district, except agricultural buildings.
  - (2) All structures in the aggregate shall not exceed the maximum building coverage as set forth in the Schedule of Area and Bulk Regulations, except for agricultural buildings. No such structure shall project closer to the fronting street than the principal building on the lot or the required front yard setback for the district, whichever shall be less restrictive.
  - (3) Not more than three such accessory structures, other than permitted signs or agricultural buildings on a farm as defined herein, of which no more than one shall be a private garage, shall be permitted on a lot in a residential district, except where lots are held in common ownership in accordance with § 250-42, Cluster development, residential.
  - (4) If any accessory structure is attached to a principal building or semidetached therefrom, including attachment by means of a breezeway or a roofed passageway, it shall comply in all respects to the area and bulk regulations of this chapter applicable to the principal building. No such accessory structure shall be constructed nearer to the front lot line than is permitted for the principal building or nearer to any side or rear lot line than the distance required in the Schedule of Area and Bulk Regulations, except as specifically provided elsewhere in this chapter.
  - (5) An accessory structure, other than for agricultural use, shall not be larger than the footprint of the principal building on the lot.
- B. Addition of one accessory structure without permit. **[Added 7-12-2016 by L.L. No. 1-2016, effective 7-29-2016]**
- (1) One accessory structure with a maximum floor area of 144 square feet may be installed or constructed and utilized without the issuance of a building permit or certificate of occupancy, provided that:
    - (a) The structure does not have a permanent foundation.
    - (b) The structure is not served by any utility such as electricity, gas or plumbing.
    - (c) The structure does not exceed 10 feet in height.
    - (d) The structure is never used for human habitation.
    - (e) All other requirements of this chapter related to accessory structures are fully met.

(2) Such a structure shall not be included in the total permitted by Subsection A (4) above.

## § 250-23 Measurement and use of yards.

- A. The front yard setback is measured from the nearest point on the center line of the road or right-of-way. Where the width of the right-of-way is greater than 60 feet, the front yard is measured from the nearest edge of the right-of-way.
- B. No part of a yard or other open space required in connection with any building or use shall be included as part of a yard or other open space similarly required for another building.
- C. Setbacks, as required herein, shall not be used for the storage of merchandise, equipment, building materials, junk, vehicles, vehicle parts or any other material or for signs, except as otherwise specifically permitted herein. Driveway set back, excluding the apron, shall be a minimum 10 feet from any lot property line.<sup>[2]</sup>
- D. Setbacks may not be encroached upon for construction, except:
  - (1) Ordinary building projections, including, but not limited to, bay windows, fireplaces, fire escapes, chimneys, uncovered stairs, landings, balconies and cornices, canopies, eaves, or other architectural features not required for structural support, up to three feet into the required yard; **[Amended 5-11-2010 by L.L. No. 1-2010, effective 5-20-2010]**
  - (2) Exterior stairs, up to eight feet into the required yard, but not closer than five feet to any lot line;
  - (3) Awnings or movable canopies, up to six feet into the required yard;
  - (4) Retaining walls, fences, masonry walls, open arbors, trellises;
  - (5) Unroofed steps, patios or terraces not less than 20 feet from the street or right-of-way line nor less than 10 feet from any side or rear lot line;
  - (6) Bus passenger shelters, playhouses, tool houses, garden houses, or similar nonpermanent structures, not to exceed 50 square feet, and located not closer than 10 feet to any lot line or street right-of-way line. Such nonpermanent accessory structures shall not be included in the maximum number permitted by § 250-22, Accessory structures.