

Chapter 250: Zoning

Article VIII: Definitions and Word Usage.

§250-104. Interpretations; word usage.

A) Unless otherwise expressly stated, the terms defined in this article shall, for the purposes of this Chapter, have the meaning herein indicated. Except where defined in this Chapter, in Article VIII or elsewhere, all words and terms shall carry their customary meanings in the context used.

1) Words used in the present tense include the future; the plural includes the singular, and the singular includes the plural;

2) The word "herein" or "above" shall mean "in this chapter";

3) The words "in this chapter" shall mean "in this Local Law ~~No. 3 of 1991, or~~ and any amendments thereto";

4) The term "current" shall mean "the most recent";

5) The term "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, constructed, altered, converted, rented, leased, or designed to be used or occupied";

6) The word "shall" is mandatory and not optional;

7) The word "may" is permissive;

8) The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual;

9) The word "lot" shall include the word "plot" or "parcel" or "tract";

10) The word "structure" shall include the word "building" and any man-made object or improvement;

11) The words "Zoning Map," shall mean the "Zoning Map of the Town of Clinton, New York";

12) Unless the context requires a different interpretation, any word denoting gender includes the female and the male;

~~13) The term "Town Board" shall mean the Town Board of the Town of Clinton, New York;~~

~~14) The term "Planning Board" shall mean the Planning Board of the Town of Clinton, New York;~~

~~15) The term "Zoning Board of Appeals" and "Zoning Board" shall mean the Zoning Board of Appeals of the Town of Clinton, New York.~~^[NM1]

§250-105. Definitions.

Words and terms used in this chapter are defined for the purposes thereof, as follows:

ACCESS - The abutment of a ~~lot~~^{Lot} directly on a Town, county, or state road, street, or highway which has the required frontage thereon to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, as prescribed by this chapter and § 280-a of the Town Law.

ACCESSORY SHORT-TERM RENTAL - An activity whereby a homeowner rents his or her dwelling unit for compensation, for periods of 30 consecutive days or less, for temporary occupancy by one or more lodgers as that term is defined herein. The term does not apply to "Bed and Breakfast", "Boarding House", "Rooming House", "Hotel", or "Motel" as defined herein.^[SE2]

ACCESSORY STRUCTURE -- A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto or is located on the same ~~lot~~^{Lot} or premises as the principal building. Accessory structures shall include but are not limited to tennis courts, garages, swimming pools, garden or tool sheds, barns, studios, greenhouses, and playhouses, and such elements as satellite dish antennas, windmills, and solar energy and wind energy systems~~solar collectors~~. See also "structure."

ACCESSORY USE -- A use which is customarily incidental to and subordinate to the principal use of the premises, building or structure and located on the same premises as such principal use. A second principal use is not an accessory use.

ACCESSWAY -- The area which provides access.

ADEQUATE CAPACITY -- Capacity for commercial communications facilities is considered to be "adequate" if the grade of service (GOS) is p .02 or better for median tele-traffic levels offered during the typical busy hours, as assessed by direct measurement of the facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the

land line or radio portions of a wireless network. "Adequate capacity," for the purpose of this chapter, shall apply only to the capacity of the radio components.

ADEQUATE COVERAGE -- Coverage for commercial communications facilities is considered to be "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is greater than -90 dbm for at least 80% of the intended coverage area. It is acceptable for there to be holes within the area of adequate coverage where the signal strength declines further away from the base station (e.g. -95 dbm rather than -90 dbm). For the limited purpose of determining whether the use of a repeater is necessary, there shall be deemed to be inadequate coverage within said holes. The outer boundary of the area of adequate coverage is that location past which the signal does not regain a strength equal to or greater than -90 dbm.

ADJACENT PROPERTY -- Any property adjoining, directly opposite or within 200 feet of the boundary of any portion of the subject parcel. This definition shall include all property separated by a street or within 200 feet of the street frontage of the subject parcel.

ADULT BUSINESS USE -- Any use or business that:

- A) Is any use of land, structure or location which, by the provisions of the Penal Law, is required to restrict the access thereto by minors; and
- B) Is an establishment, location, building or structure which features topless dancers, nude dancers or strippers, male or female; and
- C) Is a location, building or structure used for presenting, lending or selling motion-picture films, videocassettes, cable television or any other such visual media, or used for presenting, lending or selling books, magazines, publications, photographs or any other written materials distinguished or characterized by an emphasis of matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below:

1) SPECIFIED SEXUAL ACTIVITIES

- a) Human genitals in a state of sexual stimulation or arousal; or
- b) Simulated and actual acts of human masturbation, sexual intercourse or sodomy; or
- c) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast.

2) SPECIFIED ANATOMICAL AREAS

- a) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; or
 - b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- D) Is the use of land, structures or location for an adult entertainment business or as an adult physical contact establishment as defined below:
- 1) ADULT ENTERTAINMENT BUSINESS -- including adult bookstores, adult video stores, adult theaters, adult cabarets, adult physical contact establishment, and nude modeling studios, shall be defined as follows:
 - a) ADULT BOOKSTORE -- An establishment having as a substantial or significant portion of its stock-in-trade books[NM3], magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 - b) ADULT VIDEO STORE -- An establishment having as a substantial or significant portion [NM4] of its stock-in-trade video films, videocassettes or other films for sale or rental which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 - c) ADULT THEATER – An establishment which ~~regularly~~ features live performances, films, motion pictures, videocassettes, DVD's, slides or similar photographic reproductions characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined herein. An adult theater shall also include drive-in theaters and establishments where such materials or performances are viewed from one (1) or more individual enclosures or booths.
 - d) ADULT CABARET -- An establishment which features live topless dancers, exotic dancers, strippers, male or female, male or female impersonators or similar entertainers whose performances are characterized by partial or full nudity.
 - e) ADULT PHYSICAL CONTACT ESTABLISHMENT -- Any establishment which offers or purports to offer massage or other physical contact to patrons of either gender by employees or staff of either gender. Medical offices, offices of persons licensed or

authorized under the Education Law to practice massage therapy, offices of persons licensed or otherwise authorized by the Education Law as physical therapists or physical therapist assistants and electrolysis, ~~karate, judo~~ martial arts and dance studios are not to be considered adult physical contact establishments.

f) NUDE MODEL STUDIO -- Any place where a person who appears seminude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" shall not include a proprietary school licensed by the State of New York or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (i) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing; and
- (ii) Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
- (iii) Where no more than one (1) nude or seminude model is on the premises at any one (1) time.

AGRICULTURE, AGRICULTURAL USE - The employment of land for raising, harvesting, keeping, and selling crops or feed, and for keeping, grazing, breeding, managing, selling or producing livestock, poultry, fur-bearing animals or honeybees, or dairying and the sale of dairy products, or any other horticulture, floriculture or viticulture, aquaculture, hydroponics, silviculture, animal husbandry, or a combination thereof. ~~It also includes, or~~ the employment of land, including for the primary purpose of obtaining a profit, for stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows, including other on-farm niche marketing promotions.

AGRICULTURAL DISTRICT -- ~~Shall mean a~~ district established pursuant to Article 25-AA of the Agriculture and Markets Law. A parcel of land which has received such designation under the requirements of agricultural district legislation of New York, Article 25-AA, Agricultural Districts, of the New York Agriculture and Markets Law.

~~AGRICULTURE, AGRICULTURAL OPERATIONS or AGRICULTURAL PRACTICES -- All activities conducted on a farm, necessary to the operation of a farm, or activities conducted in accordance with animal husbandry regulations contained herein.~~

ALTERATION -- Any change, rearrangement, addition, or enlargement to a building or structure, other than repairs; the moving of a building or structure from one location to another; or the demolition of a building or structure; any change to the metes and bounds of any ~~lot~~Lot.

ALTERNATE CARE FACILITY (ACF) -- A facility designed or used for housing persons (~~"ACF clients"~~) who are unable to live and work independently at a particular time and which for the provide sing for the specific needs of these persons including, but not limited to meals, personal care, custodial care, nursing care, habilitation and rehabilitation. ~~For purposes of tThis chapter, this~~ definition shall include nursing homes, convalescent homes, habilitation and rehabilitation facilities, assisted living facilities, continuing care retirement communities, residential services for persons that are provided under a license pursuant to article 16, 19, 31 or 32 of the Mental Hygiene Law and other residential services primarily funded by or primarily under the jurisdiction of the Office of Mental Health, hospice and hospice residences as defined pursuant to section 4002 of the Public Health Law, and other supportive living facilities, and the following types of supervised facilities:

- A. ~~COMMUNITY RESIDENCE -- A dwelling providing room and board, recreation and rehabilitative services for the mentally disabled under responsible supervision.~~
- B. ~~HALFWAY HOUSE -- A community residence providing twenty-four-hour on-site responsible supervisory staff for long-term residents.~~
- C. ~~SUPERVISED LIVING FACILITY -- A community residence, or group home, providing twenty-four-hour on-site responsible supervision of residents.~~
- D. ~~SUPPORTIVE LIVING FACILITY -- A community residence providing responsible supervision for residents.~~
- E. ~~FAMILY CARE HOME -- A dwelling providing room, board and supervision for patients who are maintained on an in-patient status by a state-operated psychiatric facility.~~
- F. ~~HOUSING FOR THE DISABLED -- Housing for those persons who are unable to function in society without assistance and/or supervision because of their physical, mental, or emotional deficiencies.~~

~~G. REHABILITATION SERVICES FACILITY -- A professionally planned and operated treatment facility designed to improve the functioning of physically, mentally, or emotionally disabled persons in their skills of daily living, including alcohol abusers, drug-dependent persons, the mentally ill, and the developmentally disabled.~~

~~H. RESIDENTIAL SCHOOL -- For those persons having physical, mental, emotional or drug-dependent problem~~

ANIMAL HUSBANDRY -- The keeping, grazing, feeding and care of animals or fowl (poultry) other than household pets. For the purpose of this chapter, all animals, whether male or female, except offspring less than six months old, are counted in the permitted total. The calculation of acreage required for animals shall be in land made available for such use, not total land owned, unless otherwise designated herein.

APPLICANT – Any individual or individuals, firm, partnership, association, corporation, company, organization, or other legal entity of any kind, including a municipal corporation, governmental agency, or subdivision thereof, filing an application pursuant to this Chapter.

APPLICATION, COMPLETE - An application that includes the following:

- A) A completed application form together with all information concerning a proposed project in the format as specified by the applicable provisions of this Chapter;
- B) All application fees required by this Chapter and the professional review fee escrow deposit, if any, required by the reviewing agency;
- C) An Environmental Assessment Form (EAF) or Draft Environmental Impact Statement (DEIS) assessing the potential environmental impacts of the proposed project;
- D) A determination by the reviewing agency, or by the lead agency in the event of coordinated review, that the proposed project is not likely to have a significant impact on the environment (Negative Declaration), or the filing of a notice of completion of a Draft Environmental Impact Statement in accordance with the provisions of the State Environmental Quality Review Act (SEQRA).

AQUIFER -- An underground bed or stratum of earth, gravel or porous stone that contains water.

AREA AND BULK REGULATIONS -- The combination of controls which establishes the minimum size of a ~~lot~~Lot and the maximum size of a building and its location on such ~~lot~~Lot, as well as controls on parking, frontage, and open space.

AREA, BUILDING -- The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, decks, terraces and steps. All dimensions shall be measured between exterior faces of walls.

~~AREA, FLOOR (OF A STRUCTURE) -- The sum of the horizontal area of the floor or floors of a structure, including the basement and accessory structures on the same lotLot, and including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.~~

~~AREA, FLOOR RATIO -- See "floor area ratio."~~

AREA, GROSS – For other than a building or structure, the sum of the horizontal area measured from the exterior edges or boundaries of the item or thing being measured, such as a sign, or real property. Unless otherwise stated, a square foot maximum or a square foot minimum shall mean the "Gross Area" as defined herein.

AREA, GROSS FLOOR - The sum of the horizontal areas of all enclosed floors of a building or structure, including cellars, basements, mezzanines, penthouses, corridors, risers, shafts, chimneys and lobbies measured from the exterior face of exterior walls or from the center line of a common wall separating two buildings, but excluding attached or detached garages and carports, unenclosed decks, porches and terraces, and any space with a floor-to-ceiling height of less than seven feet. Unless otherwise stated, for a building or a structure "floor area" shall mean "Gross Floor Area" as defined herein. Additionally, unless otherwise stated, for a building or a structure a square foot maximum or a square foot minimum shall mean the "Gross Floor Area" as defined herein.

AREA, HABITABLE FLOOR - The space in a building used for living, sleeping, eating, bathing, or cooking. Garages, unfinished basement and attic spaces, storage closets and utility spaces, and similar areas shall not be considered habitable space.

~~AREA, LAND -- When referring to the required area per dwelling unit, means "net land area," the area exclusive of streets and other public open space.~~

AS-BUILT SURVEY - A land survey that shows the final horizontal and vertical field location of constructed improvements on a ~~lot~~Lot in relationship to the approved construction plans, including any design changes and contractor field changes. This type of survey depicts the location of all

improvements on a site including aboveground and below-ground structures such as buildings, parking areas, utilities, storm drainage systems, sewer disposal systems, water supply systems, and any other constructed features.

ATTACHED -- A term which, when used with reference to a building, shall mean connected to another building by means of at least one common wall. A common roof, porch, patio, or breezeway shall not be construed as causing a building or structure to be attached to another. For the purposes of this chapter, the terms "attached" and "semi-detached" may be interchanged in any context. See also definitions for "detached" and "semi-detached."

AUTO SALES -- See "motor vehicle sales and service ~~or rental~~."

AVERAGE TREE CANOPY -- The average height of a stand of trees. For the purpose of determining the maximum height of a commercial communications facility to be installed on a wooded ~~lot~~ Lot having at least 20 trees within 100 feet of the proposed site, the average height of the trees located within 200 feet of the proposed site shall be used to determine the average tree canopy.

BAKERY, RETAIL -- An establishment which sells primarily baked goods directly to the public on the premises.

BAKERY, WHOLESALE -- An establishment which produces and sells baked goods primarily to other establishments, or produces primarily for sale off the premises, and only incidentally directly to the public on the premises.

BANK – An entity that accepts deposits and makes loans and includes monetary services such as the redemption of travelers checks or money orders, wire transfers, check cashing, and currency exchange.

BAR or TAVERN -- An establishment licensed under the laws of New York State for the sale of alcoholic beverages and their consumption on the premises, and may provide live entertainment by no more than one instrumental musician and/or vocalist.

BASEMENT -- A story partly underground but having at least 1/2 of its height above the average outside ground level. See also "cellar."

BED-AND-BREAKFAST ESTABLISHMENT -- An owner-occupied dwelling in which rooms are rented for transient occupancy and meals may be provided for such occupants. A public restaurant or public bar shall not be included.

BEGINNING OF CONSTRUCTION -- The incorporation of both labor and materials on a building site, other than materials delivery, or the use of excavation equipment or labor to excavate for the building of foundation or footings, but not including wood cutting unrelated to building.

~~BOARDING AND/OR ROOMING HOUSE -- A private owner-occupied dwelling in which at least two and not more than four rooms are offered for rent, which may or may not provide meals to lodgers, in which no transient guests are accommodated and no public restaurant is maintained.~~

BOAT RENTAL -- An establishment which rents nonmotorized boats for a fee, but which shall not be construed to include boat storage for a fee, boat sales or bulk fuel storage, except as permitted herein.

BUFFER -- Land area used to visually separate one use from another or to shield or block lights, noise or other nuisances, which is suitably developed with fencing, berms and natural vegetation.

BUILDABLE AREA – The space remaining on a lot after the minimum yard, area and bulk requirements of this chapter have been met, or that area of the lot for which a variance from said minimum yard, area and bulk requirements has been granted by the Zoning Board of Appeals, and after subtracting the area of the lot containing constrained land but including any constrained land for which a development permit has been issued, and including any easements of record, but excluding any existing or proposed dedicated highway right-of-way.

BUILDABLE LOT – A lot having a buildable area capable of accommodating proposed principal and accessory improvements, and including, where required, an on-site water supply facility and sewage treatment system that meet the standards of the Dutchess County Department of Health. A buildable lot shall also adjoin and have access to an improved street, or shall adjoin and have access to a proposed street that will be improved as part of the development plan for the lot.

BUILDING -- A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals, property or business activity. See "structure."

~~BUILDING, ACCESSORY -- A building, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto, or is located on the same lot or premises as the principal building. An accessory building other than for agricultural use shall not be larger than the principal building on the same lot.~~

~~BUILDING, ACCESSORY USE OF -- A use customarily incidental to the use of a principal building, not occupying more than 25% percent of the total aboveground floor area of the principal building thereof and including home occupation uses as permitted herein.~~

BUILDING COVERAGE -- The total of areas taken on a horizontal plane at the main grade level of all principal and accessory structures located on the ~~lot~~Lot.

BUILDING HEIGHT -- The vertical distance measured, in the case of a building with a flat roof, from the average elevation of the finished ~~lot~~Lot grade at the front of the building to the level of the highest point of the roof beams and, in the case of a building with a pitched roof, from the average elevation of the finished ~~lot~~Lot grade at the front of the building to a point halfway between the top of the plate and the ridge. Such measurement shall not include chimneys, spires, towers, tanks and similar projections.

BUILDING INSPECTOR -- The person designated by the Town Board to administer the duties of this position as defined herein.

BUILDING LINE, FRONT -- A line generally parallel to the street or road beyond which the front of a building may not project into the required front yard as specified for the district in which the ~~lot~~Lot is located, also called "minimum front setback line." In the case of a corner ~~lot~~Lot any building line nearest to the street line shall be considered a front building line.

BUILDING PERMIT -- Official authorization issued by the Building Inspector to begin construction in accordance with approved plans and in strict compliance with all applicable requirements of this chapter, other local laws, the New York State Uniform Fire Prevention and Building Code, and related laws, rules and regulations.

BUILDING, PRINCIPAL -- A building including covered porches, in which is conducted the principal use of the ~~lot~~Lot on which such building is located. In any residential district the principal dwelling shall be deemed the principal building on the ~~lot~~Lot on which it is situated.

~~BUSINESS, RETAIL -- See "retail business or service."~~

~~BUSINESS, SERVICE -- See "service business". A commercial operation or establishment primarily engaged in performing work on a fee or contract basis, such as advertising and mailing, building maintenance, employment services, office equipment rental and leasing, commercial research, development and testing, photo finishing and personal services.~~

~~BUSINESS, WHOLESALE -- See "wholesale business."~~

BUS PASSENGER SHELTER, PRIVATE -- A privately owned structure whose primary purpose is to provide shelter for persons waiting for buses.

CAMOUFLAGE OF COMMERCIAL COMMUNICATIONS FACILITIES -- When facilities are installed on an existing building or structure, camouflage will partially or wholly conceal antennas and other auxiliary equipment by incorporating them into the appearance of the existing structure. When facilities include a new tower or other tall structure, camouflage will conceal both the tall structure and the accompanying antennas and other equipment through use of technology which gives these facilities the appearance of structures which are compatible with the surrounding area. These disguised structures may have the appearance of concrete silos, flagpoles, churches with steeples, trees, or other suitable structures.

CAMP or CAMPGROUND -- Any ~~lot~~Lot, or adjoining ~~lot~~Lots if under the control of one person or business, including buildings and other structures on such ~~lot~~Lot, ~~on~~ which are located in an area or designated spaces to accommodate two or more camp sites for tents, tent houses, trailers, cabins, camp cottages, vehicles, including camping trailers and camping vehicles, or other structures intended for temporary or seasonal overnight occupancy. Excluded from this definition is the use of the yard of an existing occupied single and two-family residence for occasional and irregular overnight camping by: i) family members or guests of the resident or ii) groups (such as scouts), being hosted by the resident. ~~- Any lot on which are located two or more buildings or structures, shelters, tents, or accommodations of a design or character for seasonal occupancy used solely for educational or recreational purposes, except paramilitary. The operation of a camp program, including the presence of instructors and structured activities for campers, is necessary for the area and use to be defined as a camp. Buses, camping trailers and/or motor homes are not construed to be a camp.~~

CAMP SITE -- Any location or area within a camp or campground set off and designated as a location for temporary use and occupancy by a family or group.

CAMPING TRAILER or CAMPING VEHICLE -- Any recreational vehicle, designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or towed by another vehicle, and is of such size as not to require special highway movement permits, except as further limited in size herein, in accordance with New York State regulations. Motor homes, "fifth wheels," "tiny homes" mounted on a trailer chassis, trailers mounted on pick-up trucks (truck campers), pop-up campers and recreational vans are included in this definition. Mobile homes, factory manufactured homes, and manufactured modular homes as defined herein are not camping trailers or camping vehicles under this definition. Buses are included in this definition only when they are equipped as motorhomes or recreational vehicles. Regulations regarding camping vehicles

permitted are found herein and, in other local laws of the Town of Clinton, ~~and in individual deed stipulations regarding specific properties.~~

~~CAMPING TRAILER OR CAMPING VEHICLE CAMPGROUND -- Any lot^{Lot} or parcel of land whereon two or more camping trailers or camping vehicles are located or parked, other than for the purpose of loading, unloading or discharge or entrance of occupants or passengers. The term "campground" shall mean "camping trailer or camping vehicle campground" as defined above.~~

CARNIVAL, FAIR, CIRCUS -- An amusement show, usually traveling from place to place and including side shows, ferris wheels, merry-go-rounds, games, and/or similar attractions and may include an exhibition of wild and trained animals, aerobatic feats, together with vending concessions.

CARRIER -- An FCC-licensed operator which uses commercial communications facilities to provide wireless services to customers.

CAR WASH -- A ~~lot~~^{Lot} and/or associated structures used principally for the cleaning, washing, waxing, polishing, or detailing of motor vehicles.

CELLAR -- A story of a building having more than 1/2 of its height below the average outside ground level. See also "basement."

CEMETERY -- Land used or intended to be used for the burial of deceased persons and dedicated for cemetery purposes, including columbariums, mausoleums and mortuaries when operated with and within the boundaries of such cemetery.

CENTER LINE OF STREET OR ROAD -- A line midway between and parallel to two street or road property lines or as otherwise defined by the Planning Board.

CERTIFICATE OF OCCUPANCY -- Official authorization issued by the Building Inspector that premises conform to the applicable provisions of this chapter, the New York State Uniform Fire Prevention and Building Code, and other applicable regulations, and may be legally used or occupied.

CESSATION OR TERMINATION OF USE - As used herein, a use shall be determined by the Zoning Administrator to have ceased or terminated when it has been discontinued either temporarily or permanently, whether with intent to abandon such use or not.

~~CHURCH~~ or OTHER PLACE OF WORSHIP -- "See place of religious worship". A building in which public religious worship is conducted, which may include meeting halls, parish houses and similar facilities.

~~CIRCUS -- An exhibition of wild and trained animals, acrobatic feats, together with side shows and vending concessions.~~

~~CLEAR CUT -- The felling of all trees on a given tract or parcel. The removal of 30% or more of trees over four inches dbh within an area of 1/2 acre or less within a ten-year cutting cycle.~~

CLINIC, MEDICAL, DENTAL OR HEALTH -- A building designed or used for the diagnosis and treatment of human or animal patients, which does not include overnight care facilities.

CLUBHOUSE -- A building to house a club or social organization not conducted for profit and which is not adjunct to, or operated by, or in connection with, a public tavern, bar, cafe or other public place.

~~CLUSTER DEVELOPMENT -- As defined in Section 278 of the Town Law, a subdivision plat or plats in which the applicable zoning ordinance or local law is modified to provide an alternative method for the layout, configuration and design of lotLots, buildings, structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural scenic qualities of open lands. [NM5] A residential subdivision pursuant to Town Law §278 where the dwelling units that would result on a given parcel under a conventional subdivision plan are allowed to be concentrated on a smaller and more compact portion of land and where a majority of the remaining land is left in its natural open space condition in perpetuity. Cluster development results in a flexibility of design and development to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, and to preserve the natural and scenic qualities of open lands. [NM6] A development pattern in which uses are grouped (clustered) through a density transfer within a particular development, rather than spread evenly throughout a parcel as in conventional lotLot-by-lotLot development, in order to achieve the purposes stated herein.~~

COLLOCATION; COLLOCATOR, COMMERCIAL COMMUNICATIONS FACILITY -- The installation of A provider of commercial communications services which installs an antenna or other communications facility on an existing structure, which already supports one or more facilities used by other commercial communications providers.

COMMUNICATIONS ACCESSORY BUILDING OR EQUIPMENT SHELTER, COMMERCIAL -- An enclosed structure, cabinet, shed or box containing batteries, electrical equipment and other devices needed in the operation of communications equipment.

COMMERCIAL EQUINE OPERATION - means an agricultural enterprise, consisting of at least seven acres and stabling at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses or

through the production for sale of crops, livestock, and livestock products, or through both the provision of such commercial equine activities and such production. Under no circumstances shall this subdivision definition be construed to include operations whose primary on-site function is horse racing.

Notwithstanding any other provision of this chapter, an agricultural enterprise that is proposed or in its first or second year of operation may qualify as a commercial equine operation if it consists of at least seven acres and stables at least ten horses, regardless of ownership, by the end of the first year of operation.

COMMERCIAL HORSE BOARDING OPERATION - ~~means~~ an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this ~~subdivision definition~~ be construed to include operations whose primary on-site function is horse racing. Notwithstanding any other provision of this ~~C~~chapter, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a ~~F~~farm ~~O~~operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation.

COMMERCIAL RECREATION AND AMUSEMENT FACILITY -- An establishment engaged in providing indoor entertainment for a fee or admission charge, including dance halls, bowling alleys, billiard and pool establishments, membership sports recreation clubs, and game parlors (see also specific uses separately regulated).

COMMERCIAL USE -- Those uses listed under the heading "Commercial" in the Schedule of Use Regulations and any uses of a similar type.

COMMERCIAL VEHICLE -- See "vehicle, commercial."

COMMUNICATIONS ANTENNA, COMMERCIAL -- A device, including but not limited to whips, dishes or panels, for transmitting and receiving electromagnetic waves, with or without connecting wires, as part of a business activity.

COMMUNICATIONS COLLOCATION, COMMERCIAL -- The use of a single mount on the ground by more than one carrier and/or several communications mounts on a building or structure by more than one carrier.

COMMUNICATIONS FACILITY, COMMERCIAL -- A term intended to include all of the various structures and devices which transmit and/or receive electromagnetic waves in order to provide commercial communication services, including, but not limited to, cellular telephone service and

personal communications services. Facilities include towers, antennas and any accessory structures or equipment designed and constructed for use by a commercial provider of such services.

COMMUNICATIONS REPEATER, COMMERCIAL -- A receiver/relay transmitter designed to enhance the strength of a signal which is transmitted from a different location.

COMMUNICATIONS STRUCTURE, COMMERCIAL -- A man-made combination of materials assembled at a fixed location to give support or shelter to a device for transmitting and receiving electromagnetic waves, including but not limited to a tower, dwelling, accessory building, trailer, platform, fence, sign, flagpole, silo or other building.

COMMUNICATIONS TOWER, COMMERCIAL -- An erect structure or framework, either self-supporting or secured to the ground or other surface by diagonal cables, designed to support devices which transmit and/or receive electromagnetic waves in order to provide commercial communications services, including but not limited to receiving and/or relaying antennas and/or equipment; electrical or cable power lines of any transmission or conductance range; or any other equipment or device. A tower includes both the primary structure and any supporting apparatus which is attached to it.

COMMUNITY FACILITY -- Any building, structure, park, or recreation area or other area for the general use of the residents of the Town or the public.

COMPATIBLE -- Not disruptive or incongruous with the existing neighborhood and the intended goals and objectives of the community, as stated in both this chapter and the Town's [Comprehensive Master Plan](#).

COMPREHENSIVE PLAN -- [The Comprehensive Plan of the Town of Clinton. Sometimes also referred to as a master plan. See "Master Plan."](#)

CONCEPTUAL PLAN -- The initial stage of subdivision or site plan review by the Planning Board; also called "sketch plan." For site plan requirements, see § 250-96, Site plans. For subdivision requirements, see [Chapter 206, Subdivision of Land](#).

CONFERENCE CENTER -- An establishment used for business or professional conferences and seminars, often with rooms for lodging, eating, and recreational activities. Also, an establishment which attracts clients principally for recreational or health activities and contains rooms for lodging and eating for its clients. [and lodging for staff. May also include as Accessory Uses dining accommodations for the public at-large and facilities for the stabling of horses-a Commercial Equine](#)

Operation and a Commercial Horse Boarding Operation, corrals and barns, and quarters for employees of such operations.

CONSERVATION ADVISORY COUNCIL COMMITTEE (CAC) -- The Conservation Advisory Council Committee of the Town of Clinton, New York.

CONSTRAINED LAND – The area of a parcel or lot consisting of or containing one or more of the following: Town, State and/or federal protected freshwater wetlands; one hundred (100) year flood plains or flood hazard areas; steep slopes of twenty-five (25%) percent and greater; and open bodies of water including streams, ponds and lakes of any size.

CONTRACTOR'S STORAGE (ACCESSORY USE) -- Space inside an enclosed building, used for the storage or keeping of construction or other supplies, materials, equipment, machinery, or vehicles, or parts thereof, by a construction or other contractor residing on the premises. Such accessory use shall also apply to other than contractors.

CONTRACTOR'S YARD OR ESTABLISHMENT (PRINCIPAL USE) -- Any space, ~~whether inside or~~ outside of a building, used for storage or sale of construction supplies, materials, equipment, machinery, or vehicles, or parts thereof by a contractor or other establishment if the use of such supplies, materials, equipment, machinery or vehicles is not approved or permitted on the same ~~lot~~ Lot.

CONTROLLED AREA –

A. For the purposes of § 250-78, the "controlled area" shall mean:

- (1) Any area within 100 feet of a watercourse, lake or pond;
- (2) Any wetland between five acres and 12.4 acres and the area within 100 feet of the boundary of such wetland;
- (3) Any wetland between 1/2 acre and five acres and the area within 50 feet of the boundary of such wetland; and
- (4) Land within the one-hundred-year floodplain.

B. Clinton, NY – nees, tThe controlled areas shall be as depicted on the map entitled "Clinton, NY – Proposed Water Protection Amendment," dated April 2008, revised August 2008^[SE7], or such revised updated and adjusted map as may be approved by later resolution of the Town Board and as

prepared by the GIS Lab Environment Program on file in the office of the Clerk of the Town of Clinton.

CONVENIENCE STORE - Any retail establishment offering for sale prepackaged food products, household items and goods commonly associated with the same and having a gross floor area of less than 3,000 square feet, which does not sell gasoline. A retail store, primarily used to sell food, beverages, and/or household supplies, which has hours of operation outside of those prescribed in §250-11 and constructed after the effective date of this chapter.

CONVERSION, RESIDENTIAL - A change in use or occupancy of a building, generally by alteration or by other reorganization to increase the number of families or dwelling units within a structure.

COVERAGE - See "building coverage."

CREMATORIUM -- A building or structure which houses facilities for cremation.

CUL-DE-SAC - A local street, one end of which is closed, and consists of a circular turnaround.

CUT - A portion of land surface or area from which earth has been removed or will be removed by excavation.

DAY-CARE FACILITY - Any facility which is licensed to operate by the pursuant to State of New York that provides day care for children. The term shall also include a nursery school. State Social Services Law § 390 and provides care for a child on a regular basis away from the child's residence for less than 24 hours per day by someone other than the parent, step-parent, guardian or relative within the third degree of consanguinity of the parents or step-parents of such child. For the purposes of this chapter, day-care facilities are defined as follows:

A. FAMILY DAY-CARE HOME - A program caring for children for more than three hours per day per child in which child day care is provided in a family home, i.e., dwelling unit, under this chapter, for three to six children. A family day-care home may, however, care for seven or eight children at any one time if no more than six of the children are less than school age and the school-aged children receive care primarily before or after the period such children are ordinarily in school, during school lunch periods, on school holidays, or during those periods of the year in which school is not in session in accordance with the regulations of the Department of Social Services.

B. GROUP FAMILY DAY-CARE HOME - A program caring for children for more than three hours per day per child in which child day care is provided in a family home for seven to 10 children of all ages, including not more than four children under two years of age, or up to 12 children where

~~all of such children are over two years of age, except for those programs operating as a family day-care home as defined herein, which care for seven or eight children. A group family day-care home may provide child day-care services to two additional children if such additional children are of school age and such children receive services only before or after the period such children are ordinarily in school or during school lunch periods, or school holidays, or during those periods of the year in which school is not in session in accordance with the regulations of the Department of Social Services.~~

~~C. DAY-CARE CENTER - Any program provided for more than three but less than 24 hours a day away from the child's home by an individual association, corporation, institution or agency for seven or more children except those programs operating as group family day care as defined herein and by New York State Social Services Law § 390.~~

~~D. SCHOOL-AGE CHILD CARE - A program caring for more than six school-aged children who are under 13 years of age or who are incapable of caring for themselves as defined in New York State Social Services Law § 390.~~

~~E. NURSERY SCHOOL - Any program, whether licensed with the New York State Department of Education or not, provided in one or two sessions, each of less than three hours a day, away from a child's home, except a family day-care home, group family day-care home or day-care center.~~

DBM - Unit of measure of the power level of air electromagnetic signal expressed in decibels referenced to one milliwatt.

DEMOLITION - The wrecking or removal of any load-supporting structural member of a building or structure. Any dismantling, intentional destruction or removal of buildings or structures, not including accessory structures defined in § 250-22B.

DENSITY - The ratio of land area per dwelling unit on a ~~lot~~Lot; "gross density" refers to the ratio of the land area of the total ~~lot~~Lot to the number of dwelling units; "net density" refers to the ratio of the land area of the developed or developable portion of the ~~lot~~Lot, excluding streets, open space, and water resources as regulated herein, to the number of dwelling units. Unless stated otherwise herein, "density" shall mean "gross density," as defined above.

DETACHED - A term which, when used with reference to a building, shall mean either (1) not connected to another building by any physical construction, or (2) connected to another building by some physical construction, but without at least one common wall. See also definitions for "attached" and "semi-detached."

DEVELOPABLE ACREAGE – The amount of land area left for development after subtracting the constrained land area from the total area of the project parcel.

DEVELOPMENT - Any humanly incurred change to improved or unimproved real estate, including, but not limited to, buildings or other structures; mining, dredging, filling, clearing, grading, paving, excavation, or drilling operations, but excluding normal agricultural, conservation, or forest management activities.

DISTRICT - An area or section of the Town described on the Zoning District Map contained within this Chapter, and within which certain zoning regulations apply.

DISTRICT, RESIDENTIAL - Any district in which any of the residential uses listed in the District Schedule of Use Regulations is permitted. [NM8]

~~DISTURBANCE - All land preparation activities involving the movement, placement, removal, transfer or shifting of soil and/or vegetation, including but not limited to, clearing, draining, filling, grading, re-grading or the building of structures or the placement of improvements on land including the construction of individual sidewalks, paths, roads or driveways. The condition of land disturbance shall be deemed to continue until the area of disturbance is returned to its original state or to a state complying with a permit for such disturbance granted in accordance with this chapter. Used in reference to land, this term shall mean any human alteration, including but not limited to grading, filling, excavating, or stripping.~~

DRIVE-IN, DRIVE-THRU BUSINESS - An establishment in which patrons are not required to enter the building in order to be served, sold a product, or entertained, including but not limited to drive-in outdoor theaters, refreshment stands, and fast-food restaurants which have drive-in windows. Banks, postal deposit services, and businesses requiring patrons to enter a building in order to be served shall not be considered drive-in businesses as defined herein.

DRIVEWAY - Land situated on a ~~lot~~Lot used or intended to be used to provide access to a ~~lot~~Lot by vehicular traffic.

~~DUDE RANCH - An establishment that may include facilities for lodging, dining, picnic grounds, boating, camping, swimming, golf, tennis, rifle ranges and various other sports, other services and facilities for the accommodation of the patrons, together with facilities for the stabling of horses, corrals and barns, and quarters for employees.~~

DUMP - Land used for ~~the~~ disposal by abandonment, dumping, burning or any other means, and for whatever purpose, of garbage, sewage, sludge, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind. A dump shall not be construed to include compost materials, leaves, or brush.

DWELLING - A house or other building designed or used primarily for human habitation. The word "dwelling" shall not include tourist homes, ~~mobile homes~~, camping vehicles, motels, hotels or other structures designed for transient or temporary residence. A bus is not construed to be a dwelling.

~~DWELLING, DWELLING UNIT -- A building or portion thereof providing complete housekeeping facilities for one family including independent kitchen, sanitary and sleeping facilities, and physically separate from any other dwelling unit, whether or not in the same building. (Note: The term "dwelling," "single-family dwelling," "multifamily dwelling" or "dwelling unit" shall not be deemed to include a hotel, motel, rooming house, dormitory, nursing home or any other accommodation used for transient occupancy.).~~

- A) DWELLING, SINGLE FAMILY -- A detached building, designated for or occupied exclusively by one family and containing not more than one dwelling unit.
- B) DWELLING, TWO-FAMILY -- A detached or semidetached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common hallway or cellar. A "two-family dwelling" includes a flat which is a single structure containing two semidetached units. Side-by-side is considered a "two-family dwelling," regardless of individual ownership of either half of its structure, provided that they are on the same zoned ~~lot~~Lot of record.
- C) DWELLING, MULTIFAMILY -- A detached, semi-detached or attached building or group of buildings, or portions thereof, on one ~~lot~~Lot, containing three or more dwelling units.
- D) DWELLING, TOWNHOUSE -- A row of two or more attached dwelling units wherein each unit is intended for single-family occupancy. Each unit shall share a common wall with one or more other units and shall not share a common floor or ceiling. Ownership of the town house may include the land on which the unit is placed.

DWELLING UNIT, DETACHED -- A dwelling unit having no common walls, floors or ceilings with any other dwelling unit or building.

DWELLING UNIT, SEMIDETACHED -- A dwelling unit which has a common wall with only one other dwelling unit.

~~DWELLING UNIT - A building or entirely self-contained portion thereof containing complete housekeeping facilities, including kitchen facilities and bath for only one family, and having no enclosed space, other than vestibules, entrances or other hallways or porches, or cooking or sanitary facilities in common with any other dwelling unit. A boardinghouse, tourist home, motel, inn, nursing home, or other similar building shall not be deemed to constitute a dwelling unit.~~

DWELLING UNIT, ACCESSORY - A dwelling unit having its own exterior or interior entrance which is subordinate to, and located on the same ~~lot~~Lot as, the principal residence. An accessory dwelling unit may or may not be located within the principal residence. See § 250-29, Accessory dwelling units.

~~DWELLING, MULTIFAMILY - A detached, semi-detached or attached building or group of buildings, or portions thereof, on one ~~lot~~Lot, containing three or more dwelling units.~~

~~DWELLING, ROW/TOWNHOUSE - A two-family or multifamily dwelling with party walls separating adjacent dwelling units, with each dwelling unit having separate entrances from the outside.~~

~~DWELLING, SINGLE-FAMILY OR ONE-FAMILY - A detached building designed for the use of a single household, including one or more persons living as a family, and wherein not more than two boarders are sheltered and/or fed for profit.~~

~~DWELLING, TWO-FAMILY - A detached, semi-detached or attached building, or portion thereof, containing two dwelling units only, but not including a single-family dwelling to which an accessory dwelling unit, as permitted herein, has been added.~~

EDUCATIONAL INSTITUTION - Any public or private school or other organization conducting a regularly scheduled comprehensive curriculum of academic instruction similar to that furnished by kindergartens, primary or secondary schools or institutions of higher learning operated under the Education Law of New York State, except vocational schools, which are listed separately in the Schedule of Use Regulations. Alternate care facilities, correctional institutions, day-care centers or nursery schools are not construed to be educational institutions, as regulated herein.

ELECTRONICS INDUSTRY ASSOCIATION/TELECOMMUNICATIONS INDUSTRY
ASSOCIATION 222E - The Electronics Industry and Telecommunications Industry Associations' structural standards for steel antenna towers and antenna supporting structures.

~~ESTABLISHMENT - A building or related group of buildings, or an area of a lot, for purposes of the conduct of one principal commercial use and its permitted accessory uses, located on a single lot. A nonresidential building in which two tenants lease space shall be construed as housing two establishments.~~

EXCAVATION or MINING - Any activity which removes and/or processes material such as soil, topsoil, rock, gravel, sand, earth, turf or other mineral or similar substances from their natural location in or on the ground, including digging, cutting, crushing, screening, washing, or other processing.

FAA - The Federal Aviation Agency. The government agency responsible for regulating aeronautical activities in the United States and the structures and actions which affect them.

FAA 14CF21 REGULATION - That portion of the FAA regulations referring to tall structures, which includes requirements for reporting, lighting, special painting, etc.

FAA FORM 7460-1 - The notice of construction or alteration required by the FAA for tall structures.

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

FACILITY - Any establishment, business, building, structure, operation, or equipment used or intended for use.

FACTORY - A building or group of buildings, usually with equipment, where goods are manufactured.

FACTORY-MANUFACTURED HOME - Any structure designed primarily for residential occupancy, constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation, on a building site. structure or component thereof designed primarily for residential occupancy which is wholly or in substantial part constructed in off-site production facilities intended or designed for the permanent installation, and/or assembly, on an approved building site. To qualify under this definition, the structure must be built to the National Manufactured Housing Construction and Safety Standards Act of 1974 and/or current national standards.

~~FAIR - An occasional or periodic exhibition of farm products and/or livestock, usually accompanied by amusement features and for which an admission fee may be charged.~~

FAMILY - As used herein shall mean: A family consists of (1) one person, or two or more persons related by blood, marriage or adoption; or (2) not more than five persons not necessarily related by

~~blood, marriage or adoption, and in addition to (1) or (2), any domestic servants or gratuitous guests or persons for whom foster care is provided, who live together in a single dwelling unit and maintain a common household.~~

- A. Any number of persons occupying a single dwelling unit, related by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit.
- B. Any number of persons occupying a single dwelling unit, not exceeding five adults living and cooking together as a single housekeeping unit as the functional equivalent of a family where all are not related by blood, marriage or legal adoption.
- C. It shall be presumptive evidence that more than five persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
- D. Notwithstanding the provisions of this definition, a group of unrelated persons numbering more than five shall be considered a family upon a determination by the Zoning Board of Appeals that the group is the functional equivalent of a family pursuant to the standards enumerated below. This presumption may be rebutted, and the unrelated individuals may be considered the functional equivalent of a family for the purposes of this article by the Zoning Board of Appeals if such group of individuals exhibits characteristics consistent with the purposes of zoning restrictions in residential districts. In determining whether a group of more than five unrelated persons constitutes a family for the purpose of occupying a dwelling unit, as provided herein, the Zoning Board of Appeals shall utilize the standards enumerated herein in making said determination. Before making a determination under this subsection, the Zoning Board of Appeals shall hold a public hearing, after public notice. In determining whether individuals living together are the functional equivalent of a family, the following criteria shall be considered:
 - a. Whether the occupants share the entire dwelling unit or act as separate boarders.
 - b. Whether the household has stability akin to a permanent family structure. The criteria used to determine this test include the following:
 - i. Length of stay together among the occupants in the current dwelling unit or other dwelling units.
 - ii. The presence of minor, dependent children regularly residing in the household.

- iii. The presence of an individual acting as head of household.
- iv. Proof of sharing expenses for food, rent or ownership costs, transportation, insurance, utilities, and other household expenses.
- v. Common ownership of furniture and appliances and the common use of vehicles among the members of the household.
- vi. Whether the household is a temporary living arrangement or a framework for transient living.
- vii. Whether the composition of the household changes from year to year or within the year.
- viii. Whether each of the occupants uses the address of the dwelling for ~~his~~ their vehicle registration, driver's licenses, passports, bank accounts, bills, loans, tax returns, and other licenses and permits, etc.
- ix. Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

E. Any determination under this subsection shall be limited to the status of a particular group as a family and shall not be interpreted as authorizing any other use, occupancy or activity. In making any such determination, the ~~Zoning~~ Board of Appeals may impose such conditions and safeguards as the ~~Zoning~~ Board of Appeals shall deem necessary or advisable in order to maintain the stability and character of the neighborhood and protect the public health, safety and welfare.

F. In no case shall a dwelling be occupied by more than two adults to a conventional bedroom.

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

~~FAMILY, IMMEDIATE - Persons related by blood or adoption as parents, grandparents, sons, daughters, grandchildren, brothers, sisters; or by marriage as spouses, parents or grandparents of spouses, sons-in-law, daughters-in-law, brothers-in-law, sisters-in-law; not including cousins and other relatives or nonrelatives except as listed in this definition.~~

FAR - See "floor area ratio."

FARM COMPOST, MULCH OR OTHER ORGANIC BIOMASS CROPS – shall mean the on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such Farm Operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that Farm Operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such Farm Operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this section, "compost" shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material

FARM CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS - shall include but not be limited to the following:

- A) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- B) Fruits, including apples, peaches, grapes, cherries and berries.
- C) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- D) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- E) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.
- F) Maple sap.
- G) Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
- H) Aquaculture products, including fish, fish products, water plants and shellfish.
- I) Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.

J) Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.

K) Actively managed log-grown woodland mushrooms.

L) Industrial hemp as defined in section 505 of the Agriculture and Markets Law.

FARM OPERATION - the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of farm crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined herein, "timber operation" as defined herein, "compost, mulch or other biomass crops" as defined herein, and "commercial equine operation" as defined herein. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FARM PRODUCT - any agricultural, dairy or horticultural product produced by a Farm Operation, or any product designed for food manufactured or prepared principally from an agricultural, dairy or horticultural product produced by a Farm Operation and the commercial raising, shearing, feeding and management of animals on a Farm Operationranch.

~~FARM - A parcel of land of not less than five acres used for the production of crops, livestock or livestock products, including dairy, poultry, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations used primarily for the raising of agricultural or horticultural commodities and having an annual gross sales value of production of \$1,000 or more. The term "farm" includes necessary farm structures within the prescribed limits of the farm parcel and the storage of equipment as part of the farm operation. The term "farm" excludes public stables and dog kennels. See related definitions and regulations for animal husbandry, public stables, kennels, and veterinarian's offices.~~

~~FARMHOUSE - The principal building used as a dwelling on a farm, as defined herein.~~

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

FCC FORM 854 - The inventory form for the Tower Structure Registration Program of the FCC.

FCC OET BULLETIN No. 65 - The FCC manual titled "Evaluating Compliance With FCC Specified Guidelines For Human Exposure To Radio Frequency Radiation."

FENCE - A structure, other than a building, which is erected as a barrier for the purpose of preventing passage and/or view.

FILL - Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

FIRE INSPECTOR - The person designated by the Town Board to administer the duties of this position as defined herein.

FIRING RANGE, SHOOTING RANGE - An indoor or outdoor firing range with designated targets for shooting and overseen by one or more supervisory personnel responsible for ensuring that weapon safety rules are followed at all times.

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

FLOODPLAIN - A land area adjoining a river, stream, watercourse, or lake which is susceptible to being inundated by water from any source. The term "one-hundred-year floodplain" shall mean the highest elevation of water from flooding that, on the average, is likely to occur once every 100 years, or a one-percent chance of occurring each year.

~~FLOOR AREA, GROSS - The sum of the horizontal area of the floor or floors of a building as measured from the exterior faces of exterior walls or from the center line of walls separating two buildings, but not to include attached, semi-detached, or built-in garages, porches or terraces, basements or unfinished floor area, including attics, having clear head room of less than seven feet.~~

FLOOR AREA RATIO (FAR) - The sum of the gross floor area of all structures on a ~~lot~~Lot divided by the ~~lot~~Lot area as defined herein.

FOOTPRINT - When used in reference to a structure, the term "footprint" shall mean the area covered, or which would be covered, by the structure at the intersection of the exterior walls of the structure with the ground.

FORESTRY - The raising, harvesting and sale of forest products.

FREESTANDING - When referring to a sign, the term "freestanding" shall mean "unattached to another structure" or "supported by its own structure."

FUNERAL HOME - A building or part thereof used for human funeral services. Such a building may contain space and facilities for (1) embalming and the performance of other services used for the preparation of deceased persons for burial; (2) the performance of autopsies and other surgical procedures; (3) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles but shall not include facilities for cremation. A funeral chapel shall be considered to be an accessory use of a funeral home.

GARAGE, PRIVATE - An enclosed space, whether an accessory building or part of a principal building, for the storage of one or more vehicles, provided that no business, occupation or service, other than a home occupation authorized herein, is conducted for profit therein nor does it contain space for more than one car owned by or leased to a nonresident of the premises. Unless otherwise specified, the term "garage" shall mean "private garage."

GARAGE, PUBLIC - A garage or covered parking ~~lot~~Lot conducted as a business. The rental of storage space for more than two passenger cars or one commercial vehicle not owned by a person residing on a premises shall be deemed a "parking ~~lot~~Lot." See also "parking ~~lot~~Lot."

~~GASOLINE STATION or AUTOMOTIVE SERVICE FACILITY - Any premises where gasoline, other petroleum products and automotive accessories are sold, and which may or may not include facilities for lubricating and other minor servicing of motor vehicles. Automotive service facilities shall not include premises where automotive repair activities such as engine overhauls, automobile painting, body work, or auto sales or rental are conducted.~~

GENERAL MUNICIPAL LAW - The General Municipal Law of the State of New York, Chapter 24 of the Consolidated Laws.

GRADE, ESTABLISHED - The elevation of the center line of the street as established by the Town, county or state highway authorities.

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

GRADE OF SERVICE - A measure of the percentage of calls which are able to connect to the base station during the busiest hour of the day, expressed as the remainder percentage of calls which are unable to connect. For example, p .05 means that 95% of callers will connect on their first try. A lower number (e.g. p .04) indicates a better grade of service (96% of callers are able to connect on their first try).

GRADING - Any operation, other than in connection with foundations or for a structure or highway construction, involving a change in ground elevation exceeding 10 feet from the previously existing grade.

GROUND-MOUNTED - Directly installed on or in the ground and not attached or affixed to any accessory or principal structure.

HABITAT - The region or environment where a plant or animal grows or lives.

HAZARDOUS SUBSTANCE - Means, without limitation, any flammable, explosive, radon, radioactive materials, asbestos, urea formaldehyde foam insulation, polychlorinated biphenyls, petroleum, petroleum and petroleum products, methane, hazardous materials, hazardous wastes, hazardous or toxic substances or related materials as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. § 9601 et seq.), the Hazardous Materials Transportation Act, as amended (49 U.S.C. § 1801 et seq.), the Toxic Substances Control Act, as amended (15 U.S.C. § 2601 et seq.), Articles 17 and 27 of the New York State Environmental Conservation Law or any other applicable environmental law and the regulations promulgated thereunder.

HOME OCCUPATION - The use of a portion of a Dwelling Unit or an Accessory Structure for non-residential purposes by a Lot owner or lessee-resident thereof thereto. An occupation or business activity which results in a product or service, conducted entirely within a dwelling unit. A home occupation shall be clearly subordinate to the residential use of the dwelling unit. See § 250-56, Home occupations.

HOMEOWNERS' ASSOCIATION - A legally established membership organization, created and regulated under the authority of the Attorney General of New York State, for the purpose of maintaining joint ownership of property. Such organization shall have the power to collect funds to assure property maintenance, including the ability to impose liens against ~~lot~~Lot owners or dwelling unit owners.

HOSPITAL - An establishment for temporary occupation, including overnight admission, of the sick or injured for the purpose of medical diagnosis and treatment. Such an establishment may be either public or private, and shall be limited to the treatment or care of humans. See also "clinic," "nursing or convalescent home," and "alternate care facility."

HOTEL - A building or group of buildings which offers rental sleeping rooms, and which may also include a spa, restaurant, dining rooms, bars, kitchens, serving rooms, conference facilities, meeting rooms, swimming pool, ballrooms and other facilities and services intended primarily for the

accommodation of its patrons. A hotel typically has the rooms arranged in a multi-story building and accessible via an interior corridor. See also §250-58.

~~INDUSTRY/INDUSTRIAL USE~~ - Includes office, assembly, fabrication, wholesaling, warehousing, delivery services, moving and storage facilities, research and development, and related commercial/service activities such as: beverage bottling, distribution and warehousing; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; machine shops; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials such as cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials; printing and publishing. The term shall not include activities such as concrete and asphalt batch plants; the manufacture of products and merchandise involving the use of chemicals, processes or materials that might constitute a potential explosive or environmental hazard; slaughter plants, packing houses, animal by-products rendering, and other such animal processing activities; automobile salvage and reclamation yards and facilities; processing or production of oil, natural gas, geothermal resources or other hydrocarbons; foundries; or transportation or truck terminals. Includes the entire range of economic activity, and as applied to specifics, i.e., manufacturing, wholesale, retail, services, etc., shall have the meaning set forth in the Standard Industrial Classification Manual, published by the Executive Office of the President, U.S. Office of Management and Budget, as currently updated.

INN -- A building or portion thereof, kept, used, maintained, advertised or held out to the public, containing up to twenty-five (25) units used for overnight sleeping accommodations for guests, and providing meals, and other incidental services. An Inn may also contain, as an ~~A~~accessory Use(s), a full service ~~R~~restaurant serving meals to the general public, and small conference facility space available to the general public. See also §250-58.

JUNKYARD - A ~~lot~~Lot, land or structure, or part thereof other than a completely enclosed ~~structure building~~, over 200 square feet in area, used for or occupied by the collection, storage, ~~disposal~~, ~~with or without the sale or other use or deposition and/or sale~~ of waste materials; or for the collection, dismantling, storage and salvage, other than ~~within~~ a fully enclosed ~~structure building~~, of machinery or ~~motor~~ vehicles not in operating condition, ~~with or without dismantling, wrecking, salvage, sale or other use or disposition of the same and/or for the sale of their parts~~. Two or more motor vehicles not in operating condition shall be deemed to constitute a junkyard. A ~~motor~~ vehicle shall be deemed not

to be in "operating condition" if it is no longer in a condition for legal use on the public highways, and which has not been i.e., registered and inspected, if required, for longer than thirty (30) continuous days one month.

KENNEL - Any premises on which ~~are kept~~ four or more domesticated animals (dogs and cats) of more than six months of age are kept and which are housed, groomed, bred, boarded, trained or sold. for the purpose of boarding, care or breeding.

LAKE - An inland body of water that, for the purposes of this chapter, has a surface water area at the mean high-water mark of one acre or larger.

LAND ~~INAND~~ WILDLIFE CONSERVATION - Vegetation and terrain left undeveloped and essentially unaltered in its natural state in order to allow vegetation and wild animals to be untouched by human actions.

LAND AREA -- When referring to the required area per dwelling unit, means "land area" exclusive of streets and other public space.

LANDFILL - A ~~lot~~Lot or land area used for the disposal or abandonment, burial, burning, or other disposition and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind, including construction debris. A private compost pile shall not be construed as a landfill.

LAUNDRY, SELF-SERVICE or DRY CLEANING ESTABLISHMENT - A business establishment equipped with individual ~~clo~~Lothes-washing and drying and/or cleaning machines for the principal use of retail customers.

LIGHT PROCESSING or LIGHT MANUFACTURING - A use involving the manufacture of a product, but not requiring heavy, noisy or otherwise objectionable machinery or transporting equipment in violation of the performance standards stated within § 250-28 of this chapter.

LODGER - Any person who contracts with an owner of a Dwelling Unit to occupy such dwelling unit, for compensation, for periods of 30 consecutive days or less. This definition shall not apply to "Bed and Breakfast", "Boarding House", "Rooming House", "Hotel", or "Motel" as defined herein.

~~LOT~~LOT - A piece, parcel, tract or plot of land owned in fee, and occupied or designed to be occupied by a principal building or buildings and including the yards and other open spaces required by this chapter. "Premises" and "property" may mean one lot or multiple lots, when used with reference to a

subdivision. Where a lot is in common ownership as part of a cluster development, "premises" shall mean the area related to or property owned by residents of one dwelling unit.

~~LOTLOT AREA - The total land area of a lotLot within the property lines, excluding any area devoted to external streets.~~

~~LOTLOT AREA, MINIMUM - See "Buildable LotLot". The calculation of minimum lotLot area as required in this chapter shall be construed to include areas covered by utility easements and conservation easements, shall exclude areas not owned and shall exclude areas devoted to public streets.~~

~~LOTLOT, CORNER - A lotLot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135°. The point of intersection of the street right-of-way is the "corner."~~

~~LOTLOT COVERAGE - The entire unvegetated area of the lotLot, including the area covered by all structures, parking areas, driveways, walkways, patios and terraces.~~

~~LOTLOT DEPTH - The horizontal distance from the street line of the lotLot to its opposite rear line measured along the median between the two side lot lines.~~

~~LOTLOT FRONTAGE - That portion of the lotLot which abuts the~~

~~street. LOTLOT, INTERIOR - A lotLot other than a corner lotLot.~~

~~LOTLOT LINES - The lines that bound a lotLot as defined herein.~~

~~LOTLOT OF RECORD - Any lotLot which has been established as such by plat, survey, record, or deed prior to the effective date of this chapter as shown on the records of the Dutchess County Clerk's Office. For use of existing lotLots of record, see § 250-18, Existing lotLots of record.~~

~~LOTLOT, REAR - A lotLot which does not achieve the minimum lotLot width at the minimum required setback distance from the street, and therefore requires an accessway, which shall be a minimum width of 40 feet. See § 250-25, Rear lotLots.~~

~~LOTLOT, NON-CONFORMING - Any lotLot which is of less than the prescribed lotLot area, lotLot width, or lotLot frontage for the district in which it is located, and which is not a Buildable LotLot.~~

~~LOTLOT, SUBSTANDARD - Any lotLot which is of less than the prescribed lotLot area, lotLot width, or lotLot frontage for the district in which it is located.~~

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

LOT LOT WIDTH - The horizontal distance between the two side Lot Lines measured at a right angle to the ~~lot~~Lot depth.

LOT LOT WIDTH, MINIMUM - The required ~~lot~~Lot width measured at the front building line.

LUMINAIRE - A complete lighting unit, consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power. When used, includes ballasts and photocells. Commonly referred to as a "fixture".

LUMINAIRE, FULL CUT-OFF - A luminaire that does not emit light at or above a horizontal plane running through the lowest point on the luminaire.

LUMINAIRE, NON CUT-OFF – A luminaire ~~that~~ that emits light above the horizontal plane running through the lowest point on the luminaire.

LUMINAIRE, SEMI CUT-OFF – A luminaire that does not allow light to escape above a sixty-five (65) degree angle measured from a vertical line from the center of the luminaire extended to the ground.

MACHINE SHOP ~~or MAJOR VEHICLE REPAIR~~ - An establishment which uses industrial equipment such as metal lathes, grinders, polishers, welding equipment, drill presses, computer-driven machinery, electronic test equipment or similar tools to ~~do repair or~~ manufacture ~~of~~ any item, product, machinery, engine, vehicle or any parts thereof, ~~including automobile or truck body repair or painting.~~ This shall not include the actual repair or maintenance of engines or machinery, but only creation or fabrication of the parts that would be used in the repair or maintenance of engines or machinery.

MANURE STORAGE - The collection of solid animal wastes for subsequent disposal, application, or other use. Manure storage shall not be construed to include the use of manure as part of a compost operation.

~~MASTER PLAN - A long-range plan officially recognized as a guide for the physical growth and development of a community, also called a "comprehensive plan."~~

MIXED USE DEVELOPMENT – Use of land and/or a building or structure for a variety of complementary and integrated uses such as residential, office, retail, entertainment, and recreation.

MIXED USE BUILDING – A principal structure in which are located a variety of uses including residences, offices, retail, entertainment and recreation.

MOBILE HOME, MANUFACTURED HOME - a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term shall include any structure that meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under Title 42 of the United States code; and except that such term shall not include any self-propelled recreational vehicle. ~~A movable or portable unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, whether or not connected to utilities, and designed and constructed with or without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of again being separated into the components for repeated towing.~~ The term "Mobile home" shall include units designed to be used for residential, commercial, educational or industrial purposes, excluding camping trailers. A factory-manufactured home as defined herein shall not be construed as a mobile home or a manufactured home.

MOBILE HOME PARK - Any ~~lot~~Lot on which two or more mobile homes are located regardless of whether or not a charge is made for such accommodations.

MOTEL - A building or group of buildings containing individual living and sleeping accommodations for hire ~~not less than eight individual rental living and sleeping units~~, each of which is provided with a separate exterior entrance and a parking space and is offered for rental use principally by motor vehicle travelers. A motel typically has the rooms arranged in a low building with parking directly outside. The term "motel" includes, but is not limited to, similar establishments known as an "auto court," "motor hotel," "motor court," "motor inn," "motor lodge," or "tourist court." The term "motel" shall not be construed to include a truck terminal. A restaurant shall not be construed to be an accessory use of a motel.

MOTOR HOME - A self-propelled vehicle designed or equipped for temporary living quarters. See also "camping vehicle."

MOTOR VEHICLE ACCESSORY SALES -- A facility which for its principal use sells, at retail, automobile and truck accessories, which may include but is not limited to parts, tires, batteries,

mufflers, tailpipes, radiators, belts, starters and hoses and which may or may not include facilities for installing such accessories. The sale of motor fuels is not included in this definition.

MOTOR VEHICLE REPAIR FACILITY – A facility arranged, intended, or designed for making repairs to motor vehicles and their mechanical systems, including painting, collision services involving frame and fender straightening and the dismantling or disassembly of frames or exterior parts, and which may or may not include the sale of rebuilt vehicles and parts, but excluding the sale of petroleum products.

MOTOR VEHICLE RENTAL FACILITY – A facility, including structures and display areas, used for the rental of passenger vehicles, trucks, cargo trailers, or recreational vehicles or other vehicles requiring registration for road use, and which may include a facility solely for the repair of such rental vehicles. The sale of motor fuels is not included in this definition.

MOTOR VEHICLE SALES AND SERVICE -- Any area of land, including structures thereon, for which its principal use is the display or sale of new and/or used automobiles, motorcycles, trucks, cargo trailers or recreational vehicles or other vehicles requiring registration for road use, and which may or may not include the repair of vehicles. Enclosed showrooms and open display areas are included in this definition. The sale of motor fuels is not included in this definition.

MOTOR VEHICLE SERVICE FACILITY -- A facility which sells, at retail, fuel or other products and services for vehicle operation and maintenance, and which may include but is not limited to as an accessory use a convenience store selling goods and food for off-site consumption, but not including repair services or facilities.

MOTOR VEHICLE SALES OR RENTAL - A ~~lot~~Lot on which is located a building and/or open area other than the street used for the display, sale or rental of new or used automobiles, vans, trucks, cargo trailers, motoreycles, motor homes, or other vehicles requiring registration for road use.

NONCONFORMING BUILDING OR STRUCTURE - A lawful existing building or structure which contains a use permitted in the zoning district in which it is located, but which does not conform to the applicable district regulations for ~~lot~~Lot area, size, coverage or yards, or maximum height after the effective date of this chapter. A fence shall not, however, be construed to be a nonconforming structure. An unlawful building or structure is not a nonconforming building or structure.

NONCONFORMING ~~LOT~~LOT - A ~~lot~~Lot of record which does not comply with the area, width, shape, or frontage provisions of this chapter for the district in which it is located. Noncompliance with minimum parking setbacks shall not be construed to cause a ~~lot~~Lot to be a nonconforming ~~lot~~Lot.

NONCONFORMING SIGN - Any sign lawfully existing prior to the effective date of this chapter which does not conform to the provisions of this chapter for the district in which it is located.

NONCONFORMING USE - Any use lawfully existing prior to the effective date of this chapter, which use is not permitted by or does not conform with the permitted use provisions of this chapter for the district in which it is located. An unlawful use prior to the effective date of this chapter is not a nonconforming use.

NONCONFORMITY - A nonconforming use, ~~lot~~Lot, building, or other structure which existed lawfully, whether by variance or otherwise, on the effective date of this chapter and which fails to conform to one or more of the provisions of this chapter or such amendment. No nonconforming use, ~~lot~~Lot, building, or other structure shall be deemed to have lawfully existed on the effective date of this chapter unless it can be proven that it was actually in being on such date and that its use was lawful under all laws existing at the time, or that a valid building permit had been issued and actual construction lawfully begun prior to that date. Actual construction is hereby defined as the placing of construction materials in a permanent position in accordance with the plans for the building or other structure and with the intent to complete the construction in an expeditious manner.

NOXIOUS USE - Any use which is dangerous, offensive or injurious by reason of the emission of dust, smoke, refuse matter, odor, gas fumes, noise or vibration in contravention of the standards and criteria established by this ~~e~~Chapter and other applicable laws, rules, codes and regulations.

NUISANCE - An interference with the enjoyment and use of property.

NURSERY - An establishment consisting of gardens, greenhouses, and/or land under cultivation, and may include buildings and structures associated with these activities, which grows trees, plants, flowers, shrubs, or vegetables for sale. Such establishment is permitted to sell ~~primarily~~ those products produced or grown on the property. Purchase of products or produce for resale is not permitted, nor are machine sales or repair to be construed as accessory uses of a nursery.

NURSERY SCHOOL or DAY-CARE FACILITY - See "day-care facility."

~~NURSING OR CONVALESCENT HOME - Any establishment where persons are housed or lodged and furnished with meals and nursing care for hire. For the purposes of this chapter, nursing and convalescent homes are considered alternate care facilities.~~

OCCUPANCY - The use of a building, structure or land.

~~OCCUPANCY, SEASONAL - Occupancy for a period not exceeding four months during any one calendar year.~~

OFFICE - An establishment for the conduct of business or services.

~~OFFICE, NONRETAIL - A building or portion thereof wherein professional, administrative, or clerical services are performed, which are sold primarily to other businesses and generally not to the public. Two tenants, each conducting its own business, shall be construed to be two establishments.~~

~~OFFICE, RETAIL - A building or portion thereof wherein professional, administrative, or clerical services are performed, which are sold or offered for sale to the public. Two tenants, each conducting its own business, shall be construed to be two establishments.~~

OFFICIAL MAP - A map, adopted by the Town Board, showing streets, highways and parks heretofore laid out, adopted and established in accordance with § 270 of the Town Law, or which may have been revised according to the provisions of § 273 of the Town Law.

OPEN SPACE - Land either left in a natural state for conservation, or cultivated for agricultural purposes, or landscaped and improved for scenic or recreational purposes, and devoted to active or passive recreation, or devoted to the preservation of distinctive architectural, historic, geologic or botanic sites, scenic views, or other open space qualities. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, or occupied by any structure unless such structure serves the agricultural, scenic, recreational, or other open space use, or enhance access thereto and use thereof. Open space may be included as a portion of one (1) or more lotLots, or may be contained in one or more separate open space lotLot but shall not include private yards within one hundred (100) feet of a principal structure. Land and/or water in its natural state and containing no buildings or structures or land set aside or dedicated to remain unimproved except for improvements in support of agriculture.

OPEN SPACE, USABLE -- An unenclosed portion of the ground of a lotLot which is not devoted to driveways, access roads, parking spaces; which is free of structures that would interfere with the functionality of the open space and the intended use of the property; which is no less than eight feet in width at any point; which is available and accessible to all occupants of the building or buildings on said lotLot, or on a separate dedicated lotLot as part of a common development scheme, for purposes of active or passive outdoor use.

~~ORDINANCE - A statute passed in accordance with the procedures set forth in Town Law, the Municipal Home Rule Law or other appropriate laws, rules and regulations. Any use of the word "law"~~

or "local law" may be construed to mean "ordinance," if the document referred to was passed as an ordinance.

OWNER - ~~The owner of the freehold of the premises or lesser estate. One who has legal title or right to property. The person recognized by the law as having the ultimate control over, and right to use, property as long as the law permits and no agreement or covenant limits his or her rights. therein, a mortgagee or vendee in possession, assignee of rents, receiver, or executor trustee of a building, structure or premises. The term "owner" shall not include another member of the owner's family, unless that member is jointly an owner, or power-of-attorney is demonstrated to have been executed thereto.~~

OWNER OCCUPIED – A premises occupied by the owner as his principal domicile; the place where the owner resides as his full-time residence.

PARENT PARCEL – A parcel of land legally in existence on the effective date of this chapter. For purposes of this chapter the parent parcel shall be deemed to be that lotLot, parcel or tract of land owned by the person or persons as shown on the records of the Town of Clinton Assessor's Office as of the effective date of this chapter.

PARK - Any land and/or associated structures created and maintained by a municipality or organization for the express use and enjoyment by the general public for recreational purposes.

~~PARKING - The keeping of a vehicle for less than 48 hours. See "storage."~~

PARKING ~~LOT~~LOT – An accessory structure on a lotLot on which patrons are allowed to park or store vehicles which can include a structure for collecting money or handling tickets. A parking lotLot includes a public garage.

PARKING SPACE - A paved or surfaced space which, exclusive of driveways and turning areas, is no less than the minimum size specified in §250-63 of this chapter for the parking of one (1) passenger vehicle., and which is accessible at all hours for the parking of one passenger vehicle. The area required for parking one vehicle. See § 250-63, Off-street parking and loading.

PARTICULATE MATTER - Any finely divided liquid or solid matter, including smoke, capable of being air-, gas- or waterborne.

PERFORMANCE STANDARDS - Regulations in this chapter for the control of particular activities which are considered objectionable, offensive or hazardous.

PERMITTED USE - A specific use noted with the "permitted use" symbol in the Schedule of Use Regulations, and for which land, ~~lot~~Lots, buildings or structures may be used, occupied or maintained under this chapter.

PERSON - Any individual, firm, corporation, partnership, association, trustee or legal government entity.

PERSONAL SERVICE ~~BUSINESS~~ESTABLISHMENT - An establishment primarily engaged in providing services involving the care of a person or a person's apparel, including but not limited, to laundries, tattoo parlor, barber and beauty shops, and dry-cleaning shops, but not including an Adult Business use, a Motor Vehicle Accessory Sales and Service use, a ~~Motor Vehicle Body Shop use~~, a Motor Vehicle Sales and Service use, a Motor Vehicle Service Facility use, or a Motor Vehicle Repair Facility. ~~An establishment primarily engaged in providing services involving the care of a person, including but not limited to barber and beauty shops.~~

PLACE OF RELIGIOUS WORSHIP -- Any building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building is maintained and controlled by a religious body organized to sustain public worship.

PLANNING BOARD – The Planning Board of the Town of Clinton.

POND - An inland body of water that, for the purposes of this chapter, has a surface water area at the mean high-water mark of less than one acre ~~or larger~~.

PORCH, OPEN - A porch open on three sides except for wire screening. A porch shall not be considered open if enclosed by either a permanent or detachable glass sash. A structure having a driveway running to it, under it, or through it shall not be considered an open porch.

PRIME OR STATEWIDE IMPORTANT AGRICULTURAL SOILS - Soils that have the best combination of physical characteristics for the production of food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides and labor, and without intolerable soil erosion. Such soils do not include land committed to urban development, water storage, or other uses that cannot economically be returned to agriculture. Specific prime and statewide important soil types for Dutchess County are determined by the United States Department of Agriculture Soil Conservation Service.

PRINCIPAL USE - The main use permitted under the zoning classification in accordance with the zoning district regulations. See also "principal building."

PRINTING; PRINTER - An establishment that provides duplicating services using digital, electronic, photocopy, blueprint, or offset printing equipment, or collating of booklets and reports, for sale to the public, businesses, and government.

~~PRINTING, RETAIL - An establishment that provides duplicating services using photocopy, blueprint, or offset printing equipment, or collating of booklets and reports, for sale to the public, and having total personnel, including owner(s), of no more than five people.~~

~~PRINTING, WHOLESALE - An establishment that provides duplicating services using photocopy, blueprint, or offset printing equipment, or collating of booklets and reports, or large-scale book publishing or other printing, primarily for sale to other businesses, and only incidentally to the public, and any printing establishment having total personnel, including owner(s), of more than five people.~~

PROHIBITED USE - Any use which is not listed in the Schedule of Use Regulations or which is not listed and designated as a permitted use, special permit use, or permitted accessory use, in a specific zoning district shall be considered a prohibited use in that zoning district, as herein defined.

~~PUBLIC STABLE OR RIDING ACADEMY - See "stable, public."~~

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING - A ~~lot~~Lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale, as a commercial or industrial operation, and exclusive of the process of grading preparatory to the construction of building for which a building permit has been issued, or highway construction.

RADIATION PROPAGATION STUDIES or RADIAL PLOTS - Computer-generated estimates of the radiation emanating from antennas or repeaters located on a specific tower or structure. The height above ground, and above mean sea level, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations.

RECREATION AREA - Public or private land developed with facilities for passive recreation, e.g., trails, picnic areas, and/or with facilities for active outdoor individual or organized recreation, such as ball fields, tennis courts, swimming, or ice-skating.

RECREATION VEHICLE - See "camping vehicle."

RECYCLING CENTER - A ~~lot~~Lot or land area for the collection of waste materials which are to be re-used, or recycled, and which are subsequently transported to the re-use location or another collection point. See also "transfer station."

~~RESEARCH LABORATORY - A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products except as incidental to the principal purpose of the laboratory. See the Schedule of Use Regulations, "Light Manufacturing."~~

~~RESIDENTIAL - Used as or for a dwelling, as herein defined. See also "district, residential."~~

RESIDENTIAL CLUSTER DEVELOPMENT - A development pattern in which dwellings are concentrated in specific areas of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

RESTAURANT - An establishment for the preparation, serving and consuming of food and beverages. Drive-in windows shall not be construed to be an accessory or principal use for a restaurant. A take-out counter within a restaurant building shall be construed to be an accessory use. See also "drive-in or drive-thru business."

RETAIL BUSINESS OR SERVICE - An establishment other than a restaurant or other eating and/or drinking establishment where goods or products are sold or rented or services offered to the public, but not including an adult business, motor vehicle accessory sales, motor vehicle sales and service use, motor vehicle rental facility, personal service business, or service business use. Special use permit or site plan approval shall be limited to the specific use applied for, not for "retail business or service" as a category.

~~RIDGELINE PROTECTION OVERLAY AREA - This area includes all lands in the Town of Clinton which are 500 feet above mean sea level or higher.~~

RIDGELINE, SCENIC AND HISTORIC PROTECTION OVERLAY DISTRICT - Lands of particular scenic and historic importance to the Town of Clinton, which are subject to regulations ~~which exempt single-family residences and agricultural uses as defined in section 250-15 herein.~~ Included are the Ridgeline Protection Overlay Area and the Scenic and Historic Protection Overlay Area.

RIGHT-OF-WAY - A legal right of use and passage over, under or through another person's property, including an easement.

ROAD, ROADWAY, STREET, HIGHWAY - A way for vehicular traffic, whether designated as a street, highway, throughway, thoroughfare, avenue, boulevard, road, parkway, right-of-way, lane, place or court, or however otherwise designated, and which affords the public a principal means of access to abutting properties and which is suitably improved; or a proposed public access way shown on a

~~subdivision plat to be improved in accordance with Chapter 206 of the Town Code. A public way primarily used, or intended to be used, for passage or travel by motor vehicles. Unless otherwise specified, measurement shall be to the center line of the street. The "edge" of such public way shall mean the shoulder or ditch.~~

ROADSIDE STAND - Any structure or vehicle whose principal use is to display and sell produce and/or farm products ~~produced on the property~~, and which uses its proximity to a roadway to attract potential customers. ~~See § 250-75, Temporary permits.~~

SATELLITE DISH ANTENNA - Any parabolic dish, antenna, or other device or equipment of whatever nature or kind, more than two feet in diameter, the primary purpose of which is to receive television, radio, microwave or other electronic signals from space satellites. This does not include any device which transmits and receives electromagnetic waves in order to provide commercial communications services.

SAWMILL - A facility which uses mechanical processes to transform wood through cutting, sawing, or shredding operations, for commercial purposes. Such definition shall not be construed to limit, strictly as an accessory use, the operation of portable sawing machinery for which no structures are erected.

~~SCENIC AND HISTORIC PROTECTION OVERLAY AREA - This area includes lands which are within the Taconic State Parkway Viewshed, within the hamlets included on the Town Zoning District Map and within Clinton's seven Critical Environmental Areas.~~

SCHOOL, ELEMENTARY - An educational institution for elementary education.

SCHOOL, SECONDARY - Educational institution for secondary education.

SCHOOL, VOCATIONAL - Any school having scheduled sessions with employed instructors who, as a principal activity, provide training in a trade or vocation, under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body, or a corporation meeting the requirements of the state.

SEASONAL OCCUPANCY - See "occupancy, seasonal."

SEMI-DETACHED - A term which, when used with reference to a building, shall mean connected to another building by at least one common wall. See also definitions for "attached" and "detached."

SEPTIC SYSTEM or SEWAGE TREATMENT SYSTEM - All exterior pipes, fittings, tanks, pits, and similar apparatus for the collection, processing, and dispersal of sewage, but not including such pipes

or fittings between the building and the first such tank or distribution point. All required setbacks for septic systems or parts thereof shall not include the building's interior fixtures or plumbing or the line from the building to the first tank or distribution point.

SERVICE BUSINESS, SERVICE USE, STORE OR SHOP -- A business or nonprofit organization that provides services to the public, either on or off premises, including but not limited to arts instruction or studio; building, electrical, plumbing and landscape contracting business; educational services; rehabilitation and habilitation services; catering; health club; housecleaning services; locksmith; printing and photocopying; repair and restoration services; tailoring; typing and word processing; but not including a Bank or Financial Service business, an adult business use, a motor vehicle accessory sales and service use, ~~a motor vehicle body shop use, a motor vehicle sales and service use, a motor vehicle service facility use, a motor vehicle repair facility, personal service business, or retail business use.~~

SETBACK - The minimum horizontal distance from the property line to any structure, roadway, parking area, accessory building or other such improvement on the ~~lot~~Lot, except necessary driveways. See related terms "yards," ~~and~~ "minimum yards." See also §250-23.

SETBACK, FRONT - The setback, as herein defined, measured to the center line of the roadway or street. See also § 250-23, Measurement and use of yards.

SETUP MODE - For camping trailers or camping vehicles, refers to the camping trailer or camping vehicle when fully extended in accordance with all designed expansions and foldouts affecting interior living space.

SIGN - Any structure or part thereof, attached thereto, or painted or represented thereon, or advertising display upon a building or other surface, which displays or includes any letter, model, banner, flag, pennant, insignia, device or representation. Such definition shall apply only to representations which are visible from the outdoors.

~~SIGN, BUSINESS - A sign which directs attention to a business, profession or industry located on the premises where the sign is displayed, to the type of products sold, manufactured or assembled, and/or to service or entertainment offered on said premises.~~

~~SIGN, FARM PRODUCTS - A sign advertising the sale of farm products raised on the premises.~~

~~SIGN, IDENTIFICATION - A sign used to identify the individual or organization occupying the premises or the name of the building or structure in connection with which the sign is displayed.~~

~~SIGN, REAL ESTATE - A sign advertising the property on which the sign is located, or a building thereon, for sale, rent or lease.~~

SITE PLAN - A specific plan for a ~~lot~~Lot and its use or proposed use, including descriptive material, drawings, and other information required. For uses requiring site plan approval, see the Schedule of Use Regulations,

SKETCH PLAN - See "conceptual plan."

SLUDGE - Waste solids removed from sewage, including septage from septic systems.

SOLAR ENERGY SYSTEM – Shall mean:

A. An active solar energy system arrangement or combination of components designed to provide heating, cooling, hot water or electricity through the process of collecting solar radiation, converting it to another form of energy, storing the converted energy, protecting against unnecessary dissipation and distributing the converted energy. This term shall not include pipes, controls, insulation or other equipment which are part of the conventional heating, cooling, insulation or electrical system of a building; and

B. A passive solar energy system arrangement or combination of components which relies upon the original or retrofitted design and elements of a building to enhance the use of natural forces including solar radiation, winds and night-time coolness to provide heating, cooling or hot water through the process of collecting solar radiation, converting it to another form of energy, storing the converted energy, protecting against unnecessary dissipation and distributing the converted energy. This term shall not include pipes, controls, insulation or other equipment which are part of the conventional heating, cooling or insulation system of the building; nor shall it include any expenditure allocable to a swimming pool used as a storage medium.

SPECIAL USE PERMIT - A permit under which a specific use may be permitted if and only if the use meets all the conditions required in this chapter and all the general standards listed herein. For uses requiring special use permits, see the Schedule of Use Regulations;

STABLE, PRIVATE - An accessory use located within an accessory building in which horses are kept for private use and not for hire, ~~compensation~~ or sale. A Private Stable is not a "Commercial Horse Boarding Operation" or a "Commercial Equine Operation" as defined herein.

STABLE, PUBLIC or RIDING ACADEMY - See "Commercial Horse Boarding Operation" and "Commercial Equine Operation". Any establishment where horses are kept for riding, driving, or

~~stabling for compensation or as an accessory use to the operation of any club, association, ranch or similar establishment.~~

STEEP SLOPE - For the purposes of this chapter, steep slopes are determined to be of two general classifications as defined below:

- A. MODERATELY STEEP SLOPES - Lands exhibiting slopes of 15% to 25% as calculated by the vertical rise divided by the horizontal distance over any ten-foot interval and encompassing a geographical area of more than 10,000 square feet. (Example: a 1 1/2 foot vertical rise over a ten-foot interval is a 15% slope.)
- B. EXTREMELY STEEP SLOPES - Lands exhibiting slopes of greater than 25% as calculated by the vertical rise divided by the horizontal distance over any ten-foot interval and encompassing a geographical area of more than 10,000 square feet.

STORAGE - The keeping of goods, vehicles, wares or supplies for any length of time. Storage includes "parking." This definition, however, shall not be construed as including the activities of a junkyard or landfill as defined herein.

STORAGE, OUTDOOR - Storage on land outside any building or structure.

STORY - That part of a building between any floor, other than the cellar floor, and the floor or roof next above.

STREET - See "road."

STREET LINE - The boundary between a ~~lot~~Lot and the right-of-way line of a street, as indicated by dedication or deed of record.

STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof, or any addition, change or rearrangement in the structural parts, or removal of a structure from one location to another.

STRUCTURE - A static construction, or assembly, or materials, the use or occupancy of which requires a fixed location on the ground or attachment to an object having such a fixed location. Structures shall include, but are not limited to, buildings, stalls, booths, sheds, storage bins, swimming pools, tennis courts, gasoline pumps, billboards, ~~and~~ mobile dwellings, and wind energy and solar energy facilities.

Structures shall not include common utility poles and related items thereon, nor walls, fences, or signs.
See also "accessory structure."

SUBDIVISION - The division of a ~~lot~~Lot, tract or parcel of land into two or more ~~lot~~Lots, tracts, parcels or other divisions of land.

SUBDIVISION REGULATIONS - The current standards and requirements known as "Subdivision Regulations" for the Town of Clinton. Wherever any requirement of this chapter is determined by the Planning Board to be inconsistent with the Subdivision Regulations, the more restrictive requirement shall apply.

SUPPLEMENTARY REGULATIONS - Additional standards for general and specific uses, found in Article V herein.

SWIMMING POOL - Any body of water or receptacle for water having a depth at any point greater than two feet and having a water surface area greater than 100 square feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained on any building or on a ~~lot~~Lot. Such definition shall exclude natural bodies of water fed by rivers, streams, brooks or springs.

~~TACONIC STATE PARKWAY VIEWSHED - For the purposes of this chapter, this area includes all lands in the Town of Clinton which are within 3,000 feet of the paved surface of the Taconic State Parkway.~~

TAVERN - See "bar or tavern."

TEMPORARY - For the purposes of this chapter, "temporary" shall be defined as a period of not more than 30 calendar days. See related terms "occupancy, seasonal" and "transient."

THEATER, DRIVE-IN OUTDOOR - Open land with appurtenant facilities used principally for the showing of motion pictures to patrons seated in automobiles.

THEATER, INDOOR - A building or part thereof used principally for presenting entertainment on a paid admission basis.

TIMBER OPERATION - means the on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten

thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

TOWN ENGINEER - That New York State licensed professional engineer, or engineering firm, or employee of such firm, or Town employee or consultant, who shall be chosen by the Town Board to perform duties of the Town Engineer for purposes of this chapter.

TOWN LAW - The Town Law of the State of New York, [Chapter 62](#) of the Consolidated Laws.

TOWN BOARD – The Town Board of the Town of Clinton.

TRAILER, BOAT - A vehicle designed exclusively for the transportation of a boat or boats.

TRAILER, CAMPING - See "camping trailer."

TRAILER, CARGO - A vehicle, not over 70 square feet in floor area, used for the hauling of cargo.

TRANSFER STATION - A ~~lot~~[Lot](#) or land area, including structures, used for the collection of garbage, waste, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind, and/or recyclable materials, for subsequent transportation to a disposal facility. A transfer station may include a recycling center.

TRANSIENT - Used herein to mean any occupancy of duration less than or equal to 14 days in a calendar year.

TRANSPORTATION OR MOTOR FREIGHT TERMINAL - Any premises used by a motor freight company regulated by the Public Service Commission of New York and/or the Interstate Commerce Commission as a carrier of goods, which is the origin and/or destination point of goods being transported, or an establishment used for storing, transferring, loading and unloading such goods, or an establishment for the origin, destination, loading or discharge of passengers on public transportation.

TREE CANOPY - The average height of a stand of trees.

UNIFORM CODE - The New York State Uniform Fire Prevention and Building Code, a copy of which may be seen at the office of the Building Inspector.

USE - The specific purpose for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.

USE REGULATIONS - The controls that enumerate the permitted, principal, permitted accessory and special permit uses within each of the zoning districts established by this chapter.

USER (OF A COMMERCIAL COMMUNICATIONS FACILITY) - A provider of FCC-licensed commercial communications services which operates on a facility it owns or leases from another owner. For the purposes of this chapter, users do not include the customers of FCC-licensed carriers, who may use wireless services provided by these carriers.

UTILITY, PUBLIC - A corporation licensed and regulated under the laws of New York State as a public utility. A "utility station or structure" is any structure and/or related equipment constructed or erected, or intended to be constructed or erected, by a public utility.

VARIANCE - A modification of the strict letter of this chapter in a case where the strict interpretation could cause "practical difficulties" or "unnecessary hardships," as determined by the standards contained in this chapter. For the types of variances and the standards applied to each type, see § 250-98, Zoning Board of Appeals powers and duties. For exceptions to conditions required for special use permits, see § 250-97, Special use permits.

VEHICLE, COMMERCIAL - Any vehicle, registered for use on public highways having a commercial registration, including but not limited to pickup trucks, trucks, vans, buses, trailers, which (1) contains an exterior commercial identification, other than agriculture; or (2) is used principally for business, other than agricultural operations. Such definition shall exclude vehicles registered as special purpose commercial vehicles or similar heavy vehicular machinery. ~~Standard unmarked automobiles designed only for passenger use shall not be construed to be commercial vehicles.~~

VENDOR; SOLICITOR; PEDDLER - Any person, including an employee or agent of another, who sells, advertises, or offers to sell food, beverages, goods or merchandise on or within the prescribed distance from any public street, right-of-way, or sidewalk from a stand, motor vehicle or from his or her person. Such definition shall not be construed to prohibit door-to-door sales or solicitations, unless otherwise regulated by local law.

VETERINARIAN'S OFFICE or ANIMAL HOSPITAL - An establishment for temporary indoor occupation by sick or injured animals for the purpose of medical diagnosis and treatment, not including any outdoor facilities, kennels, or provisions for boarding of animals.

WAREHOUSING AND STORAGE FACILITIES - A building or portion thereof used for the storage of goods or materials. This definition shall not be deemed to include storage as an accessory use in connection with a permitted principal use on the same property.

WASTEWATER - Any water discharged from a structure through a plumbing fixture, including, but not limited to, sewage and any other waste such as water softener brine produced on the premises.

WATERCOURSE - A stream, creek, brook, or other path through which surface water travels on a regular or seasonal basis. Drainage areas which contain water only during and immediately after a rainstorm shall not be considered watercourses.

WETLAND - Any area, which meets one or more of the following criteria:

- A. Lands and waters that meet the definition provided in § 24-0107, Subdivision 1, of the New York State Environmental Conservation Law, Freshwater Wetlands Act, or as amended and updated. The approximate boundaries of such lands and waters are indicated on the official wetlands map promulgated by the Commissioner of the New York State Department of Environmental Conservation, or as amended and updated.
- B. An area that is comprised of hydric soils and/or are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and under normal conditions do support, a prevalence of hydrophytic vegetation as defined by the Federal Interagency Committee for Wetlands Delineation, 1989, in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, Washington, D.C., and adopted by the United States Army Corps of Engineers, United States Environmental Protection Agency, and the United States Fish and Wildlife Service, or as amended and updated. Hydric soils referenced above shall include the soil types taken from the revised Dutchess County Soil Survey Series, 1991, or such revised, updated and adjusted soil surveys as may be completed. The wetland resources described above are designated on maps from the New York State Department of Environmental Conservation Environmental Conservation Law, Freshwater Wetlands Act and National Wildlife Inventory maps developed by the United States Fish and Wildlife Service.

WHOLESALE BUSINESS - An establishment primarily engaged in selling merchandise to retailers, to other wholesalers, or to industrial, commercial, institutional or professional business users, or primarily acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies, and only incidentally to the public. Special use permit or site plan approval shall be limited to the specific use applied for, not for "wholesale business" as a category.

WIND ENERGY SYSTEM – An arrangement or combination of components, including power conditioning equipment, designed to provide electricity or mechanical energy through the process of converting wind energy into mechanical and/or electric energy, and storing or distributing such energy.

The means of converting wind energy to electricity is accomplished by a mechanical wind generator, wind turbine, wind power unit, or wind energy converter, which are often generically referred to as a "wind generator" or "windmill".

YARD - The open area which lies between a ~~lot~~Lot line and the nearest wall of a building or group of buildings and shall be unoccupied, except as herein permitted.

YARD, FRONT - An open area extending across the entire width of the ~~lot~~Lot between the front main wall of a building and the center line of the street. See also § 250-23, Measurement and use of yards.

YARD, MINIMUM - The open, unoccupied area created by the required shortest distance from a property line that a building can be constructed or erected, in accordance with the Area and Bulk Regulations prescribed herein.

YARD, REAR - An open space extending across the entire width of the ~~lot~~Lot between the rear main wall of a building and the rear ~~lot~~Lot line.

YARD SALE - Any sales of goods, indoor or outdoor, including but not limited to garage sales, barn sales, and estate sales.

YARD, SIDE - An open space extending along the side of a ~~lot~~Lot between a side wall of a building and a side line of the ~~lot~~Lot and extending through from the front yard to the rear yard.

ZONING ADMINISTRATOR - The person designated by the Town Board to administer the duties of this position as defined herein.

ZONING BOARD OF APPEALS or ZONING BOARD – The Zoning Board of Appeals of the Town of Clinton, New York

ZONING ~~DISTRICT~~[SE9]MAP - The map delineating the boundaries of the various districts established under this chapter which, along with the text, comprises this chapter.