

## Chapter 250: Zoning

### Article VIII: Definitions and Word Usage

#### § 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 in cases of emergency, and to provide for legal ingress and egress of non-emergency vehicles. See also "accessway":-

**ACCESSORY DWELLING UNIT** -- See "Dwelling Unit, Accessory."

**ACCESSORY SHORT-TERM RENTAL** —~~has been amended to~~includes the following ~~new~~ definitions:

- 1) Bed and Breakfast Establishment
- 2) Lodger
- 3) Short-Term Rental
- 4) Type-1, Hosted Short-Term Rental
- 5) Type-2, Non-Hosted Short-Term Rental
- 6) Short-Term Rental Certificate
- 7) Short-Term Rental Facilitator
- 8) Short-Term Rental

**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 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 definition for "structure."

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

**ACCESSWAY** -- The area which provides legal access to a Lot to provide for legal ingress and egress of non-emergency vehicles. See also, "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

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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 LOT** -- Any ~~lot~~Lot adjoining or within 200 feet of the boundary of any portion of the subject ~~lot~~Lot even if the ~~lot~~Lot is separated from such ~~lot~~Lot by a road and powerlines.

**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; 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,

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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<sup>[NM1]</sup>, 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 of its stock-in-trade video films<sup>[NM2]</sup>, 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 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.
- G. **ADULT STORE** -- An establishment having as a substantial or significant portion of its stock-in-trade toys or other items for sale or rental which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or

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specified anatomical areas.

**AGRICULTURE, AGRICULTURAL USE [NM3]** - The commercial employment of land and buildings to generate remuneration from 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 as defined by New York State Agriculture and Markets Law. It also includes the commercial employment of land and on-farm buildings as part of a Commercial Horse Boarding Operation, a Commercial Equine Operation, a Timber Operation, or a Compost, Mulch, Biomass Operation as allowed under New York State Agriculture and Markets Law.  
~~**AGRICULTURE, AGRICULTURAL, AGRICULTURAL USE** — The employment of land to generate remuneration from 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 as defined by NYS Agricultural Markets. It also includes the employment of land for the 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 BUILDING** – A Building or Structure designed and constructed to house farm equipment, farm implements, poultry, livestock, horses, hay, grain, or other agricultural items as part of a Farm Operation that is not a place of human habitation, nor a place of employment where Agricultural Products are processed, treated, or packaged, nor shall it be a place used by the public.

**AGRICULTURAL BUILDING PERMIT** – Official authorization issued by the Building Inspector to begin construction of an Agricultural Building in accordance with the provisions of the Town Code, excluding the construction-related provisions of the Uniform Code. An application for such permit is available on the Town Website ([www.TownofClinton.com](http://www.TownofClinton.com)) and in the Building Department office.

**AGRICULTURAL BUILDING CERTIFICATE OF OCCUPANCY** – Official authorization issued by the Building Inspector that an Agricultural Building conforms to the applicable provisions of the Town Code, excluding the construction-related provisions of the Uniform Code, and may be legally used as an Agricultural Building.

**AGRICULTURAL BUSINESS** – A specific type of commercial enterprise allowed to operate within an Agricultural District as part of a Farm Operation in order to promote Agricultural Products, which is not otherwise regulated or protected under New York State Agriculture and Markets Law. See § 250-51 Farm Operations & Agricultural Businesses.

**AGRICULTURAL COMMERCIAL BUILDING** – A Building or Structure intended for use by the public and/or as a place of employment for retail sales and/or the processing, treating, or packaging of Agricultural Products, as part of a Farm Operation within an Agricultural District.

**AGRICULTURAL DISTRICT** -- Shall mean a district established pursuant to Article 25-AA of the

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Agriculture and Markets Law.

**AGRICULTURAL PRODUCT** – Any and all products grown, raised, or produced wholly within New York State and known as “crops, livestock, and livestock products” as defined in New York State Agriculture and Markets Law § 301, as well as the marketable and saleable services or products that result from a Commercial Horse Boarding Operation or a Commercial Equine Operation.

**AGRICULTURAL TOURISM** – Agriculturally based or inspired activities hosted on a Lot within an Agricultural District, by a Farm Operation active on that Lot, that contribute to the marketing, promotion, and/or sale of Agricultural Products produced by said Farm Operation through the enjoyment and/or education of the public, which also intend to enhance the public’s understanding and awareness of farming and farm life.

**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 for the specific needs of these persons including, but not limited to meals, personal care, custodial care, nursing care, habilitation and rehabilitation. 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 articles 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 § 4002 of the Public Health Law, and other supportive living facilities

**ANIMAL HUSBANDRY** -- The non-commercial keeping, grazing, feeding, and care of animals other than household pets. For the purpose of this chapter, all animals, 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.~~The keeping, grazing, feeding and care of animals other than household pets. For the purpose of this chapter, all animals, 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.~~

**ANNUAL FARM OPERATION INFORMATIONAL PERMIT** – A permit required for Farm Operation open to the public and/or engaged in retail marketing and/or retail sales as part of its Farm Operation. See §250-51.F.1.

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

**AQUIFER** -- An underground bed or stratum of earth, gravel or porous stone that contains water; and further defined by the Dutchess County Soil and Water Conservation District.

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**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** -- see "Building Area."

**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 or a structure, shall mean connected to another building or a structure by means of at least one common wall. A common roof, porch, patio, or breezeway (open and/or enclosed) shall not be construed as causing a building or structure to be attached to another. See also definition for "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 or that provides 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[NM4].

**BASEMENT** -- A story partly or wholly underground.

**BED AND BREAKFAST ESTABLISHMENT** -- An owner-occupied Dwelling in which more than one bedroom is rented for transient occupancy and meals are 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.



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**BOAT RENTAL** -- An establishment which rents non-motorized 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.

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

**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~~Lot after the minimum yard, area and bulk requirements of this chapter have been met, or that area of the ~~lot~~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~~Lot containing constrained land but including any constrained land for which a development permit has been issued, but excluding any existing or proposed dedicated highway right-of-way.

**BUILDABLE LOT** -- A ~~lot~~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~~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~~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, and property or business activity. See "structure."

**BUILDING AREA** -- 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, ramps and steps. All dimensions shall be measured between exterior faces of walls.

**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 ENVELOPE** -- Is the physical separator between the conditioned and unconditioned environment of a building including the resistance to air, water, heat, light, and noise transfer.

**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

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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.

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

**BUSINESS AND COMMERCIAL USE** -- Those uses listed under the heading "Business and Commercial Uses" in the Schedule of Use Regulations and any uses of a similar type

**CAMOUFLAGE** -- 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 ~~lots~~Lots if under the control of one person or business, including buildings and other structures on such ~~lot~~Lot, on which are located an area or designated spaces to accommodate two or more camp sites for tents, tent houses, trailers, cabins, camp cottages, vehicles, including camping trailers, camping vehicles and dormitories, 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 family members or guests of the resident, or groups (such as scouts), being hosted by the resident.

**CAMPSITE** -- 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 VEHICLE** -- Any recreational vehicle, designed as 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, campers 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 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, in other local laws of the Town of Clinton.

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

**CARNIVAL** -- An amusement show, usually traveling from place to place and including side shows,



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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 definition for "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**—When used d with respect to a street or road, a line midway between and parallel to street or road property lines.

**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** - A use shall be determined by the Zoning Administrator or Building Inspector to have ceased or terminated when it has been discontinued either temporarily or permanently, whether with intent to abandon such use or not.

**CHURCH** –See “Place of Religious Worship.”

**CIRCUS** – See “Carnival.”

**CLEAR CUT**-- The felling of 80% or more of all trees on a given tract or parcel.

**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.

**CLUB** -- "~~is~~ An organization of persons which is the owner, lessee or occupant of a building used exclusively for club purposes; does not sell alcoholic beverages to the public; is operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose; and is a nonprofit organization exempt from tax under the Internal Revenue Code.

**CLUBHOUSE** -- A building to house a ~~club~~Club as defined herein or social organization 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

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~~layout, configuration and design of Lots, buildings, structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural scenic qualities of open lands. 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.~~[NM5]

**COLOCATION; COLOCATOR, COMMERCIAL COMMUNICATIONS FACILITY**—The installation of commercial communications services or other communications facility on an existing structure.

~~**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.~~

**COMMENCEMENT OF CONSTRUCTION** – The beginning of continuous site clearing, site preparation, grading activity, construction material stockpiling, and/or any fastening to the earth or to any existing Building or Structure that is intended to result in the creation of a new Building or Structure or alteration of an existing Building or Structure. It does not include limited tree-cutting activities related to testing or surveying (such as geotechnical drilling and environmental testing), together with such testing, surveying, drilling, and similar pre-construction activities to determine the adequacy of the site for construction and the preparation of application materials or compliance filings.

**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** – See “Business and Commercial Use.”

**COMMERCIAL VEHICLE** -- Any vehicle registered for use on public highways having a commercial registration, including but not limited to pickup trucks, trucks, vans, buses, trailers, which contains an exterior commercial identification other than agriculture, or 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.

**COMPOST, MULCH, BIOMASS OPERATION** – 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.

~~**COMMUNICATIONS ACCESSORY BUILDING OR EQUIPMENT SHELTER, COMMERCIAL** --An enclosed structure, cabinet, shed or box containing batteries, electrical equipment and other devices~~

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needed in the operation of communications equipment.

~~a.~~

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

**COMMUNICATIONS COLOCATION, 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/or 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 Plan.

**COMPREHENSIVE PLAN** -- The Comprehensive Plan of the Town of Clinton. Sometimes also referred to as a "master plan."

**CONCEPTUAL SITE 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

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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 a commercial equine operation and a commercial horse boarding operation, corrals and barns, and quarters for employees of such operations.

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

**CONSTRAINED LAND** – The area of a ~~lot~~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.

**CONTRACTOR'S YARD OR ESTABLISHMENT (PRINCIPAL USE)** -- Any space 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, vehicles, or parts thereof, 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. The controlled areas shall be as depicted on the map entitled "Clinton, NY – Proposed Water Protection Amendment," [NM6]dated April 2008, revised August 2008, 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/or goods commonly associated with the same and having a gross floor area of less than 3,000 square feet, which does not sell gasoline.

**CREMATORIUM** -- A building or structure which houses facilities for cremation of people or animals.

**CRITICAL ENVIROMENTAL AREA (CEA)** -- A specific geographic area designated by a local or state agency which has exceptional or unique characteristics.

**CUL-DE-SAC** - A local street, one end of which is closed.

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**CUT** – When used in the context of cutting land, 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 State of New York that provides day care for children or adults. The term shall also include a nursery school.

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

**DEMOLITION** - The dismantling or removal of any building or structure, or part thereof, unless covered by a building permit.

**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 or structure, shall mean either (1) not connected to another building or structure by any physical construction, or (2) connected to another building or structure by some physical construction, but without at least one common wall. See also definition for "attached."

**DEVELOPMENT** -- Any humanly incurred change to an improved or unimproved ~~Lot~~Lot, 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<sup>[NM7]</sup>.

**DISTURBED, DISTURBANCE** -- All land preparation or modification 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.

**DRIVE-IN 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<sup>[NM8]</sup>, postal deposit services, and businesses requiring patrons to enter a building in order to be served shall not be considered drive-in businesses.

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**DRIVEWAY** – Privately owned land situated on a ~~lot~~Lot used or intended to be used to provide access to a ~~lot~~Lot by vehicular traffic.

**DUMP, DUMPING** - 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, DWELLING UNIT** -- A structure 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 structure. (Note: The terms s~~"dwelling," "single-family dwelling," "multifamily dwelling" or "dwelling unit"~~ shall not be deemed to include a hotel, motel or any other accommodation used solely for transient occupancy.)

a) **DWELLING, SINGLE-FAMILY** -- A detached building occupied exclusively by one family and containing not more than one dwelling unit.

b) **DWELLING, TWO-FAMILY** -- A detached building where not more than two 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 single structure containing two dwelling units. Side-by-side is considered a Two-Family Dwelling regardless of individual ownership of either half of its structure, provided they are on the same Lot of Record.

~~b) — A detached building where not more than two 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 single structure containing two dwelling 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 lot of record.~~

~~e)~~

~~d)c)~~ **DWELLING, MULTIFAMILY** – A detached or attached building or group of buildings, or portions thereof, on one ~~lot~~Lot, containing three or more dwelling units.

~~e)d)~~ **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, 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.

**EDUCATIONAL INSTITUTION** - Any ~~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 including vocational schools. Alternate care facilities, correctional institutions, day-care facilities or nursery schools are not construed to be educational institutions.

**ELECTRONICS INDUSTRY ASSOCIATION/TELECOMMUNICATIONS INDUSTRY**



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

**ELIGIBLE VOTER** – A person who, as set forth in the New York State Election Law, meets the eligibility NYS Elections requirements- to register to vote within the Town of Clinton.

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

**EXCAVATION** - Any man-made cut, cavity, trench or depression which moves or removes the earth surface formed by the removal of soil and rock.

**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.

**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 MANUFACTURED HOME** -- A 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.

**FAIR** – See “Carnival.”

**FAMILY** -- As used herein shall mean:[NM9]

- 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

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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 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

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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.

~~A family is defined as 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 living in a stable, non-transient household. 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. Cousins and other relatives or nonrelatives are not included in this definition.~~

**FAR** -- See “Floor Area Ratio.”

~~**FARM** ; **FARM OPERATION** -- See “Farm Operation” and “Garden.”The land and buildings, equipment, manure processing and handling facilities, and practices that contribute to the production, preparation, and marketing of farm crops, livestock, and livestock products as a commercial enterprise, including Commercial Horse Boarding Operation, Commercial Equine Operation, Timber Operation, and Farm Compost, Mulch, or Other Biomass Crops as defined herein. Farm operations may consist of one or more contiguous or noncontiguous parcels of owned or rented lot, shall not be less than five acres in size, and shall have an annual gross sales value of production as per NYS Agricultural Markets requirements.~~

**FARM MARKETING EVENT** – A single and cohesive Event produced in order to market the Agricultural Products of a Farm Operation that meets the following criteria: is directly related to the sale and promotion of On-Farm Agricultural Products, is incidental and subordinate to the retail sale of On-Farm Agricultural Products, is hosted by the Farm Operation, and features On-Farm Agricultural Products.

**FARM OPERATION** – A single entity located within an Agricultural District utilizing one or more contiguous or non-contiguous parcels of owned or leased land and on-farm buildings, equipment, manure processing and handling facilities, and practices that contribute to the production, preparation, and marketing of crops, livestock, and livestock products specifically as a commercial enterprise, including a Commercial Horse Boarding Operation, Commercial Equine Operation, Timber Operation, and Compost, Mulch, or Other Biomass Crops as defined by New York Agriculture and Markets Law § 301.

**FARM RESTAURANT** – A food service operation located wholly within an Agricultural District and operating as an Accessory Use to a Farm Operation for the principal purpose of promoting New York State Agricultural Products through the serving of food and beverages made primarily from such Agricultural Products. See § 250-51 Farm Operations & Agricultural Businesses.

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**FARM STAND** – An Agricultural Building or an Agricultural Commercial Building used exclusively and only by a Farm Operation within an Agricultural District to market and sell Agricultural Products as allowed, regulated, and protected by New York State Agriculture and Markets Laws. See § 250-51 Farm Operations & Agricultural Businesses.

**FARM STORE** – An Agricultural Commercial Building as part of a Farm Operation within an Agricultural District that is open to entry by the general public and used in the direct marketing and sales of Agricultural Products, beyond but including the On-Farm Agricultural Products of the Farm Operation engaged in such sales and marketing. See § 250-51 Farm Operations & Agricultural Businesses

**FARM TASTING ROOM** – A beverage service operation located wholly within an Agricultural District and operating as an Accessory Use to a Farm Operation for the principal purpose of promoting New York State Agricultural Products through the serving of beverages made primarily from such Agricultural Products. See § 250-51 Farm Operations & Agricultural Businesses

**FARM WORKER** – A person working full time, whether seasonal or year-round, engaged in the production functions of a Farm Operation, who is neither an owner nor a partner in the Farm Operation.

**FARM WORKER HOUSING** - A specific type of Dwelling Unit provided to a Farm Worker, as further defined, regulated, and protected under New York State Agriculture and Markets Law Article 25-AA and § 250-51 of this Chapter.

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

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

**FILL OR FILLING** -- Sand, gravel, rock, earth, or other materials of any non-hazardous composition whatsoever placed or deposited by humans.

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

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

**FIRING RANGE** -- An indoor or outdoor firing range facility primarily used or primarily intended to be used for the purpose of shooting firearms, with designated targets for shooting, and which is 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.

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**FLOODPLAIN** -- A land area adjoining a river, stream, watercourse, pond, 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** – See “Gross Floor Area.”

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

**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.

**FOREST MANAGEMENT PLANS** – A plan that include maps, tables and written text that show the boundaries and size of the forest, what kinds and sizes of trees it contains and what needs to be done to produce and harvest forest crops. The map, which is part of the plan, will also show areas of the ownership not in forest cover, such as open fields, roads and lakes. Eligible tracts must be managed primarily for forest crop production, although other compatible uses, such as forest recreation and watershed management can be allowed as outlined by the NYS DEC 480-a Forest Tax Law.

**FORESTRY** - The raising, harvesting and sale of trees.

**FREESTANDING** - When referring to a sign, the term "freestanding" shall mean "unattached to another 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 on human corpses.
3. The storage or sale of caskets, funeral urns, and other related funeral supplies.
4. The storage of funeral vehicles.

A Funeral Home shall not include facilities for cremation. A funeral chapel shall be considered to be an accessory use of a funeral home.

**GARAGE, PRIVATE OR GARAGE, PUBLIC** – See “Private Garage” or “Public Garage.”

**GARDEN** – An area or areas of a Lot dedicated to the non-commercial growing of products that are otherwise known as Agricultural Products. A Garden shall not be meant to include items or areas in use for Animal Husbandry.

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**GARDENING** – The non-commercial growing of products that are otherwise known as Agricultural Products. Gardening does not include Animal Husbandry

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

**GRADE, ESTABLISHED OR GRADE, FINISHED** – See Established Grade or Finished Grade

**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 from the previously existing grade.

**GROUND-MOUNTED** - Directly installed on or in the ground and not attached or affixed to any Structure or fence.

**GROSS FLOOR AREA** - 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.” 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.”

**GUEST** – See “Lodger.”

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

**HABITABLE FLOOR AREA** -- 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.

**HAZARDOUS SUBSTANCE** - 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.

**HOLIDAY** – A civic or religious day marked by a general suspension of work in commemoration of an



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event.

**HOME OCCUPATION** - The use of a portion of a dwelling unit or an accessory structure for non-residential purposes by a resident.

**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 occupancy, 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.

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

**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 accessory use(s), a full service restaurant serving meals to the general public, and small conference facility space available to the general public.

**JUNKYARD** -- A Lot or Structure, or part of either, used by the owner or tenant of such Lot or Structure for the collection, storage, disposal, or dismantling of vehicles, machinery, electronics, equipment, or waste materials, or any parts of any of the foregoing. Two or more motor vehicles not in operating condition shall be deemed to constitute a junkyard. A motor ~~vehicel~~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 registered and -inspected, if required, for longer than thirty (30) continuous days.

**KENNEL** -- The commercial keeping of domesticated animals (dogs or cats) for the purposes of boarding, breeding, training, grooming, or sale.

**LAKE** - An inland body of water that has a surface water area at the mean high-water mark of two (2) acres or larger.

**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 clothes-washing and drying and/or cleaning machines for the principal use of retail customers.

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**LIGHT INDUSTRIAL** -- 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 occupies a Dwelling or Accessory Dwelling Unit or any part thereof while it is being utilized as a Short-Term Rental in exchange for consideration, monetary or otherwise.

1. **TYPE-1, HOSTED SHORT-TERM RENTAL** – A Short-Term Rental that is occupied by the owner during the period for which it is rented, with no more than one bedroom available for Lodger(s) use.
2. **TYPE-2, NON-HOSTED SHORT-TERM RENTAL** – A Short-Term Rental exclusively occupied by a Lodger(s), ~~with all or part of the Dwelling or Accessory Dwelling Unit available to Lodger(s) without the owner occupying the Dwelling Unit with all or part of the Dwelling Unit available to a Lodger(s).~~

**LOT** -- A piece, tract, site or plot of land bound by a single deed.

**LOT AREA** -- The total land area of a ~~lot~~Lot within the property lines, excluding any area devoted to external streets.

**LOT AREA, MINIMUM** — See “Buildable Lot.”

**LOT, CORNER** - A Lot 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."

**LOT COVERAGE** - The entire unvegetated area of the ~~lot~~Lot, including the area covered by all structures, parking areas, driveways, walkways, patios and terraces.

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

**LOT FRONTAGE** - That portion of the ~~lot~~Lot which abuts the public street.

**LOT, INTERIOR** - A ~~lot~~Lot other than a corner ~~lot~~Lot.

**LOT LINES** - The lines that bound a ~~lot~~Lot.

**LOT, REAR** - A Lot which does not achieve the minimum ~~lot~~Lot width at the minimum required setback distance from the public street, and therefore requires an accessway which shall be a minimum width of 40 feet.

**LOT, NON-CONFORMING** - Any ~~lot~~Lot which is of less than the prescribed ~~lot~~Lot area, ~~lot~~Lot width, or ~~lot~~Lot frontage for the district in which it is located.

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

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

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

**MACHINE SHOP** -- 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 manufacture any item, product, machinery, engine, vehicle or any parts thereof. 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.

**MINIMUM YARD** – “See Yard, Minimum”

**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.

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

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

**MOBILE HOME, MANUFACTURED HOME** -- A structure, transportable in one or more sections, which, in a 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 ~~S~~ecretary of ~~H~~ousing and ~~U~~rb~~a~~n ~~D~~evelopment 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. The term shall include units designed to be used for residential, commercial, educational or industrial purposes, excluding camping trailers. A factory- manufactured home 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.

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**MODIFIED SITE PLAN PROCESS** – A Site Plan application process modified in accordance with New York Agriculture and Markets Law and Guidance Documents for use by Farm Operations. See § 250-51.G. for detailed scope and requirements.

**MOTEL** - A building or group of buildings containing individual temporary living and sleeping accommodation for each of which is provided with a separate exterior entrance and a parking.

**MOTOR HOME** -- See "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.

**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.

**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.

**MOTOR VEHICLE SERVICE FACILITY** -- A facility which sells, at retail, fuel or other products and services for vehicle operation and maintenance.

**MUNICIPAL CODE ENFORCEMENT INSPECTOR** – See “Zoning Administrator.”

**NEW CONSTRUCTION** - The building of a Structure where none existed or an addition to an existing Structure that increases the floor area.

**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** -- 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 the applicable chapter as amended and which fails to conform to one or more of the most recent 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

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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, sign or other structure which existed lawfully, whether by variance or otherwise, on the effective date of the applicable chapter as amended and which fails to conform to one or more of the most recent provisions of this chapter or such amendment. No nonconforming use, ~~lot~~Lot, building, sign 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.

**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 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 vines for sale.

**NURSERY SCHOOL** - See "Day-Care Facility."

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

**OFFICE** - A space within a building in which people engage in business activities, but not manufacturing, repair, construction, sales of goods present in such space, or similar activities.

**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.

**ON-FARM AGRICULTURAL PRODUCT – Any and all Agricultural Products produced by a farmer as part of a Farm Operation.**

**ON-FARM SLAUGHTERHOUSE – An operation where animals are butchered for food and located on Farm where the animals have been grown. On-farm slaughterhouses do not accept animals for butchering from any other farm operation or any outside source.**

**OPEN SPACE** - Land and/or water 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 vehicles, 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 ~~lot~~Lots, or may be contained in one

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or more separate open space ~~lot~~Lots but shall not include private yards within one hundred (100) feet of a principal structure.

**OWNER** - - The person(s) holding fee title to the ~~lot~~Lot(s) or structure(s) in question and, when fee title has been split between multiple persons, then such persons as have the paramount title at the relevant point(s) in time.

**OWNER OCCUPIED** – A premises occupied by the owner as the principal domicile.

**PARCEL** - An area of land identified with a Parcel Identification number by the Real Property Tax Service Agency of Dutchess County.

**PARENT PARCEL** – The original parcel of land intended for subdivision.

**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 LOT** – An area of a ~~lot~~Lot in which patrons are allowed to park or store vehicles as an ~~assessor~~accessory use, which can include a Structure for collecting money or handling tickets.

**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.

**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 ~~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** -- 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 parlors, barber and beauty shops, and dry-cleaning shops, but not including any adult business use.

**PLACE OF RELIGIOUS WORSHIP** -- Any building and land, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building and land 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 two (2) acres.



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**PORCH** - A covered area of a building or structure open on 1 or more sides except for wire screening. A building or structure having a driveway under it, or through it shall not be considered a 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 AGRICULTURAL BUILDING** - A Building including covered porches that is located on a Lot within an Agricultural District, is part of a Farm Operation, and in which is conducted the Principal Agricultural Use of the Lot on which such building is located.

**PRINCIPAL AGRICULTURAL USE** - The main agricultural use conducted by a Farm Operation within an Agricultural District.

**PRINCIPAL USE** -- The primary purpose for which land is intended to be used, as permitted under the zoning classification in accordance with the Zoning District regulations.

**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.

**PRIVATE GARAGE** - An enclosed space, whether an accessory structure 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 ~~lot~~Lot. Unless otherwise specified, the term "garage" shall mean "private garage." [NM10]

**PROHIBITED USE** -- Any use which is 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.

**PUBLIC GARAGE** -- A garage, covered or uncovered, or 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 ~~lot~~Lot shall be deemed a "parking lot." See also "Parking Lot." [NM11]

**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 a building 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,

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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, which may or may not contain facilities for active outdoor individual or organized recreation.

**RECREATION VEHICLE** - See "Camping Vehicle."

**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.

**RESIDENTIAL CONVERSION** - 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.

**RESTAURANT** - An establishment open to the general public for the preparation, serving, and consuming of food and beverages that cannot be classified as part of a Farm Operation. See also "Farm Restaurant."~~An establishment for the preparation, serving and consuming of food and beverages.~~

**RETAIL BUSINESS** -- An establishment where goods or products are sold or rented are offered to the public. Special Use ~~P~~ermit or ~~S~~ite Plan ~~A~~pproval shall be limited to the specific Use applied for, not for "retail business or service" as a category.

**RIDGELINE, SCENIC AND HISTORIC PROTECTION OVERLAY DISTRICT** - Lands of particular scenic and historic importance to the Town of Clinton, which are subject to regulations as defined in § 250-15.

**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, however otherwise designated, which affords the public a principal means of access to abutting properties and which is suitably improved.

**ROADSIDE STAND** - Any Structure or vehicle not otherwise classifiable as either an Agricultural Structure or an Agricultural Commercial Structure used to display and sell or share the Agricultural Products of a non-commercial grower or producer without entry by the general public, and which uses its proximity to a Road to attract potential customers. See § 250-51 Farm Operations & Agricultural Businesses.~~Any structure or vehicle whose principal use is to display and sell produce and/or farm products and which uses its proximity to a roadway to attract potential customers.~~

**ROADSIDE VENDOR** - A roadside Building, Structure, or vehicle used to market, sell, or share second-hand or self-made goods. Annual or semi-annual garage sales or yard sales shall not be considered Roadside Vendors provided they are not conducted with regularity or frequency.

**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

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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 that~~ <sup>NM12</sup> uses mechanical processes to transform wood through cutting, sawing, or shredding operations, for commercial purposes.

**SCHOOL, ELEMENTARY** - An educational institution for elementary education.

**SCHOOL, SECONDARY** – An 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.

**SEPTIC SYSTEM or SEWAGE TREATMENT SYSTEM** - All exterior pipes, fittings, tanks, pits, and similar apparatus for the collection, processing, and dispersal of sewage.

**SERVICE BUSINESS** -- A business or nonprofit organization that provides services to the public, either on or off premises.

**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.

**SETBACK, FRONT** - The setback 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.

**SHORT-TERM RENTAL** – Any Dwelling or Accessory Dwelling Unit, or part thereof, which is rented in exchange for consideration, monetary or otherwise, by the owner(s) in exchange for temporary occupancy for a period of 30 consecutive nights or less, and is not a Bed and Breakfast Establishment, Hotel, Motel, Camp and Campground.

**SHORT-TERM RENTAL CERTIFICATE** – A document issued by the Zoning Administrator which permits the use of a Dwelling or Accessory Dwelling Unit as a Type-1, Hosted Short-Term Rental pursuant to the terms and conditions set forth therein.

**SHORT-TERM RENTAL FACILITATOR** - An entity which the owner of a Dwelling Unit or Accessory Dwelling Unit utilizes for the advertisement and reservation of their Dwelling or Accessory Dwelling Unit as a Short-Term Rental. Such entities shall include but not be limited to Airbnb and VRBO.

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**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 outdoors.

**SITE PLAN** -- A specific plan for a Lot(s) and its Use or proposed Use, including descriptive material, drawings, and other information required. See the Schedule of Use Regulations for Uses requiring Site Plan approval and § 250-96 Site Plans for detailed Site Plan scope and requirements.~~A specific plan for a Lot and its use or proposed use, including descriptive material, drawings, and other information required. For uses requiring site plan approval.~~

**SKETCH PLAN** - See "Conceptual Site Plan."

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

**SOLAR ACCESS** - Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive solar energy systems on individual properties. [Added 7-9-2019 by L.L. No. 2-2019, effective 7-16-2019]

**SOLAR ENERGY EQUIPMENT** - Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity. [Added 7-9-2019 by L.L. No. 2-2019, effective 7-16-2019]

**SOLAR ENERGY SYSTEM** - The components and subsystems required to convert solar energy into electrical energy suitable for use. The term includes, but is not limited to, solar panels and solar energy equipment. The area of a solar energy system includes all the land inside the perimeter of the solar energy system, which extends to any interconnection equipment. A solar energy system is classified as a Tier 1, Tier 2, or Tier 3 solar energy system as follows. [Amended 7-9-2019 by L.L. No. 2-2019, effective 7-16-2019]

- a. Tier 1 solar energy systems include the following:
  - i. Roof-mounted solar energy systems.
  - ii. Building integrated solar energy systems.
- b. Tier 2 solar energy systems include ground-mounted solar energy systems with system capacity up to 25 kW AC and that generate no more than 110% of the electricity consumed on the site over the previous 12 months, or estimated usage over the previous 12 months based on new construction.
- c. Tier 3 solar energy systems are systems that are not included in the list for Tier 1 and Tier 2 solar energy systems.

**SOLAR PANEL** - A photovoltaic device capable of collecting and converting solar energy into electricity. [Added 7-9-2019 by L.L. No. 2-2019, effective 7-16-2019]

**SPECIAL USE PERMIT** - A permit under which a specific use may be permitted if the use meets all the conditions required in this chapter and all the general standards listed herein. For uses requiring

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~~S~~pecial ~~U~~se ~~P~~ermits, see the Schedule of Use Regulations.

**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 in which the slope encompasses a geographical area of more than 10,000 square feet. (Example: a 1½ 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 in which the slope encompasses 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.

**STORY** -- That part of a building between any floor, other than the basement 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, 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.

**SUBDIVISION** - The division of a 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~~ ~~re-quire-ments~~ 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.

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**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.

**TAVERN** - See “Bar or Tavern.”

**TEMPORARY** – 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** - The on-farm production, management, harvesting, processing, and marketing of timber grown on a Farm Operation into woodland products, including but not limited to logs, lumber, posts, and firewood.~~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.~~

**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 townhouse may include the land on which the unit is placed.

**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~~York, Chapter 62 of the Consolidated Laws.

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

**TRAILER, BOAT** – See “Boat Trailer” **TRAILER**,

**CAMPING** - See "Camping Trailer." **TRAILER**,

**CARGO** - See “Cargo Trailer.”

**TRANSFER STATION** - A ~~lot~~Lot or land area, including structures, used for the collection of garbage,



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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.

**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** – A living woody plant with an erect perennial trunk which is five (5) inches or more in diameter measured at a point 4-1/2 feet above the ground.

**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. A 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 permit~~Special Use Permits, see § 250-97, Special ~~Use~~Use-~~P~~Permits.

**VEHICLE, COMMERCIAL** – See “Commercial Vehicle.”

**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

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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~~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

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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 open, unoccupied 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~~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** — ~~The incidental, temporary use of residential property. Any sales of goods,~~ indoor or outdoor, ~~for the sale of used household and/or personal articles,~~ 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.

**ZONING BOARD OF APPEALS or ZONING BOARD** – The Zoning Board of Appeals of the Town of Clinton.

**ZONING DISTRICT MAP** - The map delineating the boundaries of the various districts established under this chapter.