

# ZONING DEFINITIONS

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August 2013

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*Unless otherwise defined herein, the common dictionary definition shall apply.*

**ACCESSORY BUILDING/ACCESSORY STRUCTURE:** A building or structure detached from and subordinate to a main building on the same lot and used for purposes customarily incidental to those of the main building.

**ACCESSORY DWELLING UNIT:** A second dwelling unit with provisions for cooking, eating, sanitation and sleeping, either in or added to, an existing single-family dwelling, or in a separate accessory structure such as a barn or garage on the same lot as the existing single-family dwelling, for use as a complete, independent living facility.

**ACCESSORY USE:** See "USE, ACCESSORY"

**ADDITION:** Any enlargement to a structure, whether by extension on any side or by increase in height or depth.

**ADJACENT PROPERTY/ABUTTING PROPERTY:** Any property adjoining, touching or joining at the edge or border of another property.

**ADULT USES:** Any premises or part thereof in which is provided services of which a principal feature or characteristic is the nudity or partial nudity of any person; or goods designed to appeal to erotic or sexual appetites or inclinations.

**AGRICULTURE:** The production, processing, keeping or maintenance, for sale or lease, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including but not limited to beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including but not limited to grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

- **AGRI-TOURISM:** Activities conducted on a farm and offered to the public, or to invited groups, for the sale of agricultural products, education, recreation or active involvement in the farm operation. An agri-tourism activity may be secondary to the primary farm use on a property, and may be conducted in an accessory building or structure. Agri-tourism activities include, but are not limited to, U-pick operations, corn mazes and pumpkin patches, Christmas tree farms, and wine and distillery tours.
- **ANIMAL HUSBANDRY:** A non-commercial activity involving the keeping, grazing, feeding, and care of animals for one's own use or consumption, exclusive of customary household pets.
- **CROP PRODUCTION:** The cultivation of the soil for food products or other useful or valuable growths of the field or garden for personal use, business, or gainful operation.

**AIRFIELD/AIRSTRIIP PRIVATE:** A facility for the storage, maintenance, take off, and landing of private, and not commercial, aircraft.

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**AIRPORT, PUBLIC:** A commercial facility where aircraft can land and take off, including hangars for aircraft storage, whether owned or leased, refueling facilities, tie-down areas and sales and service of aircraft and products accessory to aircraft, or those required by pilots and/or owners.

**ALTERATION:** A change or rearrangement in the structural parts or existing facilities of a building or structure.

**ANIMAL HOSPITAL:** An establishment for temporary occupation by sick or injured animals, for the purpose of diagnosis, treatment and recovery. May also include temporary boarding of animals.

**ANTENNA:** Equipment designed to transmit or receive electronic signals or electromagnetic waves external to or attached to the exterior of any building. An antenna is for the private use of the occupants of the property on which it is located.

**APARTMENT:** A single-family unit in a multi-family dwelling.

**APPLICANT:** Any person, corporation or other entity applying for a building permit, certificate of occupancy, special use permit, site plan or subdivision approval, variance, or zoning amendment.

**AQUIFER:** An underground geologic formation that contains and transmits significant quantities of groundwater.

**AREA, BUILDING/FOOTPRINT:** The area encompassed by a building's outer walls at ground level, including porches, decks and patios.

**AREA, FLOOR: (of a structure)** The sum of the horizontal area of the floor or floors of a structure, including habitable basement space and the area of roofed porches and roofed terraces, but not patios. All dimensions shall be measured between exterior faces of walls.

**AREA VARIANCE:** See "VARIANCE"

**ART STUDIO:** The workroom of an artist, such as but not limited to a painter or sculptor.

**ASSEMBLY FACILITY:** An establishment that combines components into a completed assembly or sub-assembly. An assembly facility is not involved in the manufacturing, from raw materials, of any product or component product.

**ATTACHED:** A term which, when used with reference to a building, shall mean connected to another building by means of at least one (1) common wall. For the purposes of this law, the terms "attached" and "semi-detached" may be interchanged in any context.

**ATTIC:** That space of a building which is immediately below and wholly or partly within the roof framing, which is used for storage and which is not habitable area.

**AUDITORIUM/MEETING HALL:** See "PUBLIC ASSEMBLY AREA"

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**AUTOMOBILE REPAIR SHOP:** See “MOTOR VEHICLE REPAIR SHOP”

**AUTOMOBILE LEASE/RENTAL FACILITY:** A facility where vehicles are leased or rented on either a short- or long-term basis. This use shall include all areas, whether enclosed or open, where such vehicles are stored. No fueling or repair services are performed on the premises of this type of facility.

**BAKERY:**

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

**BANNER:** See “SIGNS”

**BAR:** Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food is available for consumption on the premises as accessory to the principal use.

**BASEMENT:** A story partly below finished grade, but having at least one half of its height measured from floor to ceiling, but not less than four feet, above average finished grade. A basement shall be counted as one story in determining the height of a building in stories. See “CELLAR”. Add a graphic

**BED AND BREAKFAST INN:** A dwelling occupied by a family and used incidentally to provide accommodation and morning meals to transient travelers. A Bed and Breakfast may contain not more than five (5) bedrooms, serving not more than ten (10) transient travelers at a time, and does not include a boarding house, rooming house, group home, hotel or motel.

**BEGINNING OF CONSTRUCTION:** The incorporation of labor and materials on a building site, or the use of excavation equipment or labor to excavate for the building of foundation or footings, subsequent to the issuance of a valid building permit pursuant to this law; and does not include site preparation work such as wood cutting and clearing unrelated to building.

**BILLBOARD:** See “SIGNS”

**BILLIARD HALL:** See “RECREATIONAL ESTABLISHMENTS”

**BOARDING HOUSE:** A building arranged or used for extended or seasonal lodging for compensation with or without meals, and not occupied as a single-dwelling unit.

**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.

**BUFFER ZONE, STREAM/WETLAND:** A 100’ setback, or as required by the New York State Department of Environmental Conservation or the Army Corps of Engineers, measured from the edge of the waterway or the wetland area.

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**BUILDABLE LAND:** The portion of a lot that is suitable for building structures and locating septic disposal facilities; excluding wetlands and watercourses and flood hazard areas.

**BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING FOOTPRINT:** SEE "AREA, BUILDING/FOOTPRINT"

**BUILDING GROUP:** A group of two or more principal buildings and any accessory buildings, occupying a lot in single ownership and having any yard in common.

**BUILDING HEIGHT:** The vertical distance from the average finished grade line at the foundation to the highest point of the roof.

**BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER:** The administrative officer or officers of the Town designated to administer and enforce the New York State Uniform Fire Prevention and Building Code, which in part includes issuance of building permits and certificates of occupancy.

**BUILDING LINE:** The line, established by statute, local law or ordinance, beyond which a building shall not extend, as specifically provided by law.

**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 the Town Zoning Law, other local laws, the New York State Uniform Fire Prevention and Building Code and related laws, rules and regulations.

**BULK:** A term used to describe the size, volume, area and shape of buildings and structures and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures or other walls of the same building; and all open spaces required in connection with a building, other structures or tract of land.

**BUNGALOW COLONY:** A group of two or more dwelling structures on a single tract of land and designed for seasonal occupancy, not more than one of which is used for the purpose of year-round residence. A bungalow colony does not include a public lobby or dining rooms serving guests. A bungalow colony includes cottage or cabin colonies, but does not include trailer parks, trailer camps, boarding houses, hotels or motels.

**BUS SHELTER:** A small, roofed structure having from one to three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

**BUSINESS:**

- **BUSINESS, PROFESSIONAL OR ADMINISTRATIVE OFFICE:** Any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency providing professional service, business or brokerage, labor or fraternal organization, and shall exclude such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly, or amusement.

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- **BUSINESS, RETAIL:** An establishment engaged in the rental or sale of goods or merchandise to the general public for personal or household use and rendering services incidental to the rental or sale of such goods.
- **BUSINESS, SERVICE:** A commercial operation or establishment primarily engaged in performing work on a fee or contract basis, including but not limited to advertising and mailing; building maintenance, employment service, office equipment rental and leasing, commercial research, development and testing, photo finishing and personal supply services.
- **BUSINESS WHOLESALE:** 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.

**CABIN:** A structure designed for seasonal use, which may contain heat, but no water or sanitary facilities and no kitchen, and which is not attached to the electrical grid.

**CAMP:** Any parcel of land on which are located two or more tents, shelters, cabins, or other accommodations of a design or character suitable for seasonal or other temporary living purposes, including resort and day camp, but not including a trailer park, boarding house, bungalow colony, hotel or motel.

**CAMPGROUND:** A property providing four (4) or more sites for the parking of occupied travel trailers, the erection of tents or other shelters serving as temporary residences, as defined by Part 7 of the New York State Sanitary Code, and all buildings and facilities pertaining thereto.

**CARNIVAL:** A temporary amusement show, traveling from place to place and including side shows, Ferris wheels, merry-go-rounds, games, and/or similar attractions.

**CAR WASHING STATION:** A building or part of a building where mechanical equipment is used for the washing of vehicles.

**CELLAR:** Any space in a building where the structural ceiling level is less than four feet above average finished grade where such grade meets the exterior walls of the building. A cellar should not be counted in determining the permissible number of stories. See "BASEMENT". Add a graphic

**CEMETERY:** Property used for the interring of the dead.

**CENTERLINE OF STREET OR ROAD:** A line midway between and parallel to two street or road property lines.

**CERTIFICATE OF OCCUPANCY:** Official authorization issued by the Building Inspector that a structure conforms to the applicable provisions of this law, the NYS Uniform Fire Prevention and Building Code, and other applicable regulations, and may be legally used or occupied.

**CESSATION OF USE:** See "USE, TERMINATION OF"

**CHILD CARE FACILITY:** See "DAY CARE FACILITY/DAY NURSERY"

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**CHURCH OR OTHER PLACE OF WORSHIP:** A building wherein people regularly assemble for religious worship.

**CIRCUS:** A temporary exhibition of wild and trained animals, aerobatic feats, together with side shows and vending concessions.

**CLUB, MEMBERSHIP:** An organization catering exclusively to members and their guests, or premises and buildings for recreational, athletic or other common purposes that are not conducted primarily for financial gain.

**CLUB OR RECREATIONAL USE:**

**COLLEGE:** An accredited degree-awarding, post-secondary educational institution, or a constituent part thereof, or an institution offering vocational education.

**COMMERCIAL HORSE BOARDING:** See "STABLE, COMMERCIAL"

**COMMERCIAL USE:** An occupation, employment, or enterprise that is operated for profit by its owner, lessee, or licensee, not otherwise specified in the use regulations.

**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.

**COMMUNITY POLE:** See "SIGNS"

**COMMUNITY RESIDENCE:** See "GROUP HOME"

**COMPATIBLE:** Not disruptive or inconsistent with the existing neighborhood and the intended goals and objectives of the community, as stated in both this law and the Town's Comprehensive Plan.

**COMPLETE APPLICATION:** An application for a special use permit, site plan or subdivision approval, zoning amendment or variance, found by the reviewing board to satisfy all information requirements of this chapter and the New York State Environmental Quality Review Act, for which either a negative declaration has been issued or a draft environmental impact statement has been accepted as satisfactory pursuant to NYCRR 617.8(b)(1).

**COMPREHENSIVE PLAN:** A long-range plan officially recognized as a guide for the physical growth and development of a community.

**CONCEPTUAL PLAN:** See "SKETCH PLAN"

**CONDOMINIUM:** A multiple-family dwelling/apartment house or houses, the units of which are individually owned, each owner receiving a deed enabling the sale, mortgage or exchange of the dwelling unit independent of the owners of the other units in the building or buildings.

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**CONFERENCE CENTER:** An establishment used for business or professional conferences and seminars, often with rooms for lodging, eating, and recreational activities.

**CONSERVATION EASEMENT:** A perpetual restriction on the use of land, created in accordance with the provisions of Article 49, Title 3, of the Environmental Conservation Law and § 247 of the General Municipal Law.

**CONTAMINATION:** The degradation of habitat resources such as but not limited to air, water, soil, plant life, and animal life as a result of human activities to the extent that their health or usefulness is impaired.

**CONTINUOUS USE:** See "USE, CONTINUOUS"

**CONTRACTOR'S YARD:** Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, materials, vehicles or part thereof, which are in active use by a construction contractor.

**CONVENIENCE STORE:** A retail store that sells groceries and sundry items, and often includes the retail sale of gasoline and petroleum products for automobiles.

**CONVERSION:** A change in the use of land or a structure.

**COUNTRY CLUB:** See "GOLF COURSE"

**COVERAGE:** See "LOT COVERAGE"

**CUL-DE-SAC:** A local street or road, one end of which is closed and consists of a circular turn around.

**CULTURAL ENTERTAINMENT FACILITY:** Any building, room or area designed or utilized primarily for the presentation to the general public of live theater, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, academic or scientific material which are not characterized by their emphasis on description or depiction of specified anatomical areas or specified sexual activities.

**DAY CARE FACILITY/DAY-NURSERY:** Any type of group day care program including nurseries for children of working parents or caregivers, nursery schools for children under minimum age for education in public schools, parent-cooperative nursery schools, playgroups for pre-school children, programs covering after-school care for school children provided such establishment is licensed by the State and conducted in accordance with State requirements.

**DEC:** New York State Department of Environmental Conservation <http://www.dec.ny.gov>

**DEICING COMPOUNDS:** Any bulk quantities of chloride compounds and/or other deicing compounds (e.g. urea or calcium magnesium acetate) intended for application to roads, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute over eight percent of the mixture.



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**DEMOLITION:** The dismantling of any structure.

**DETACHED:** Separate, unconnected, not sharing any wall with another building.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to the construction or alteration of buildings, fences, walls, signs, or other structures, as well as dredging, clearing, filling, grading, paving, excavation, or drilling operations, but excluding normal agricultural, conservation, or forest management activities.

**DISTRICT:** See "ZONING DISTRICT"

**DISTURBANCE:** Used in reference to land, this term shall mean any human alteration, including but not limited to grading, filling, excavating, or stripping.

**DORMITORY:** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

**DRIVE-IN MOVIE:** An open lot or part thereof with appurtenant facilities devoted primarily to the showing of moving pictures, on a paid admission basis, to patrons seated in motor vehicles or on outdoor seats.

**DRIVEWAY:** Land situated on a lot and used or intended to be used to provide access to and across a lot by vehicular traffic.

- **DRIVEWAY, COMMON:** A right-of-way serving more than one property.
- **DRIVEWAY SETBACK:** The minimum distance that a driveway shall be set back from a lot line, measured to the edge of the driveway, except that lot line from which the driveway obtains access to a road or street.

**DUMP:** A lot or land used primarily for disposal by abandonment, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind. A dump shall not be construed to include compost materials, leaves or brush.

**DWELLING:** A building designed or used principally as living quarters for one or more families. The terms "dwelling", "single-family dwelling", "two-family dwelling", "multi-family dwelling", and "dwelling group" shall not be deemed to include motel, hotel, boarding house, or other accommodations used for more or less transient occupancy.

- **DWELLING GROUP:** A group of two or more dwellings that occupy a lot under single ownership.
- **DWELLING, MULTI-FAMILY:** A building containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other.
- **DWELLING, SINGLE-FAMILY:** A building containing one dwelling unit.
- **DWELLING, TWO-FAMILY:** A building containing two dwelling units.
- **DWELLING UNIT:** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitary.



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**EASEMENT:** The right to use the land of another, obtained through the purchase or lawful acquisition of the rights from a landowner.

**EATING ESTABLISHMENT:** A building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes such uses as a restaurant, café, cafeteria, “take-out” counter, ice-cream parlor, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand, but does not include a boarding or lodging house.

**ECHO UNIT:** An Elder Cottage Housing Opportunity is a small, removable home located on the same lot as a one or two-family dwelling.

**EDUCATIONAL INSTITUTIONS:** See “SCHOOL”

**ELECTRICAL SERVICE LINES:** See “UTILITIES”

**EQUIPMENT, TRAILER RENTAL AND SALES YARD:** See “BUSINESS, RETAIL”

**ESTABLISHMENT:** A building or related group of buildings, or an area of a lot, for the purpose of conducting one principal commercial use and its permitted accessory uses, located on a single parcel.

**EXCAVATION:** 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 existing location in, under or on the ground, including digging, cutting, crushing, screening, washing or other processing.

- **EXCAVATION, LARGE SCALE:** The extraction of overburden and minerals from the earth in an amount of more than one thousand (1000) tons or seven hundred fifty (750) cubic yards, whichever is less, within twelve successive calendar months, or over one hundred (100) cubic yards of mineral resources from or adjacent to any body of water; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their existing location and the preparation washing, cleaning, crushing, stockpiling or other processing of minerals so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste.
- **EXCAVATION, SMALL SCALE:** The extraction, excavation or stripping of mineral resources from the earth in an amount equal to or less than one thousand (1000) tons or seven hundred fifty (750) cubic yards, whichever is less, within twelve successive calendar months, or equal to or less than one hundred (100) cubic yards of minerals from or adjacent to any on-protected body of water.

**EXHIBITION:** A public showing, as of art objects, agricultural products or other products set up for display, viewing and/or sale.

**FAÇADE:** The face or front of a building.

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

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**FAMILY/FUNCTIONAL FAMILY:** Related or unrelated individuals living together as a single unit.

**FARM:** One or more parcels of owned or leased land, which parcels may be contiguous or non-contiguous to one another, used for commercial agricultural activities or enterprises, including but not limited to the production of crops, livestock or livestock products, dairy products, eggs, poultry, aquaculture, fruit, nuts, honey, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses, or other similar operations, and commercial horse boarding and commercial equine operations. The term “farm” includes necessary farm structures within the prescribed limits of the farm parcel and the storage of equipment as part of the farm operation. The term “farm” excludes dude ranches and dog kennels. See related definitions and regulations for “animal husbandry”, “kennels”, and “animal hospital”. A garden accessory to a residential use shall not be deemed a “farm” or “farm use.”

**FARM ANIMALS:** Animals such as poultry, cattle, sheep, swine, goats, ungulates, llamas and horses, which are raised for commercial or subsistence purposes. Such definition shall not encompass fur-bearing animals, animals raised for laboratory purposes, exotic animals or customary household pets.

**FARM MARKET:** An accessory retail facility, larger than a roadside farm stand, owned and operated by the owner or operator of the farm on which it is located and intended for the sale of local farm produce, farm products, and related farm items on either a seasonal or year-round basis.

**FARM STAND/PRODUCE STAND:** A structure or vehicle whose principal use is the seasonal display and sale of agricultural products primarily grown on the farm to which it is accessory, and which uses its proximity to a roadway to attract potential customers.

**FARMERS MARKET:** Any building, structure, or place owned by a municipal corporation or under lease to or in possession of a public or private agency, used or intended to be used by two or more producers for the direct sale of locally-grown farm and food products and as further defined and described in Article 22 of the Agricultural and Markets Law of the State of New York.

**FCC RF EXPOSURE GUIDELINES:** The policies, guidelines, requirements and limits with regard to human exposure to radio frequency (RF) fields adopted by the FCC on August 1, 1996, which amended Part 1 of Title 47 of the Code of Federal Regulations and which were further amended by action of the FCC on August 25, 1997 (47 CFR, Section 2.1.1307(b), 2.1.1310.2.1091 and 2.1.1093, as amended, as the same may be amended or superseded.

**FEDERAL COMMUNICATIONS COMMISSION (FCC):** The government agency responsible for regulating telecommunications in the United States.

**FENCE:** An unroofed enclosing structure that is erected for the purpose of preventing passage and/or view.

**FERTILIZERS:** Any organic or inorganic material of natural or synthetic origin (other than liming materials) that is added to a soil to supply one or more plant nutrients essential to the growth of plants.

**FESTIVAL:** A seasonal public celebration, entertainment, or series of performances, often held periodically.

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**FILL:** Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans to change the ground elevation.

**FINISHED GRADE:** The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade – in computing height of building and other structures or for other purposes – shall be the average elevation of all finished grade elevations around the periphery of the building.

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

**FLOOR AREA:**

- **GROSS FLOOR AREA:** The total floor area within the inside perimeter of the exterior walls of a building, including corridors, stairways, closets, interior walls, columns and other features.
- **NET FLOOR AREA:** The actual occupied area, not including areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

**FLYING FIELD:** See “AIRFIELD/AIRSTRIP, PRIVATE”

**FOOTPRINT:** See “AREA, BUILDING/FOOTPRINT”

**FOREST MANAGEMENT:** The management of forests for the production of wood and wood products and to provide outdoor recreation, to maintain, restore or enhance environmental conditions for wildlife, and for the protection and production of water supplies.

**FRONTAGE:** See “ROAD FRONTAGE”

**FUNERAL HOME:** A building or part thereof used for human funeral services. Such a building may contain space and facilities for embalming and the performance of other services used for the preparation of deceased persons for burial; the performance of autopsies and other surgical procedures on deceased persons; the storage of caskets, funeral urns and other related funeral supplies; and the storage of funeral vehicles. A funeral home shall not include facilities for cremation.

**GARAGE, PRIVATE:** An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for a fee therein. *Regs: Size limitation determined by setback requirements.*

**GARAGE SALE/YARD SALE:** A temporary, private sale of household goods, furniture, clothing and other similar articles from a lawn, garage, or other accessory structure on a residential property. Such use cannot extend beyond two consecutive weekends and not more than twice in any calendar year.

**GASOLINE FILLING STATION:** An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the customer of gasoline or any other motor vehicle fuel or

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oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating or washing, but which does not include auto body work, welding or painting, unless authorized.

**GIFT SHOP:** See "SHOPS, CRAFTSMAN OR ARTISAN"

**GOLF COURSE:** A public or private area operated for the purpose of playing golf, and which may include a par 3 golf course, club house and recreational facilities, accessory driving ranges and miniature golf courses, and similar uses.

**GREENHOUSE:** A structure in which seeds and plants are grown for transplanting for use as stocks, for budding and grafting, or for sale.

**GROUP HOME/COMMUNITY RESIDENCE:** A dwelling that houses unrelated individuals who live as a single unit under a common not-for-profit management, under a plan based on an intentionally structured relationship providing organization and stability. Group homes are subject to applicable Federal, State and County requirements.

**HABITABLE AREA:** An area within a building that conforms to New York State Building Codes and is usable for human living purposes, which include working, sleeping, eating, cooking or recreation or a combination thereof.

**HARD ROCK QUARRYING:** The removal of overlaying topsoil and overburden to expose the fresh bedrock underneath, also known as "stripping". The fresh bedrock would then be quarried in a "step" pattern called "benching", and further processed for commercial, industrial or construction use. Bedrock shall not include shale, which is a softer rock and does not require blasting and/or crushing.

**HERBICIDE/FUNGICIDE:** Any substance or mixture of substances intended for use as a plant regulator, defoliant, or dessicant.

**HIGH TENSION LINE:** Any electric line operating at voltage in excess of 69Kv.

**HOME OCCUPATION:** Any use customarily conducted entirely within a dwelling or accessory building and carried on primarily by the inhabitants thereof, such use being clearly secondary to the use of the dwelling for living purposes, and which does not change the character of the dwelling nor the neighborhood.

**HOTEL:** A building or any part thereof that contains living and sleeping accommodations for transient occupancy, has a common exterior entrance and may contain one or more dining rooms.

**HOT TUB:** A tub of hot water with a whirlpool device in which bathers soak and often socialize. Sometimes referred to as a "spa", a hot tub may or may not have a thermostat and built-in jets to provide warmth, relaxation and a massage-effect on people's muscles and joints.

**HOUSE TRAILER:** See "MANUFACTURED HOUSING"

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**HOUSEHOLD PET:** A domesticated animal, such as a dog, cat, bird, rodent (including rabbit), fish or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes. Household pet does not include reptiles (except turtles), or farm animals as defined herein.

**HOUSING:**

- **ALTERNATE CARE:** A residence for adults established and operated for the purpose of providing voluntary long-term residential care, room, board, housekeeping and supervision to five or more adults unrelated to the operator.
- **ASSISTED LIVING:** An alternative to nursing home placement for individuals for reasons that are primarily social, rather than medical in nature. An assisted living facility provides or arranges for residential services that include room, board, housekeeping, supervision, personal care, case management and home health services.
- **NURSING HOME OR CONVALESCENT HOME:** A licensed private or public institution which represents the fundamental link in the continuum of long-term care, providing round-the-clock skilled nursing care for the elderly, chronically ill or injured who cannot function independently. Nursing homes and convalescent care facilities have a high level of oversight by the state and federal governments.

**INN:** A single structure affording accommodation such as lodging and food.

**INSTITUTIONAL USE:** Unless specifically defined elsewhere, includes hospitals, nursing homes, sanatoriums, correctional institutions or other institutions of a similar public or semi-public nature.

**JUNKYARD:** An area of land, with or without buildings, used for or occupied by the storage, keeping or abandonment of junk, including scrap metals or other scrap, used or salvaged building materials, or for the dismantling, demolition or abandonment of automobiles or other non-agriculturally related vehicles or machinery or parts thereof. The deposit on a lot of two or more motor vehicles no longer intended or in condition for legal use on the public highways shall be deemed to make the lot a "junkyard".

**KENNEL:** Any place at which there are kept any number of dogs for the primary purpose of sale or for the boarding, care, or breeding for which a fee is charged.

**KIOSK:** A small stand-alone device or structure providing information and services or used to vend merchandise.

**LANDFILL, SANITARY:** A disposal site employing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed wastes at the end of each operating day.

**LAUNDRY/DRY CLEANING PLANT:** A commercial establishment for the purpose of washing drying, folding or dry cleaning clothing, bedding, curtains and drapery, and other items made from fabric.

**LIGHT INDUSTRIAL/MANUFACTURING:** A use involving the manufacture of a product, but not requiring heavy, noisy, or otherwise objectionable machinery or transporting equipment in contravention of the performance standards as stated within Section \_\_\_\_ of this law.

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**LIGHT INDUSTRIAL PARK:** A tract of land with individual sites and structures or multi-tenant sites and structures, planned as a whole with shared access, utilities, signage and other facilities and intended for occupancy by five (5) or more light manufacturing, wholesale business or service business establishments.

**LIGHT POLLUTION:** Any artificial light not found in nature, and which is perceived as an environmental stressor and nuisance.

**LIVING SPACE:** See "HABITABLE AREA"

**LOT:** A portion or parcel of land defined by deed and/or legal description, considered as a unit.

- **LOT, CORNER:** A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angle of intersection does not exceed 135°.
- **LOT COVERAGE:** The total building area of all primary and accessory structures, expressed as a percentage of the lot area.
- **LOT, DEPTH OF:** The average distance from the front property line to its rear property line.
- **FLAG LOT:** A lot shaped like a pole with a fully-extended flag at the upper portion thereof, the bottom of the pole being at the street line, the "pole" portion of the lot being for use as access to the "flag" portion of the lot where the principal structure is or will be constructed. **Add graphics.**
- **LOT FRONTAGE:** See "ROAD FRONTAGE"
- **LOT LINES:** The lines bounding a lot as defined herein.
- **LOT, THROUGH:** A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.
- **LOT WIDTH:** The dimension measured from side lot line to side lot line, along a line parallel to the front lot line.

**MANUFACTURED HOUSING:** A structure, manufactured in one or more sections, which is built on a permanent metal chassis and designed to be used as a dwelling with or without a permanent foundation when connected to utilities, and which includes plumbing, heating and electrical systems, manufactured in accordance with federal standards under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42U.S.C.A. §§5401-5426).

**MANUFACTURED HOUSING PARK DEVELOPMENT:** A parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured houses for non-transient occupation.

**MEDICAL FACILITIES:**

- **CLINIC, MEDICAL, URGENT CARE, DENTAL CARE OR EYE CARE:** A building designed or used for the diagnosis and treatment of human patients, which does not include overnight care facilities.
- **OFFICES FOR MEDICAL PROFESSIONALS:** See "BUSINESS, PROFESSIONAL OR ADMINISTRATIVE OFFICE"
- **HOSPITAL:** A licensed health care institution providing patient treatment and care by specialized staff and equipment on an ambulatory or in-patient basis, including surgery and post-surgical care.

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**MINERAL:** Any naturally-formed, usually inorganic, solid material located on or below the surface of the earth. Peat and topsoil shall be considered minerals.

**MOBILE HOME:** See "MANUFACTURED HOUSING"

**MODULAR HOUSING:** A structure primarily for residential occupancy, designed and constructed to a state or national model code, which is manufactured in one or more sections in a factory for installation on a permanent foundation at its final location. The term does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (32U.S.C.A. §§5410-5426).

**MOTEL:** An establishment consisting of a group of attached or detached sleeping accommodations with bathroom, located on a single site and designed for use by transient tourists.

**MOTOR HOME:** A self-propelled vehicle capable of being used for the temporary living, sleeping, eating or accommodation of persons.

**MOTOR VEHICLE REPAIR SHOP:** A building primarily used for the service and/or repair of motor vehicles.

**MULTI-FAMILY HOUSING:** See "DWELLING, MULTI-FAMILY"

**NEWSPAPER OFFICES:** See "BUSINESS"

**NOISE/NOISE POLLUTION:** Sound that is loud, unpleasant, unexpected, disagreeable or undesired, and which is perceived as an environmental stressor and nuisance. See also "NUISANCE".

**NON-CONFORMING USE:** See "USE, NON-CONFORMING"

**NON-PROTECTED BODY OF WATER:** Those watercourses or water bodies that are not subject to the New York State Department of Environmental Conservation "Protection of Water" Program under Article 25, Title 5 of the New York State Environmental Conservation Law.

**NUISANCE:** Anything that interferes with the enjoyment and use of neighboring properties, including but not limited to noise pollution, light pollution, and/or odors. **NY Penal Law 240.20 covers noise. Consider time, duration, frequency, purpose in regulations.**

**NURSERY SCHOOL:** See "DAY CARE FACILITY/DAY NURSERY"

**NURSING HOME OR CONVALESCENT HOME:** See "HOUSING"

**OVERBURDEN:** Weak or weathered rock.

**PARK:** Any land and associated improvements, created and maintained by the town or an organization for the express use and enjoyment by the general public for recreational purposes.



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**PARKING AREA:** A lot or portion thereof used for the parking of motor vehicles, with or without the payment of rent or charges in money and/or other consideration.

**PARKING SPACE:** A stall or berth which is usually arranged and intended for parking one motor vehicle.

**PERFORMANCE STANDARDS:** Regulations which provide clear and definitive standards which must be met for land use.

**PEAK HOURS OF OPERATION:** The busiest hours of operation in an average 24-hour period of a non-residential use, which may represent the time of heaviest production or of customer or employee traffic, depending on the nature of the use.

**PERMITTED USE:** A specific use as noted in the Table of Uses contained in this law, for which land and improvements thereon may be used, occupied or maintained under this law as a matter of right.

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

**PESTICIDE:** Any poison or mixture of substances intended for preventing, destroying, repelling or mitigating any insects, rodents or other form of animal life or viruses, except viruses on or in living man or other animal. These substances include but are not limited to insecticides and rodenticides.

**PET CEMETERY:** Property used for the interring of dead household pets.

**PETROLEUM:** An oily, thick, flammable, usually dark-colored liquid that is a form of bitumen or a mixture of various hydrocarbons, occurring naturally and commonly obtained by drilling; used as fuel or separated by distillation into gasoline, naphtha, benzene, kerosene, paraffin, etc.

**PIPELINE:** A line of pipe connected to valves and other control devices for conducting fluids, gases or finely divided solids.

**PIPE YARD:** A parcel of land, or part thereof, used to store, cut, bend, fit or prepare pipes used as part of a pipeline, gas compressor station, or associated with the transmission of gas, oil and other petroleum products.

**PLANNED RESIDENTIAL DEVELOPMENT:** A multi-family development that encourages imaginative site and building design, protects sensitive environmental areas, and sets apart certain lands as open space or common land.

**PLANNING BOARD:** An appointed body whose principal duties are to review and approve site plans and subdivisions.

**PLANT NURSERY:** An area or place where seeds and plants are grown for transplanting for use as stocks, for budding and grafting, or for sale, either within a greenhouse or outdoors.

**PLAT:** A subdivision map or plan approved by the Planning Board pursuant to the Town of Taghkanic Subdivision Regulations.

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**PLAYGROUND:** A piece of land used for and usually equipped with facilities for recreation, especially by children.

**PLOT PLAN:** A map or plan showing the boundaries of a parcel and all structures and important physical features thereon, drawn to scale with accurate dimensions.

**PRE-FABRICATED OR PRE-CONSTRUCTED HOUSING:** See "MODULAR HOUSING"

**PREMISES:** A lot, together with all the buildings and uses thereon.

**PRIMARY CONSERVATION AREA:** The area delineated in a conservation subdivision to have priority resource areas to be conserved, including but not limited to streams, floodplains, wetlands, critical habitats, steep slopes, areas with rocky outcrops and groundwater recharge areas.

**PRIME FARMLAND SOILS:** Soil which has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops; with a combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if treated and managed according to acceptable farming methods. Prime farmland soil has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks, and is permeable to water and air. Prime farmland soil is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding. [add link](#)

**PRINCIPAL BUILDING:** A building in which is conducted the principal use of the lot on which it is located.

**PRINCIPAL USE:** See "USE, PRINCIPAL"

**PRINTING, RETAIL:** An establishment that provides duplicating services using computers, photocopy, blueprint or offset printing equipment, or collating of booklets and reports, for sale to the public.

**PRINTING, WHOLESALE:** An establishment that provides duplicating services using computers, photocopy, blueprint or offset printing equipment, or collating of booklets and reports, or large-scale book publishing or other printing, primarily for sale to other businesses, and only incidentally to the public.

**PROFESSIONAL:** One who follows as a means of livelihood an occupation or vocation which requires extensive education or specialized training or State licensing. (see "BUSINESS, PROFESSIONAL OR ADMINISTRATIVE OFFICE")

**PROHIBITED USE:** All uses which are not listed as a Permitted Use, Accessory Use, or Special Use.

**PUBLIC ASSEMBLY AREA:** Any area where large numbers of individuals collect to participate or to observe programs of participation. The most common include but are not limited to auditoriums, stadia, gymnasiums, field houses, theaters, banquet rooms, town common or comparable facilities.

**PUBLIC UTILITIES:** See "UTILITIES, PUBLIC"

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**PUBLIC UTILITY FACILITIES:** Structures and facilities for public utilities, such as electric lines and poles, gas mains, watermains, telephone lines and poles. Does not include high-voltage transmission lines and poles.

**QUARRY:** A place where rock or stone or similar materials are excavated for off-tract use.

**RADIO TOWER:** See “TELECOMMUNICATIONS TOWER”

**RECREATION AREA:**

- **COMMERCIAL:** A commercial use designed and equipped principally for the conduct of sports or leisure time activities, whether or not membership to said activity is required. Video parlors, computer gaming facilities, movie theaters, and bars, as principal uses, are not commercial recreation uses. Commercial recreation is further defined as follows:
  1. **Indoor:** Recreational activities conducted entirely within a building, including team or individual sports and related health and exercise facilities operated on a commercial or fee basis. An indoor recreation use may include accessory uses such as food service facilities, meeting rooms, serving of alcoholic beverages, video or computer game facilities, video theater facilities, sales of sport or exercise-related equipment or clothing and other accessory uses clearly incidental to the recreation activity. An indoor recreational business may include a spa, gymnasium, fitness center, bowling alley, skating rink, tennis and other racquet courts, field house, indoor track, indoor basketball, indoor pool house.
  2. **Outdoor:** Recreational activities including but not limited to ball fields, tennis and racquet courts, swimming, bike trails, hiking and similar outdoor activities conducted on a commercial or fee basis. An outdoor recreational use may also include accessory uses and buildings, such as a clubhouse, food stand, offices, and other uses accessory and incidental to the outdoor commercial use. Outdoor recreation includes playing fields, batting cages, driving ranges. Golf courses are regulated as a separate use.
- **NON-COMMERCIAL:** Public or private land developed with facilities for passive recreation, e.g. trails, picnic areas, and/or with facilities for active outdoor individual or organized recreation, such as ball fields, tennis courts, swimming, or ice-skating.

**RECREATIONAL ESTABLISHMENT:** Premises where entertainment is offered for gain or profit, such as a motion-picture or other theater, public hall, billiard or pool rooms, an establishment offering three or more electronic games for public use, bowling alley, ice or roller skating rink, miniature golf course, ping-pong tables, darts, and all other similar places of amusement. A recreational establishment may serve food and non-alcoholic beverages.

**RECREATIONAL VEHICLES:** Motor vehicles such as snowmobiles, ATVs, quads, dirt bikes, which are used for recreational or property maintenance purposes. Does not include “MOTOR HOME” as defined herein.

**RECYCLING FACILITY:** A lot or land area for the collection of waste materials which are to be re-used, or “recycled”, and which are subsequently transported to the re-use location or another collection point. See also “Transfer Station”. **prohibit**

**RELOCATION:** Movement of a structure from one location to another.

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**REPEATER:** A small receiver/relay transmitter of not more than 20 watts output, designed to extend service to areas which are not able to receive adequate coverage directly from a base station, using the same channels as the base station.

**RESIDENCE:** A building, or any part of a building, which contains living and sleeping accommodations for permanent occupancy; including one-family, multifamily, boarding, fraternity and sorority houses. Residence shall not include transient accommodations, such as hotels, motels and hospitals, nor any building or part of a building containing both residential and non-residential uses, except as accessory uses for residences.

**RESIDENTIAL:** An area in which there are residences.

**RESORT HOTEL, RESORT RANCH, RESORT LODGE:** An area of land on which is located a hotel or a group of buildings containing living and sleeping accommodations hired out for compensation which has a public lobby serving guests and contains one or more dining rooms and includes recreational facilities.

**RESTAURANT:** An establishment for the preparation, serving and consuming of food and beverages.

**RETAIL ESTABLISHMENTS:** See "BUSINESS, RETAIL"

**RIDGELINE:** The long, narrow crest or horizontal line of hills or mountains, usually at the highest elevation.

**RIDING ACADEMY:** See "STABLE, COMMERCIAL"

**RIGHT-OF-WAY:** A legal right of use and passage over, under, or through another person's property, including an easement. (definition in Subdivision Regulations should be correspondingly revised)

**ROAD:** An existing public or private travel way which affords a principal means of access to abutting properties and is suitably improved; or a proposed travel way shown on a plat approved by the Town Planning Board and/or recorded in the Office of the County Clerk. A private road must be wholly owned by the owners of the properties it serves or a single entity such as a home owners' association. The term "Road" shall also include "street", "highway", "lane", "thoroughfare", and "way".

**ROAD FRONTAGE:** The distance along a street line measured at the front of the abutting lot.

**ROAD LINE:** The boundary between a lot and the right-of-way line of a road, as indicated by dedication or deed of record.

**ROAD WIDTH:** The width of the right-of-way or the distance between property lines on opposite sides of a road.

**ROADSIDE STAND:** A building, portion of a building shelter or product display area for the retail sale of agricultural products. A roadside stand is usually not a permanent structure.

**ROD AND GUN CLUB:** See "CLUB, MEMBERSHIP"

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**SALVAGE YARD:** See “JUNKYARD”

**SATELLITE DISH ANTENNA:** Any dish, antenna, or other device or equipment of whatever nature or kind, the primary purpose of which is to receive television, radio, microwave or other electronic signals from space satellites.

**SAW MILL:** An establishment engaged in the manufacture of lumber and lumber products from raw uncut timber, or a portable sawmill used at a construction site for milling timber to be used on-site.

**SCENIC VIEWSHED:** That portion of land included in the Town of Taghkanic Comprehensive Plan as being scenic, including any area where scenic resources contribute significantly to the overall rural character of the Town and possess attributes which the community seeks to preserve and enhance.

**SCHOOL (PUBLIC OR PRIVATE):** Any building or part thereof which is designed, constructed, or used for instruction or education including, but not limited to elementary, parochial, private, secondary or vocational schools, and public higher education facilities, colleges, or universities. “School” shall also mean a non-profit organization or a business organized to operate for profit, which offers instruction and training in a trade, service or art.

**SCRAP YARD:** See “JUNKYARD”

**SCREENING:** Vegetation, fencing or earthen materials used to block visibility toward and/or away from a site. Screening may also be used to lessen noise pollution, light pollution, or visual impacts from a particular site or from adjacent land uses.

**SEASONAL USE:** Use of the property or facilities for part of the calendar year.

**SECONDARY CONSERVATION AREA:** The area delineated in a conservation subdivision to have secondary resource areas to be conserved, including but not limited to a healthy woodlands holding important ecological functions such as soil stabilization and protection of streams, hedgerows and other vegetation features representing the site’s rural past, historic structures or sites, and visually prominent features such as knolls or hilltops.

**SEDIMENT:** Soils or other surficial materials transported by surface water as a product of erosion. Sedimentation occurs when there is a deposition of sediment and silt in drainage-ways, watercourses and water bodies which may result in pollution, murkiness, accumulation and blockage.

**SEDIMENT CONTROL:** Measures which prevent eroded sediment from leaving the site.

**SEMI-DETACHED:** A building attached by a common wall to another building normally of the same type. See “ATTACHED”.

**SENIOR CENTER:** A community facility for the organization and provision of a broad spectrum of non-residential services, which shall include provision of health (including mental health), social, nutritional, and educational

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services and the provision of facilities for recreational activities for older individuals. (42 USCS § 3002 [Title 42, The Public Health and Welfare; Chapter 35, Programs for Older Americans; Declaration of Objectives and Definitions]).

**SENIOR CITIZEN OR ELDERLY HOUSING:** A residential development in which rental dwelling units are exclusively provided for elderly persons, aged 62 or older, and other members of the households which they head, in accordance with the eligibility requirements stated in Section 202 of the Housing and Community Development Act of 1974, as amended.

**SENSITIVE ENVIRONMENTAL FEATURES AND AREAS:** Natural resource locations that have a high potential for significant damage or degradation from direct or cumulative impacts arising from new development or shifts in existing land uses. Typical examples include but are not limited to wetlands, streams, steep slopes, floodplains, highly erodible soils, aquifer recharge and discharge areas and habitats of rare or endangered species.

**SEPARATION DISTANCE:** Distance between the two closest points of reference between two facilities, structures, uses or properties. For example, the distance between an on-site septic system absorption field and a well.

**SEPTAGE/SEWAGE:** Solid organic human waste matter.

**SEPTIC SYSTEM OR SEWAGE TREATMENT SYSTEM:** All exterior pipes, fittings, tanks, pits, and similar apparatus for the collection, processing, and dispersal of sewage. All required locations for septic systems or parts thereof shall conform to the requirements of the Columbia County Health Department.

**SEQRA:** The New York State Environmental Quality Review Act, as set forth in Section 8-101 of the Environmental Conservation Law, and its implementing regulation in Title 6 of the New York State Codes, Rules and Regulations, Part 617.

**SETBACK:** The distance required between a property line and the closest point of any main or accessory structure.

**SHOOTING PRESERVE:** A wholly enclosed parcel of land on which domestic game birds, legally possessed or acquired, are released and taken by shooting pursuant to a license issued to the owner or lessee of said parcel by the New York State Department of Environmental Conservation pursuant to Article 11 of the Environmental Conservation Law and/or on which sporting clay activities are conducted. A "shooting preserve" shall not include the operation of a rod and gun club or a game or wildlife preserve unless separate special use permits are issued for those uses. For purposes of this section, the term "wholly enclosed parcel of land" shall mean lands, the boundaries of which are indicated by wire, ditch, hedge, fence, road, highway or water or in any visible or distinctive manner including written posting which indicates a separation from the surrounding contiguous territory.

**SHOPS, CRAFTSMAN OR ARTISAN:** An establishment for the creation, fabrication, storing and retail sale of articles of an artistic nature, such as painting, pottery, glass, sculpture, ornamental iron and woodworks and custom apparel.

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**SIGHT DISTANCE:** The length of an unobstructed view from a particular access point to the furthest visible point of reference on a roadway.

**SIGN:**

As used primarily, if not exclusively, with Article \_\_, § \_\_\_\_\_ of this Zoning Ordinance, entitled "Sign Regulations", the following terms shall have the meanings indicated below. New York State Highway Law Sections 52, 86 and 88 and 17NYCRR Part 150 govern advertising on state highways. For more information, go to [www.dot.ny.gov/programs/nys-signs](http://www.dot.ny.gov/programs/nys-signs).

A sign is any material, structure or device, or part thereof, displaying or including lettered or pictorial matter which is in the nature of an announcement, declaration, demonstration, display, illustration, insignia, or direction used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public. "Sign" does not include the flag or insignia of any nation or of any governmental agency, or of any political, educational, charitable, philanthropic, civic, professional, religious, or similar organization, campaign, drive, movement or event which is temporary in nature. Signs are further defined as follows:

- **AGRICULTURAL SIGNS:** A sign announcing an agricultural activity which takes place on the property on which the sign is located. Agricultural signs include signs for farm stands, corn maze, pumpkin patch, Christmas trees and U-pick activities.
- **BANNER:** A sign painted on or otherwise attached to cloth and hung over an entryway. Banners may not be hung over public streets.
- **BILLBOARD:** An off-premise sign that identifies or communicates a message related to an activity conducted, a service rendered or a commodity sold at a location other than that on which the sign is located.
- **BUSINESS SIGN:** A sign which identifies the business on which the sign is located.
- **CHANGEABLE LETTER SIGN:** A sign, the content of which may be changed by manual or remote input.
- **COMMUNITY POLE:** Also referred to as "Gateway Signing" or "Freestanding Directory Signs", these signs are usually placed along the main roadways entering the community and list the various clubs, civic organizations, churches, and libraries within that community. Community Poles shall not contain the names of business enterprises.
- **ENCROACHING SIGN:** Any sign which extends beyond the property on which the activity takes place, into the public right-of-way or into a neighboring property.
- **FREESTANDING SIGN:** Any sign independent of any building, but permanently affixed by other means to the ground.
- **HISTORIC MARKER:** Markers or signs identifying and describing an historic site. Historic Markers are controlled by the New York State Education Department. For more information, go to <http://www.nysm.nysed.gov/services/marker>
- **HOME OCCUPATION SIGNS:** A sign displaying the name of the business legally conducted on the premises.
- **ILLEGAL SIGN:** Any sign which does not meet one or more of the requirements of these sign regulations, including but not limited to size, maintenance, installation or setback requirements.
- **LOCATIONAL SIGNS:** Signs which identify the property name or residents of the property and the official street address.



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- **NON-CONFORMING SIGNS:** Any sign which does not meet the requirements set forth in these zoning regulations, but which lawfully exists as of the effective date of these zoning regulations. (may continue as long as maintenance costs of said non-conforming sign do not exceed 25% of the sign's value)
- **OFF-PREMISE SIGN:** A sign which promotes products, services, entertainment events or activities or other commercial activity, which is not sold, produced, manufactured, furnished, offered or conducted at the property upon which the sign is located.
- **ON-PREMISE SIGN:** A sign whose message and design relates to a business, profession, product, service, event or other commercial activity which is sold, offered or conducted on the same property on which the sign is located. A sign placed on property that is not integral to the activity, or is separated from the activity by a roadway, highway, common driveway or other obstruction, or is at such a distance that the sign is closer to the highway than to the activity, is not considered to be an On-Premise Sign.
- **PORTABLE SIGN:** A sign not permanently affixed to the ground or to another structure, which is designed to be moveable, whether on its own trailer, wheels, or otherwise.
- **POSTER:** A small sign, usually made of paper or similar materials, intended for posting in a public place for advertising purposes.
- **PROJECTING SIGN:** A sign which projects perpendicularly from the building wall or structure to which it is attached.
- **PUBLIC SAFETY SIGNS:** A sign offering information necessary for public safety, including but not limited to "No Trespassing", "Private Drive", parking, exit and entrance signs and other signs required pursuant to any governmental function, law or regulation.
- **REPRESENTATIONAL:** Any three-dimensional sign which is built so as to physically represent the object advertised.
- **SANDWICH BOARD:** Two connected signboards which bear an advertisement. A sandwich sign is not permanently installed.
- **TEMPORARY SIGN:** Any sign that is displayed only for a specified period of time and is not permanently installed. Temporary signs include, but are not limited to, political campaign signs, real estate signs advertising the property on which they are installed, on-site construction signs, signs or posters announcing school and civic group events or festivals, and yard or garage sale signs. Temporary signs must be removed within three days following the event.
- **WALL SIGN:** A sign that is painted on or attached directly to the outside wall of a building.
- **WINDOW:** A sign that is affixed to or painted onto the window glass, and intended to be read from the exterior of the building.

**SIGN AREA:** The area within the shortest lines that can be drawn around the outside perimeter of a sign, including all decorations and lights, but excluding the supports if they are not used for advertising purposes. All faces of the sign shall be counted in computing the area. Any neon tube, string of lights or similar device shall be deemed to have minimum dimensions of one foot.

**SIGN HEIGHT:** The vertical distance measured from the highest point of the sign, including its support structures, to the established average grade (prior to construction of the sign) directly below the sign or to the entry level of the building or structure, whichever is lower.

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## **SIGN LIGHTING:**

- **FLASHING SIGN:** An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.
- **ILLUMINATED:** A sign on which is directed artificial lighting which is constant in intensity and color. Any lights used in conjunction with signing must be effectively shielded and/or directed so as to not create light pollution, nor impair a driver's vision or interfere with the safe operation of any motor vehicle
  - **DIRECTLY ILLUMINATED:** A sign which incorporates any artificial lighting as an inherent part or feature or which depends for its illumination on transparent or translucent material or electricity or gaseous material or substance.
  - **INDIRECTLY ILLUMINATED:** A sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.

**SINGLE OWNERSHIP:** Possession of land under single or unified control whether by sole, joint, common or other ownership, regardless of any division of such land into parcels for the purpose of financing.

**SITE PLAN:** A rendering, drawing or sketch prepared to town specifications and containing necessary elements showing arrangement layout and design of a proposed use of a parcel of land, including topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress/egress, utility services, landscaping, structures, and signs and lighting and screening devices, as set forth in this code.

**SKATING RINK:** An establishment whose primary business is the management of facilities for ice skating, roller skating or roller blading.

**SKETCH PLAN:** The drawing as described in Article VI, Section 43 of the Subdivision Regulations.

**SKI AREA:** An area which provides facilities for skiing, including such things as a ski maintenance hut, ski-tow warming and ski-run, but which does not offer overnight accommodations. A ski-area may offer related off-season activities.

**SKI RESORT:** A resort with facilities for skiing, including those items listed under "SKI AREA", and which also provides overnight accommodations.

**SLOPE:** The vertical distance, in feet, between the highest elevation of a lot or development and the lowest elevation of a lot or development, divided by the horizontal difference between these two elevations, in feet; said horizontal distance ordinarily to be the natural course of storm water runoff.

**SOILS OF STATEWIDE IMPORTANCE:** Land, in addition to prime and unique farmlands, which is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops. Criteria for defining and delineating this land are determined by New York State. [add link](#)

**SOLAR ENERGY EQUIPMENT:** Materials, apparatus or hardware necessary to the process by which solar radiation is collected, stored, distributed and/or converted into another form of energy. This shall include materials, apparatus or hardware installed upon the ground and/or mounted on a pole affixed to the ground, or mounted upon a structure.

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**SOLAR ENERGY SYSTEM:** Any system which converts the rays of the sun into useful forms of energy such as electricity or heat.

**SOLID WASTE:** Material as defined in 6 NYCRR Part 360, including any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit. Discarded materials that are being beneficially used pursuant to 6 NYCRR Part 360-1.15 are not considered to be solid waste.

**SPA:** See "HOT TUB"

**SPECIAL USE PERMIT:** A permit authorizing a particular land use which is allowed subject to the special requirements imposed by this Zoning Law and subject to the requirements set forth herein, to assure that the proposed use is in harmony with the Zoning Law and will not adversely affect the neighborhood if such requirements are met.

**SPDES:** A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

**STABLE, PRIVATE:** A use and building or structure accessory to a residential building in which horses are kept for private, noncommercial use. (NOTE: Code can only regulate location and acreage.)

**STABLE, COMMERCIAL:** A use or building or structure where horses are boarded or riding lessons, training or instruction is given for compensation. A public stable also includes a commercial horse boarding operation as defined in Agriculture and Markets Law, §301. (NOTE: as noted above)

**STORAGE:** The keeping of goods, vehicles, wares, or supplies for any length of time. This definition does not include the activities of a junkyard or a landfill as defined herein.

- **STORAGE CONTAINER:** An enclosed container used for storage of goods. Shipping containers, truck bodies, trailers and obsolete school buses are not considered "storage containers".
- **STORAGE CONTAINER, REFUSE COLLECTION:** Standard garbage containers such as covered dumpsters used for scheduled refuse collection.
- **STORAGE CONTAINER, TEMPORARY:** Enclosed container used for storage of goods, residential belongings or building materials during construction or renovations.
- **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 of the same property. Regulations need to limit size of facility
- **STORAGE UNIT:** A single compartment in a commercial Storage Facility used for the indoor storage of personal or commercial goods, equipment or supplies.

**STORE, RETAIL:** See "BUSINESS, RETAIL"

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**STORY:** That part of a building comprised between a floor and the floor or roof next above it.

**STREAM:** Flowing waters which are usually wade-able and do not support commercial boating. For purpose of this definition, creeks, brooks and tributaries may also be considered as “streams”.

**STREAM BUFFER:** See “BUFFER ZONE”

**STREET:** See “ROAD”

**STRUCTURE:** Anything constructed or a combination of materials that form a construction for use, occupancy or ornamentation, whether installed on, above, or below the surface of land or water.

**STRUCTURAL ALTERATION:** See “ALTERATION”

**SUBDIVISION:** The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land to be classified as follows:

- **MINOR SUBDIVISION:** The division of a lot, tract or parcel of land into four or fewer lots.
- **MAJOR SUBDIVISION:** The division of a lot, tract or parcel of land into five or more lots. Where lots have been previously subdivided as a minor subdivision, the previous lots created by the former subdivision, regardless of ownership, shall be considered in the lot count in determining if the proposed subdivision is “Minor” or “Major”.
- **CONSERVATION SUBDIVISION:** A proposed subdivision of a lot, tract or parcel of land into ten or more lots where development is designed to permanently protect a large portion of a site as open space while clustering lots on the remainder. Conservation Subdivision is sometimes referred to as “Cluster Housing”.

**SUBDIVISION REGULATIONS:** The current standards and requirements known as “Subdivision Regulations Town of Taghkanic”. Where any requirement of this law 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 Section V of this Zoning Ordinance.

**SURVEY:** A plan or description resulting from the act of surveying a tract of land by a surveyor.

**SURVEYOR:** A person licensed and registered as a land surveyor by the State of New York or who has been issued a limited permit as a professional land surveyor in the State of New York.

**SWIMMING POOL:** A receptacle for water having a depth at any point greater than 2 feet, and constructed, installed or maintained on any building or lot, which is used for personal water activities such as swimming or reclining on floatation devices. This definition does not include natural bodies of water fed by rivers, streams, brooks or springs.

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**TAVERN:** A building or part thereof where, in consideration of payment therefor, liquor, beer or wine or any combination thereof are served for consumption on the premises. A tavern may also offer non-alcoholic beverages, food and live entertainment.

**TELECOMMUNICATIONS TOWER:** A structure used for transmitting and/or receiving microwave or similar electromagnetic signals, radio, television, internet, cellular and all telecommunications, but not including antennas and satellite dishes designed for ordinary home use.

**TEMPORARY STRUCTURE:** A building or structure intended for removal or demolition within a prescribed time, not to exceed two years, or as set out in a building permit. A temporary structure must conform to all Building and Zoning Codes.

**THEATRE:** A building or part of a building, either opened or enclosed, devoted to showing motion pictures, or for dramatic, musical or live performances.

**TIMBER HARVESTING:** The cutting and removal of trees for commercial purposes.

**TOWN BOARD:** An elected body responsible for municipal legislation. **NOTE: Will need this only if Town Board is referred to in body of Code.**

**TOWN HOUSE:** A building consisting of a series of two or more one-family attached dwelling units, having a common party wall between each dwelling unit.

**TRAILER, TRANSPORT:** Any vehicle so constructed that it is suitable for being attached to a motor vehicle and capable of being used for transporting goods, materials, equipment or livestock, notwithstanding that such vehicle is jacked up or that its running gear is removed.

**TRAILER, TRAVEL OR TENT:** Any trailer which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities, and which has running gear and towing equipment permanently attached and a current license and is not permanently affixed to the ground.

**TRAILER CAMP/TRAILER PARK:** A tract of land which is used or intended to be used for the parking of two or more travel trailers or motor homes and intended for seasonal use.

**TRANSFER STATION:** A lot or land area, including structures, used for the collection of garbage, waste, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind, and/or recyclable materials, for subsequent transportation to a disposal facility. See also RECYCLING FACILITY.

**TRANSMITTING/RECEIVING FACILITY:** See "TELECOMMUNICATIONS TOWER"

**UNIFORM CODE:** The New York State Uniform Fire Prevention and Building Code, a copy of which may be seen at the office of the Town Building Inspector or by visiting [www.dos.ny.gov/DCEA](http://www.dos.ny.gov/DCEA)

**USE:** An activity, occupation, business or operation carried on, or intended to be carried on, in a building or on a tract of land.

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- **USE, ACCESSORY:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- **USE, CONTINUOUS:** The continuous use of any lot, building or structure notwithstanding a change of ownership of the property where the use is located. Use shall further be deemed to be continuous if, after having ceased, the same use recommences within a period of one year from the date of cessation.
- **USE, NON-CONFORMING:** A building, structure or use of land existing at the time of the enactment of this ordinance and which does not conform to the regulations of the district or zone in which it is situated.
- **USE, PRINCIPAL:** The main use permitted under the zoning classification in accordance with the zoning regulations.
- **USE, TERMINATION OF:** As used herein, a use shall be determined by the Zoning Enforcement Officer to have ceased or terminated when it has been discontinued either temporarily (for 12 months) or permanently, whether with intent to abandon such use or not.

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

**USE VARIANCE:** See "VARIANCE"

## **UTILITIES:**

- **PUBLIC UTILITIES:** Persons, firms, or corporations supplying gas, electricity, water, power, transportation, cable service or telephone service to the general public.
- **PERSONAL UTILITIES:** A utility, such as solar panels or wind turbines, for use by the owner(s) of the property on which the utility is located.

**VARIANCE:** A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

- **AREA VARIANCE:** A use of land which otherwise prohibited in the zoning district.
- **USE VARIANCE:** A deviation from the dimensional requirement of the zoning ordinance.

**VETERINARIAN OFFICE/CLINIC:** See "ANIMAL HOSPITAL"

**WALL:** A structure of wood, stone or other materials or a combination thereof intended for defense, security, screening or enclosure, or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads.

**WAREHOUSING:** See "STORAGE FACILITIES"

**WAY:** See "ROAD"

**WETLAND:** Lands inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for

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life in saturated soil conditions. Wetlands include but are not limited to swamps, marshes, bogs, fens, intermittent streams, vernal pools, and shallow water zones of rivers, lakes, ponds and other water bodies. Wetlands include those areas identified and regulated by the New York State Department of Environmental Conservation as Freshwater Wetlands, regulated by the United States Army Corps of Engineers as Jurisdictional Wetlands, or as may be regulated by other government agencies.

**WETLAND BUFFER:** See "BUFFER ZONE"

**WIND ENERGY CONVERSION SYSTEM:** Any mechanism designed for the purpose of converting the kinetic energy of wind into electrical or mechanical energy. Associated terms include:

- **NON-COMMERCIAL WIND POWER FACILITY (NWPF):**
  - When not used in connection with "farm operations", an NWPF is defined as a single wind turbine with a generating capacity of not more than 27.5 kW, designed solely for on-site power consumption, except that unused or excess power may be sold to an electrical utility company in accordance with the provisions of Section 66-1 of the New York State Public Service Law.
  - When used in connection with "farm operations" as such is defined in Section 301, Subdivision 11 of the New York State Agriculture & Markets Law (NYSAML), an NWPF is considered to be an on-farm building and is further defined as a single wind turbine designed solely for on-site power consumption as governed by the NYSAML and/or Section 66-1 of the New York State Public Service Law.
- **WIND POWER TOWER:** The support structure to which a nacelle and rotor blade are attached.
- **WIND POWER TOWER HEIGHT:** The height from original grade of the land to the highest point of any part of the wind turbine including the top of the blade when it is in the vertical position.
- **WIND POWER PROJECT:** All components required to collect and convert wind power to electrical energy, including, but not limited to, substations, fences and other components, for which a single permit may be sought.

**YARD:** Open space on a lot surrounding a building.

**YARD, FRONT:** The space between the road from which the approved driveway enters upon the property and the closest point of the principal building on the property.

**YARD SALE:** See "GARAGE SALE/YARD SALE"

**ZONING BOARD OF APPEALS (ZBA):** An appointed body whose principal duties are to grant variances from the strict application of the zoning ordinance.

**ZONING ENFORCEMENT OFFICER:** The administrative officer or officers of the town designated to administer and enforce the zoning ordinance of the town.

**ZONING DISTRICT MAP:** The map delineating the boundaries of the various districts established under this law which, along with the text, comprises this law.